



# 2025 ANNUAL SECURITY REPORT

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Yuba Community College District  
Crime Statistics for 2022, 2023 and 2024



Published September 30, 2025, in accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998 ("Clery Act"), 20 U.S.C. § 1092(f), Title 34 U.S. Code of Federal Regulations Section 668.46, and the California Education Code, Sections 67380-67385.

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## **ABOUT YUBA COMMUNITY COLLEGE DISTRICT**

The Yuba Community College District (YCCD) spans eight counties and nearly 4,192 square miles of territory in rural, north-central California. Yuba College and Woodland Community College offer degrees, certificates and transfer curricula at college campuses in Marysville and Woodland, educational centers in Clearlake and Yuba City, and through outreach operations in Williams. The two colleges in Yolo County and Yuba County and the campuses in Clearlake, Colusa, and Sutter Counties, serve 13,000 students across the northern Sacramento Valley.

Yuba Community College District (YCCD) provides all individuals in our diverse communities’ access to high-quality, affordable higher education that is responsive to student needs. Our mission is to inspire and advocate for student success through our passion and commitment to teaching, learning, and social justice.

<b>YUBA COLLEGE</b>	<b>WOODLAND COMMUNITY COLLEGE</b>	
<p><b>Yuba College Marysville Campus</b> 2088 North Beale Rd Marysville, CA 95901 (530) 741-6700</p> <p><b>Sutter County Center</b> 3301 E Onstott Rd Yuba City CA 95991 (530) 751-5600</p>	<p><b>Woodland Community College Woodland Campus</b> 2300 E Gibson Rd Woodland CA 95776 (530) 661-5700</p> <p><b>Lake County Campus</b> 15880 Dam Rd Extension Clearlake CA 95422 (707) 995-7900</p>	<p><b>Colusa County Campus</b> 99 Ella St Williams CA 95987 (530) 668-2500</p>

## **INTRODUCTION**

*BP/AP 3515, 34 CFR 668.46*

### ***Purpose of the Annual Security Report***

Developed in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), the Annual Security Report provides the Yuba Community College District community with information and resources to make well-informed and reasoned decisions about their personal safety.

This report reflects crime statistics from calendar years 2022, 2023, and 2024, and includes important safety information, such as a wide range of current policies, helpful resources, and crime prevention programs available to the students and staff at YCCD.

## **REPORTING CRIMES AND EMERGENCIES**

*BP/AP 3515, 3520*

Students, employees, and the public accessing YCCD colleges and centers should report all crimes and emergencies occurring on campus immediately by calling 911, which connects to local emergency services such as law enforcement, fire and medical services.

On-campus criminal incidents that are not emergencies can be reported to local law enforcement, security and certain college offices. Any person may contact local law enforcement to report any perceived or actual threat or suspicious circumstance.

<b>CAMPUS SECURITY AND LOCAL LAW ENFORCEMENT CONTACT INFORMATION ALL EMERGENCIES: DIAL 911</b>	
<b>YUBA COLLEGE</b>	
Security	Address: 2088 N Beale Rd Marysville CA 95901 Phone: (530) 870-1158
Yuba County Sheriff's Department	Phone: (530) 749-7777 Address: 720 Yuba St Marysville CA 95901
<b>SUTTER COUNTY CENTER</b>	
Security	Address: 3301 E Onstott Rd Yuba City CA 95991 Phone: (530) 954-0599
Yuba City Police Department	Phone: (530) 822-4660 Address: 1545 Poole Blvd Yuba City CA 95993
<b>WOODLAND COMMUNITY COLLEGE</b>	
Security	Address: 2300 E Gibson Rd Woodland CA 95776 Phone: (530) 681-8782
Woodland Police Department	Phone: (530) 661-7800 Address: 1000 Lincoln Ave Woodland CA 95695
<b>LAKE COUNTY CAMPUS</b>	
Security	Address: 15880 Dam Road Extension Clearlake CA 95422 Phone: (530) 954-0600
Clearlake Police Department	Phone: (707) 994-8918 Address: 14050 Olympic Dr Clearlake CA 95422
<b>COLUSA COUNTY CENTER</b>	
Colusa County Center	Address: 99 Ella St Williams CA 95987
Williams Police Department	Phone: (530) 473-2661 Address: 700 North St Williams CA 95987

**Campus Security Authorities**

34 CFR 668.46(a), CFR 668.46(b), 34 CFR 668.46(c)

In addition to reporting crimes to local law enforcement and campus security, Students and employees can report Clery Act criminal offenses for the purpose of the annual statistical disclosure within the annual security report by reporting to a Campus Security Authority (CSA).

The Clery Act defines a Campus Security Authority as “an official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings.” Campus Security Authorities may include the following YCCCD officials:

- College Presidents
- Vice Presidents of Student Services
- Title IX Coordinator and Deputy Coordinator
- Deans
- Coaches and Athletic Directors
- Club Advisors

The below list of CSAs is not intended to be all-inclusive, due to changes in responsibilities within the District and varying job titles across colleges. Faculty members and clerical staff are unlikely to have significant responsibility for student and campus activities, except when serving as an advisor to a registered student group, and as such are not designated as a CSA.

<b>COMMON CAMPUS SECURITY AUTHORITIES</b> Non-emergency crimes may be reported to the following offices.	
Title IX Coordinator	Phone: (530) 741-6982 Address: 3301 E Onstott Rd Yuba City
Title IX Deputy Coordinator	Phone: (530) 748-5081 Address: 3301 E Onstott Rd Yuba City CA 95991
Safety and Risk Management Director	Phone: (530) 645-5993 Address: N/A
Interim Associate Vice Chancellor of Human Resources	Phone: (530) 741-6982 Address: 3301 E Onstott Rd Yuba City CA 95991

Depending upon the nature of the reported crime, officials in these offices may also determine if the reported incident represents a violation of policy and/or the Code of Student Conduct. Campus Security Officials should report to local law enforcement authorities those allegations of Clery Act crimes occurring on Clery geography that the CSA concludes are made in good faith. A CSA is not responsible for determining whether a crime took place, as that is the function of law enforcement and its investigatory process.

### ***Clery Act-Specific Reporting***

#### *34 CFR 668.46*

If a Clery Act crime is reported on Clery specific geography and represents a serious or continuing threat to the safety of the campus community, CSAs are required to report the incident to the chief administrator or designated representative where the incident has occurred or is occurring.

Any report of willful homicide, forcible rape, robbery, aggravated assault, sexual assault, or hate crime, committed on or off campus, that is received by a CSA and made by the victim for the purposes of notifying the institution or law enforcement must be immediately, or as soon as practicably possible, disclosed to a local law enforcement agency.

### ***Voluntary, Confidential Reporting Procedures***

#### *BP/AP 3515*

The District does not have policies or procedures for victims or witnesses to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics. However, in some cases, a deidentified report can be filed with the details of the incident without revealing the victim's identity. The purpose of a confidential report is to comply with the victim's wish to keep the matter confidential, while taking steps to ensure the future safety of the victim and others.

Deidentified reports allow the District/college to keep an accurate record of the number of incidents involving students, employees, and visitors; determine where there is a pattern of crime regarding a particular location, method, or assailant; and alert the campus community to potential danger. These reports are reviewed for reportable Clery Act crimes and included in the annual disclosure of crime statistics as required. The ability of the District to investigate anonymous complaints or take responsive action may be limited based on the amount of available information.

No report shall identify the victim, unless the victim consents to being identified after the victim has been informed of the right to have personally identifying information withheld. If the victim does not consent to being identified, the alleged assailant shall not be identified in the information disclosed to the local law enforcement agency unless the institution determines that both of the



following apply, in which case the institution shall disclose the identity of the alleged assailant to the local law enforcement agency and notify the victim of the disclosure:

- the alleged assailant represents a serious or ongoing threat to the safety of students, employees, or the institution; and
- the immediate assistance of the local law enforcement agency is necessary to contact or detain the assailant.

### ***Pastoral and Professional Counselors***

The District does not have established procedures that encourage pastoral counselors and professional counselors, if they deem it appropriate, to inform the person they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

### ***Recognized Student Organizations***

*BP/AP 5510*

The District does not have recognized student organizations with non-campus locations. However, the District will work with local law enforcement agencies to monitor and assess criminal activity in which students engage at off-campus locations or by student organizations officially recognized by the District.

## **CAMPUS SECURITY AND LOCAL LAW ENFORCEMENT**

*AP 7600*

The District works cooperatively with local law enforcement having jurisdiction over the college locations to respond to crimes in progress, actively investigate crimes, or provide services that exceed the response capabilities of campus security. Refer to Reporting Crimes and Emergencies Section.

Each college is dependent on local law enforcement agencies for investigations of crime to include Part I violent crimes, defined by law as willful homicide, forcible rape, robbery, and aggravated assault, occurring at each location.

The District contracts security officers to provide non-emergency security and crime prevention patrol services. Security officers can enforce the policies and standards established by the District and do not have any law enforcement powers or arrest authority.

Security officers patrol the following locations:

- Yuba College – security patrol services 24 hours a day, 7 days a week.
- Woodland Community College – security patrol services 24 hours a day, 7 days a week.
- Lake County Campus – security patrol services 24 hours a day, 7 days a week.
- Sutter County Center – security patrol services on weekdays during scheduled hours of business.
- Colusa County Campus does not have security officers assigned to the campus.

Non-emergency reasons to request a security officer include:

- Request for a preliminary investigation into a report of suspicious activity or a crime
- Contact and assist local police, fire and medical first responders
- Request a safety escort
- Grant authorized employees access college buildings
- Other circumstances where an officer can aid in keeping the peace or monitoring safety

### ***Campus Resource Officers***

The District has agreements with the Yuba County Sheriff’s Department and the Woodland Police Department to provide Campus Resource Officer (CRO) to provide law enforcement service to the following campus communities:

- Yuba College - Marysville
- Woodland Community College - Woodland

The Campus Resource Officers are sworn law enforcement officers with the powers of arrest and can respond swiftly to major disruptions and criminal offenses when on duty at the colleges. An on duty sworn officer such as a sergeant or lieutenant supervises the Campus Resource Officer during the shift.

The Campus Resource Officers work in partnership with college administrators to create safe and healthy learning environments for students and staff.

## **CAMPUS SAFETY & CRIME PREVENTION PROGRAMS**

*BP/AP 3500, BP/AP 6800*

The college Campus Resource Officer program is designed to provide students, faculty, and staff with the knowledge to respond to emergencies on campus, as well as general crime prevention tips and practices. The Campus Resource Officers achieve this through presentations and attending student, faculty/staff and administration meetings.

In addition to periodic crime prevention training, provided by the CRO, or other administrators and faculty professional experts, crime information is regularly disseminated to the college community through safety bulletins and the Daily Crime Log, which is available for review on the YCCD website: <https://www.yccd.edu/district-services/safety-risk/public-crime-logs/>.

### ***Campus Safety and Security Awareness Programs***

The Safety and Risk Management Department will conduct presentations on safety programs and security practices for employees and students upon request. Safety presentations may be requested by faculty for students in the classroom, individual department training, committee meetings, or professional development training.

The District requires all employees to complete training modules which cover District policies and procedures related to nondiscrimination and sexual misconduct, among other topics related to the security and well-being of students, staff, and faculty. Required training topics include but are not limited to the Sexual Harassment Policy and Prevention, Workplace Violence: Awareness and Prevention, Mandatory Reporting of Child Abuse, and Cybersecurity.

In addition to security awareness training, safety and emergency preparedness information is regularly disseminated to the college community through email and made available to the YCCD community on the District and college web pages by using a YCCD login ID and password.

### ***Daily Crime Logs***

*34 CFR 668.46(f)*

The Safety and Risk Management Department maintains a daily crime log for all District locations. The daily crime log includes the nature, date, time, general location of each crime that occurs within the District's Clery Geography, and the disposition of the complaint, if known. Crimes are recorded in the crime log by the date they are reported.

The Daily Crime Log is stored in electronic format with a back-up log also maintained. Log entries older than 60 days may be obtained by request. The Daily Crime Log is also be publicly available on the YCCD web page <https://www.yccd.edu/district-services/safety-risk/public-crime-logs/>.

### ***Facility Security and Access Control***

*BP/AP 3501, 3900, 6700*

The college facilities are maintained by the Maintenance and Operations Department and are patrolled by campus security. Campus security and maintenance personnel routinely check exterior doors on the college campuses to ensure they are properly secured. Students and staff

members may be asked to produce positive identification to prove authorization to be in a specific campus area.

Most District buildings and facilities are accessible to the campus community and guests during scheduled hours of operation. During non-business hours, access to facilities at YCCD colleges and centers is obtained by physical key or electronically with a chip-enabled identification (ID) card. In most cases, necessary access will be provided by physical key.

The Maintenance and Operations Department is responsible for administering the process for issuance, use, and return, including monitoring, of keys. All issued keys are the property of the YCCD and may be collected at any time. Unauthorized fabrication, duplication, possession, or use of keys to YCCD facilities is unlawful and subject to punishment (California Penal Code 469).

Only organizations or agencies with which the colleges or District has entered a formal partnership shall be issued a key to District facilities, and the issuing of keys will adhere to the partnership agreement.

Any keys that are lost or stolen must be reported to the keyholders department administrator immediately. Upon the end of employment, conclusion of a contract, or change in access needs, employees and contractors must immediately surrender keys and ID cards to their direct supervisor prior to separating from YCCD.

### ***Facility and Grounds Maintenance***

The Maintenance and Operations Department works to minimize hazardous conditions. Lighting, landscaping, and other safety-related aspects of the campus are continually monitored, maintained, and repaired. Members of the campus community are encouraged to report any lighting deficiencies or other hazards to Safety and Risk Management by emailing [yccd-safety@yccd.edu](mailto:yccd-safety@yccd.edu) or by submitting a request for a maintenance work on the District's website: <https://www.yccd.edu/district-services/maintenance-and-operations/maintenance-work-requests/>.

### ***Facility and Grounds Use***

The Yuba Community College District makes available, under the California Civic Centers Act, use of its facilities and grounds. Some specialized facilities are designed for instructional use only and are not available to outside groups. According to Education Code 82537 (d), no use shall interfere with the required purposes of the college facilities and grounds.

The District maintains rules and regulations for the use of facilities and grounds. Eligible persons or groups may use District buildings or grounds for public, literary, scientific, recreational, or

educational meetings, public agency meetings, or for discussion of matters of general or public interest, subject to rules and regulations.

The District may require the person or group organizing the event to hire security personnel as a condition of campus use whenever it is deemed to be in the District's best interests.

### ***Business Hours of Access***

*AP 3900*

The hours of operation of the District are 8 a.m. to 5 p.m. Expressive activities are not permitted outside the District's hours of operation. Overnight use or sleeping on campus is not permitted, nor is use of the campus areas for sleeping, camping, or laying down of bedding. Nor is use of facilities for similar purposes permitted during hours of operation.

### ***Property Closure***

A duly authorized YCCD or college representative may close a college campus or center at any time there is an apparent danger to any people using the property, or for any cause which would provide for the safety and protection of the public. This may be enforced without concurrence of those individuals or groups involved in the use of the facility. Remaining in an area closed by an authorized representative is prohibited. Refusing or failing to leave immediately upon being requested by the authorized representative is a violation of California Penal Code Section 602(m).

## **EMERGENCY RESPONSE AND EVACUATION PROCEDURES**

*BP/AP 3505, BP/AP 3515, 34 CFR 668.46(g)*

### ***Timely Warnings and Emergency Notifications***

The District has a written policy for the issuance of timely warnings for Clery Act crimes that occur on Clery geography and pose a serious or continuing threat to students and employees. The intent of a timely warning is to enable people to protect themselves and/or their property. Definitions of Clery Act crimes and reportable geography can be found in Appendix A.

An emergency notification is a mass notification that is utilized for significant emergency or dangerous situations involving an immediate threat to the health or safety of students or employees occurring at all District colleges and properties. Emergency notifications are triggered by an event that is currently occurring at a college or imminently threatening the college community.

Examples of incidents which could trigger an emergency notification include:

- Building Fire or Wildfire Threatening YCCD Property
- Earthquake
- Extreme Weather
- Armed Intruder
- Bomb Threat
- Outbreak of Disease or other Serious Illness
- Gas Leak
- Terrorist Incident
- Explosion
- Civil Unrest or Rioting
- Nearby Chemical or Hazardous Waste Spill

Examples of situations that would not necessitate an emergency notification under the Clery Act:

- Power outage
- Campus closure
- String of larcenies

These are situations in which the District might choose to alert the campus community; however, they do not meet the threshold of a significant emergency or dangerous situation for the purposes of the Clery Act.

Local emergency response agencies may be consulted to determine the extent of the danger to the campus community. Examples include but are not limited to consulting with:

- Local fire officials regarding building fires or wildfires.
- Local hazardous materials teams regarding chemical or hazardous waste spills.
- Local County Public Health Department regarding serious illnesses or outbreaks.

Anyone with information about a significant emergency or dangerous situation occurring on-campus involving an immediate threat to the campus community should notify emergency services by calling 911 and when it is safe to do so notify the chief campus administrator or designated administrator.

The chief campus administrator, or designated administrator will review the details of the incident and determine if it meets the requirements for a timely warning under the Clery Act. If an incident does not require a timely warning, another type of communication may still be sent to the YCCD community such as an emergency notification or a safety bulletin.

The emergency notification will be initiated without delay, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

Timely warnings and emergency notifications will include details about which segment of the campus community is affected, a description of the incident, and recommended measures the campus community should take to protect themselves, such as evacuation, avoiding certain areas/buildings, or sheltering-in-place. If an emergency notification is issued, there is no need to issue a timely warning.

If it is determined that a follow-up notification or warning is necessary, it will be made in the manner described above. All documentation regarding the issuance of timely warnings will be kept on file by the District.

The Catapult Emergency Messaging System (EMS) is the primary distribution system for emergency notifications. All District employees are automatically enrolled to receive alerts via email notification through their YCCD issued email accounts. Students are automatically enrolled to receive email notifications from every site at which they take classes. If a student is enrolled in an online course, they will receive emergency notifications for the location where the course originates.

Catapult EMS enrollment for students and employees can be managed by visiting the Catapult EMS portal on the District and college web pages by using a YCCD login ID and password. All YCCD members are encouraged to sign up to receive emergency notifications via text or voice notification.

The District has multiple systems in place to issue timely warnings and emergency notifications. Some or all these methods of communication may be activated to reach the larger community.

- Broadcast via the Catapult - Emergency Messaging System.
- Prominent postings on the District and Colleges Alerts webpages.
- Social media posts.
- Email, text and voicemail dissemination.
- Dissemination of emergency information to the larger community or media by the District Public Information Officer.

The District has agreements with local law enforcement agencies to inform the colleges and campus locations about crimes reported that may warrant a timely warning or emergency notification.

### ***Testing Emergency Response and Evacuation Procedures***

Each college schedules and conducts evacuation/fire drills and shelter in place/earthquake drills at least annually. These drills test emergency response and evacuation procedures and are designed to assess and evaluate emergency plans and capabilities. The tests contain exercises that involve coordination of efforts of first responders and administrators and contain follow-through activities designed to review the test or obtain feedback from participants. The emergency messaging system is tested on a regular basis, usually in conjunction with tests and drills.

Each campus facility has posted evacuation routes, and each classroom and office have specific evacuation emergency reference guide that provides information on when, where and how to evacuate or lock down.

Information about the district's emergency procedures is available electronically, in booklet form, classroom posters and on the college web pages. The District colleges e-mail links and attachments containing emergency procedures and training opportunities once a year in conjunction with a test or drill. The chief campus administrator or designated administration will document a description of the exercise or test conducted, the date and times of the test, and whether the test was announced or unannounced.

The District's Guide for Emergency Operations Plan outlines how YCCD will respond to disasters and specified emergencies. In the event of an emergency, natural disaster, or the occurrence of hazardous conditions, the District will ensure the activation of these plans to protect and govern employees, students, and visitors on its campuses and facilities. The Guide for Emergency Operations Plan provides information on preparedness, prevention, response, recovery, and mitigation policies and procedures.

District and college personnel as public employees are considered disaster service workers during national, state, and local emergencies.

## **ALCOHOL AND DRUG POLICY STATEMENTS**

*BP/AP 3550, BP/AP 3560*

The District is committed to providing its employees and students with a drug-free workplace and campus environment. All YCCD students, faculty, staff, and administrators are subject to local and federal laws regarding the unlawful possession, distribution, or use of alcohol or illegal drugs. It emphasizes prevention and intervention through education.

For assistance with education and referrals, District employees are encouraged to use the employee assistance program and students are encouraged to utilize Student Health Services. The Chief Student Services Officer of the college/campus will keep records of all student disciplinary



actions and evaluate consistency of all enforcement. The Chief Human Resources Officer will keep records of all employee disciplinary actions and evaluate consistency of all enforcement.

The following program has been adopted to implement this policy:

- The Student Code of Conduct, supported by Education Code Section 60041, prohibits the unlawful possession, use, or distribution of illicit drugs and/or alcohol by students on its property or as part of any of its activities.
- Educational materials regarding the health risks associated with the use of illicit drugs and the abuse of alcohol are made available to all students through the District Counseling Services. Information regarding resources for drug or alcohol counseling and treatment are also available through the District Counseling Services.

The District shall be free from all illegal drugs and from the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees. The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in all facilities under the control and use of the District. Any student or employee who violates this policy will be subject to disciplinary action, (consistent with local, state, or federal law), which may include referral to an appropriate rehabilitation program, suspension, demotion, expulsion, or dismissal. The District annually distributes the information required by the Drug Free Schools and Communities Act Amendments of 1989 and complies with other requirements of the Act.

As a condition of employment, employees must notify the District within five (5) days of any conviction for violating a criminal drug statute while in the workplace. The District is required to inform any agencies that require this drug-free policy within ten days after receiving notice of a workplace drug conviction.

The possession, sale or the furnishing of alcohol on campus is governed by California state law and these procedures. The possession, sale, consumption or furnishing of alcohol is controlled by the California Department of Alcohol and Beverage Control. However, the enforcement of alcohol laws on-campus is the primary responsibility of the local law enforcement agency having jurisdiction over the campus. The campus has been designated “Drug free” and only under certain circumstances is the consumption of alcohol permitted. The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Referral for prosecution may result in conviction and criminal penalties under local, state, and federal laws that may include substantial fines and/or incarceration. For example:

- Under California law: o Possession of any amount of certain controlled substances is punishable by up to one year of imprisonment in a county jail (H&S §§ 11054 & 11350).

- Unlawful possession of marijuana or cannabis is punishable based upon the amount involved, ranging up to a fine of \$500 and six months of imprisonment in a county jail (H&S § 11357).
- The sale, or purchase with the intent to sell, of certain controlled substances is punishable by up to four years of imprisonment (H&S § 11351).
- The sale, or purchase with the intent to sell, of marijuana is punishable by a term of imprisonment in a county jail of up to three years (H&S § 11359 & PC § 1170(h)).
- Under Federal law: o Possession of a “controlled substance” is punishable by up to three years of imprisonment (21 U.S.C. §§ 802 & 844(a)).

It is unlawful to sell, furnish or provide alcohol to a person under the age of 21. The possession of alcohol by anyone under 21 years of age in a public place or a place open to the public is illegal. It is also a violation of this policy for anyone to consume or possess alcohol in any public or private area of campus without prior District approval. Organizations or groups violating alcohol or substance policies or laws may be subject to sanctions by the District.

The academic employee sponsor will enforce the regulation of the Education Code that prohibits the use of alcoholic beverages during any student event sponsored by the District, both on and off campus. Any student who violates this regulation will be reported to the Chief Student Services Officer of the college/campus. If the infraction occurs at a dance, football game, or other such event, the academic employee sponsor present will request a police officer on duty to have the violator leave the event.

Alcoholic beverages on campus are permitted under the following circumstances:

- The alcoholic beverage is for use in connection with a course of instruction, and the instructor has been authorized to use it by the Chief Instructional Officer of the college/campus.
- The alcoholic beverage is for use during an event sponsored by the District or the Yuba Community College District Foundation in connection with the District’s instructional program in viticulture or the District’s instructional program in enology.
- The alcoholic beverage is for use during a fundraiser held to benefit the Yuba Community College District Foundation that has a license under the Business and Professions Code and liability insurance to do so provided that no alcoholic beverage can be acquired, possessed, or used at a football game or other athletic contest sponsored by the District.
- The alcoholic beverage is possessed, used, sold, or consumed only in connection with a course of instruction, sponsored dinner, or meal demonstration given as part of a culinary arts program at a campus of the District and the person has been authorized to acquire, possess, use, sell, or consume the alcoholic beverage by the governing body, Chancellor, or designee.

## **DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING POLICY STATEMENTS**

*AP 3433, AP 3434, AP 3435, AP 3540, AP 5500 34 CFR 668.46(b)(11), 34 CFR 106.44*

Definitions Related to Sexual Assault, Dating Violence, and Stalking can be found in Appendix A.

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, that occurs on District property, is a violation of District policies and procedures, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures consistent with State and Federal law. Students, faculty, and staff who may be victims of sexual and other assaults shall be treated with dignity and provided comprehensive assistance.

District policy (BP 3540) dictates the Chancellor or designee shall establish administrative procedures that ensure that students, faculty, and staff who are victims of sexual and other assaults receive appropriate information and treatment, and that educational information about preventing sexual violence is provided and publicized as required by law. The procedures shall meet the criteria contained in California Education Code Sections 67385, 67385.7, and 67386, and Title 34 of the Code of Federal Regulations Section 668.46.

Any sexual assault or physical abuse, including, but not limited to, rape, domestic violence, dating violence, sexual assault, or stalking, as defined by California law, whether committed by an employee, student, or member of the public, occurring on District property, in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District's facilities or at another location, 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 (see also AP 5500 on Standards of Conduct). Title IX of the Education Amendments of 1972 and certain other federal and state laws prohibit discrimination on the basis of gender or sexual orientation in employment, as well as in all education programs and activities operated by Yuba Community College District (both on and off-campus). The protection against discrimination on the basis of gender or sexual orientation includes sexual harassment, sexual misconduct, and gender-based dating and domestic violence, stalking, and retaliation.

It is the responsibility of each person involved in sexual activity to ensure that they have the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them,

should never by itself be assumed to be an indicator of consent. “Affirmative consent” means affirmative, conscious, and voluntary agreement to engage in sexual activity.

The written procedures and protocols in AP 3540 are designed to ensure victims of domestic violence, dating violence, sexual assault, or stalking receive treatment and information. For physical assaults/violence, see AP 3500 on Campus Safety, AP 3510 on Workplace Violence Plan, and AP 3515 on Reporting of Crimes.

All students, faculty members or staff members 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 the designated Title IX Coordinator or designee, which shall maintain the identity and other information about alleged sexual assault victims as confidential unless and until the Title IX Coordinator or designee is authorized to release such information.

The Title IX Coordinator shall provide all victims of domestic violence, dating violence, sexual assault, or stalking, with the following:

- A copy of the District's policy and procedure regarding domestic violence, dating violence, sexual assault, or stalking.
- A list of personnel who should be notified and procedures for such notification, if the victim consents:
  - Vice President of Student Services of the college/campus and the College Nurse if the victim is a student or a visitor.
  - The Director of Human Resources, the Vice President of Student Services of the college/campus, and the College Nurse if the victim is an employee.
- Information about the importance of preserving evidence and the identification and location of witnesses.
- A description of available services, and the persons on campus available to provide those services if requested.
- The victim's option to:
  - Notify proper law enforcement authorities
  - be assisted by campus authorities in notifying law enforcement authorities if the victim chooses; and,
  - decline to notify such authorities.
- Information about the participation of victim advocates and other supporting people.
- The rights of victims and the institution's responsibilities regarding orders of protection, no contact orders, or similar lawful orders issued by a court.
- Information about how the District will protect the confidentiality of victims.

- Written notification of victims about options for, and available assistance in, changing academic, transportation, and working situations, if requested and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to local law enforcement; and a description of each of the following procedures:
  - Criminal prosecution.
  - Civil prosecution (i.e., lawsuit);
  - District disciplinary procedures, both student and employee;
  - Modification of class schedules;
  - Tutoring, if necessary.
  - Alternative dispute resolution or other accountability processes;
  - Alternative housing assignments;
  - Academic assistance alternatives.

The District will investigate all complaints alleging sexual assault under the procedures for sexual harassment investigations described in AP 3434 on Responding to Sex Discrimination under Title IX, 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 Chief Student Services Officer of the college/campus, if the victim is a student, Director of Personnel Services and Human Resources Development if the victim is an employee, or District Director of Safety and Risk Management if the victim is a visitor, 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 consistent with State and Federal law.

A complainant or witness who participates in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for a violation of the District's student conduct policy at or near the time of the incident, unless the District determines that the violation was egregious, including but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic honesty.

In the evaluation of complaints in any disciplinary process, it shall not be a valid excuse to alleged lack of affirmative consent that the accused believed that the complainant consented to the sexual activity under either of the following circumstances:

- The accused's belief in affirmative consent arose from the intoxication or recklessness of the accused.
- The accused did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain whether the complainant affirmatively consented.

It shall not be a valid excuse that the accused believed that the complainant affirmatively consented to the sexual activity if the accused knew or reasonably should have known that the Complainant was unable to consent to the sexual activity under any of the following circumstances:

- The complainant was asleep or unconscious.
- The complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the complainant could not understand the fact, nature, or extent of the sexual activity.
- The complainant was unable to communicate due to mental or physical condition.

The District shall maintain the identity of any alleged victim, witness, or third-party reporter of domestic violence, dating violence, sexual assault, or stalking on District property, as defined above, in confidence consistent with State and Federal law, unless the alleged victim, witness, or third-party reporter specifically waives that right to confidentiality. All inquiries from reporters or other media representatives about alleged domestic violence, dating violence, sexual assault, or stalking on District property, shall be referred to the District's Chief Student Services Officer, who shall work with the Title IX Coordinator or Safety and Risk Management Director to assure that all confidentiality rights are maintained consistent with State and Federal law.

### ***Prohibition of Sexual Harassment under Title IX***

#### *AP 3433*

The District is committed to providing an academic and work environment free of unlawful sex harassment under Title IX. This procedure defines sexual harassment on campus.

District procedure and the related policy protect students and employees in connection with all the academic, educational, extracurricular, athletic, and other programs, whether those programs take place in the District's facilities, or at a class or training program sponsored by the District at another location.

### ***Prohibition of Harassment***

#### *AP 3430*

The District is committed to providing an academic and work environment free of unlawful harassment. The District defines sexual harassment and other forms of harassment on campus and sets forth a procedure for the investigation and resolution of complaints of harassment by or against any staff or faculty member or student.

District procedure and the related policy protect students, employees, unpaid interns, and volunteers in connection with all the academic, educational, extracurricular, athletic, and other

programs of the District, whether those programs take place in the District's facilities, or at a class or training program sponsored by the District at another location.

Definitions related to Harassment can be found in Appendix A.

### ***Responding to Sexual Harassment***

#### ***AP 3434***

The District encourages members of the college communities to report sexual harassment. This procedure only applies to conduct defined sexual harassment under Title IX and applicable Federal regulations and that meet Title IX jurisdictional requirements. The District will respond to sexual harassment and sexual misconduct that falls outside that definition and outside the jurisdiction of the Title IX Federal regulations using California law and applicable District policies and procedures. In implementing these procedures discussed below, the District will also provide supportive measures, training, and resources in compliance with California law, unless they are preempted by the Title IX regulations.

#### ***Title IX Coordinator***

Questions concerning Title IX may be referred to the designated Title IX Coordinator whose contact information is listed on the YCCD website.

The Title IX Coordinator is required to respond to reports of sexual harassment or misconduct. The Title IX Coordinator will handle information received with the utmost discretion and will share information with others on a need-to-know basis. For example, the Title IX Coordinator may need to address public safety concerns on campus, comply with State and Federal legal requirements, or share information to implement supportive measures.

A report of sexual harassment to the Title IX Coordinator does not necessarily lead to a full investigation, as discussed more fully below. However, the Title IX Coordinator will make an assessment to determine if there is a safety risk to the campus. If the Title IX Coordinator finds there is a continued risk, the Title IX Coordinator will file the formal complaint without the Complainant's consent or cooperation.

#### ***Title IX Harassment Complaints, Investigations, and Hearings***

The District's Title IX sexual harassment procedures and the related policy protect students, employees, applicants for employment, and applicants for admission.

#### ***Jurisdictional Requirements – Application of Procedures***

These procedures apply if the conduct meets the following three jurisdictional requirements:

- The conduct took place in the United States.
- The conduct took place in a District “education program or activity.” This includes locations, events, or circumstances over which the District exercised substantial control over both the Respondent and the context in which the harassment occurred, including on-campus and off-campus property and buildings the District owns or controls or that student organizations officially recognized by the District own or control.
- The conduct meets the definition of Title IX “sexual harassment.”

### ***Reporting Options***

Any individual may report sexual harassment to the District’s Title IX Coordinator. As detailed below, certain employees of the District are required to report sexual harassment. Reporting suspected violations of the [District’s Title IX Policy](#) to a supervisor, manager, and/or administrator requires the report to be sent to the District’s Title IX Officer/Coordinator. Reporting to faculty and staff may result in the report being sent to the Title IX Officer/Coordinator.

The District strongly encourages prompt reporting of sexual harassment. Prompt reporting allows for the collection and preservation of evidence, including physical evidence, digital media, and witness statements. A delay may limit the District’s ability to effectively investigate and respond.

Individuals have the opportunity to decide whether they want to pursue a formal Title IX complaint. Reporting sexual harassment to the Title IX Coordinator does not automatically initiate an investigation under these procedures. A report allows the District to provide a wide variety of support and resources to impacted individuals and to prevent the reoccurrence of the conduct. A Complainant or the Title Coordinator filing a formal complaint will initiate an investigation.

If there are parallel criminal and Title IX investigations, the District will cooperate with the external law enforcement agency and will coordinate to ensure that the Title IX process does not hinder legal process or proceedings.

The District will document reports of sexual harassment in compliance with the Clery Act, a federal law requiring data collection of crime within the campus geography. Under the Clery Act, the District does not document personal information; the District reports the type of conduct, and the time, date, and location (also see BP/AP 3540 Sexual and Other Assaults on Campus).

### ***District Employees and Officials with Authority***

District Officials with Authority are not confidential resources and are required to report allegations of sexual harassment to the Title IX Coordinator promptly. All other employees are encouraged to report allegations to the Title IX Coordinator but are not required to do so.



The District has designated all supervisors (as defined by either Education Code 66281.1(2)(B) or Government Code section 12926 subdivision (t)), managers, and administrators as Officials with Authority.

Officials with Authority are required to report all relevant information they know about sexual harassment including the name of the Respondent, the Complainant, any other witnesses, and the date, time, and location of the alleged incident.

### ***Intake and Processing of Report***

After receiving a report of sexual harassment, the Title IX Officer will contact the Complainant and reporting party to explain rights under this policy and procedure and invite the Complainant to an in-person or virtual meeting, at the Complainant's choice. The Title IX Officer will discuss supportive measures with the Parties.

### ***Timeframe for Reporting***

To promote timely and effective review, the District strongly encourages individuals to report sexual harassment as soon possible because a delay in reporting may affect the ability to collect relevant evidence and may affect remedies the District can offer.

### ***Supportive Measures***

Supportive measures are non-disciplinary, non-punitive individualized services offered free of charge to the Complainant or the Respondent regardless of whether a formal complaint has been filed. The District will provide the Complainant and Respondent with written notice of options for available assistance in, and how to request available supportive measures. The District will provide such measures to Complainant and Respondent as appropriate and as reasonably available to restore or preserve equal access to the District's education program or activities. These measures are designed to protect the safety of all Parties, protect the District's educational environment, or deter sexual harassment. The District will provide supportive measures on a confidential basis and will not disclose that the District is providing supportive measures except to those with a need to know to enable the District to provide the service. Supportive measures may include changes to academic, living, transportation, and working situation or protective measures such as counseling, extensions of deadlines, other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the Parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

### ***Removal of Respondent Pending Final Determination***

Upon receiving a report regarding sexual harassment, the Title IX Coordinator will make an immediate assessment concerning the health and safety of the Complainant and campus community as a whole. The District has the right to order emergency removal of a Respondent, or if the Respondent is an employee, place the employee on administrative leave.

### ***Emergency Removal***

The District may remove a non-employee Respondent from the District's education program or activity on an emergency basis after it conducts an individualized safety and risk analysis and determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal.

The District may not use emergency removal to address a Respondent's threat of obstructing the sexual harassment investigation or destroying relevant evidence. Emergency removal is only available to address health or safety risks against individuals arising out of sexual harassment allegations, not to address other forms of misconduct that a Respondent might commit pending the processing of a complaint. The Title IX Coordinator or designee will conduct the individualized safety and risk analysis.

If the Title IX Coordinator or designee determines emergency removal is appropriate, they will provide the person the District is removing from campus on an emergency basis with a notice and opportunity to attend a meeting and challenge the basis of their removal. The Title IX Coordinator or designee will determine whether the emergency removal from campus order is warranted after considering information provided by the Respondent challenging the emergency removal.

### ***Administrative Leave***

The District may place a non-student employee Respondent on administrative leave during the pendency of a grievance process described in the formal complaint process below. The District will follow any relevant policies, procedures, collective bargaining agreements, or state law in placing an employee on administrative leave.

### ***Formal Complaint Grievance Process***

Upon receipt of a formal complaint, the Title IX Coordinator will provide the following notice in writing to the Parties:

- Notice of the allegations of alleged sexual harassment with sufficient details known at the time and with sufficient time to prepare a response before any initial interview.
- Statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.

- Notice that the Parties may have Advisor of their choice, who may be, but is not required to be, an attorney.
- Notice that the Parties may inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence whether obtained from a Party or other source; and
- Inform the Parties of any provision in the District's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
- For student Parties, notice regarding appropriate counseling resources the District has developed and maintains.

If, in the course of an investigation, the District decides to investigate allegations about the Complainant or Respondent that are not included in the notice provided above, the Title Coordinator will provide notice in writing of the additional allegations to the Parties.

### ***Dismissal of Formal Complaint***

The District must investigate the allegations in a formal complaint. However, the District must dismiss the formal complaint and will not process the complaint under these procedures if any of the following three circumstances exist:

- If the conduct alleged in the formal complaint would not constitute Title IX sexual harassment as defined in this procedure.
- If the conduct alleged did not occur in the District's education program or activity.
- If the conduct alleged did not occur against a person in the United States.

The District has discretion to dismiss a formal complaint or any allegation under the following circumstances:

- If at any time during the investigation or hearing: a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations.
- If the Respondent is no longer enrolled or employed by the District; or
- If there are specific circumstances that prevent the District from gathering evidence sufficient to reach a determination regarding responsibility as to the formal complaint or allegations.

If the District dismissed the formal complaint or any allegations, the Title IX Coordinator shall simultaneously provide the Parties with written notice of the dismissal and reason. The District will also notify the Parties of their right to appeal.

The District may commence proceedings under other policies and procedures after dismissing a formal complaint.

### ***Consolidation of Formal Complaints***

The District may, but is not required to, consolidate formal complaints as to allegations of sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against the other Party, where the allegations of sexual harassment arise out of the same facts or circumstances.

### ***Equitable Treatment of the Parties***

The District's determination of responsibility is a neutral, fact-finding process. The District will treat Complainants and Respondents equitably. The procedures will apply equally to both Parties. The District will not discipline a Respondent unless it determines the Respondent was responsible for sexual harassment at the conclusion of the grievance process.

### ***Statement of Presumption of Non-Responsibility***

The investigation is a neutral, fact-finding process. The District presumes all reports are in good faith. Further, the District presumes the Respondent is not responsible for the alleged conduct. The District makes its determination regarding responsibility at the conclusion of the grievance process.

### ***Bias or Conflict of Interest***

The District's Title IX Coordinator, investigator, Decision-Maker, or any person designated by the District to facilitate an informal resolution process, will not have potential actual bias or conflict of interest in the investigatory, hearing, sanctioning, or appeal process or bias for or against Complainants or Respondents generally. Actual bias is an articulated prejudice in favor of or against one Party or position; it is not generalized concern about the personal or professional backgrounds, positions, beliefs, or interests of the Decision-Maker in the process. The District will ensure that the Title IX Coordinator, investigator, Decision-Maker, and facilitator receive training on:

- The definition of sexual harassment in this procedure.
- The scope of the District's education program or activity.
- How to conduct an investigation.
- The grievance process including conducting hearings, appeals, and informal resolution processes; and
- How to serve impartially, including avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

***Timeline for Completion***

The District will undertake its grievance process promptly and as swiftly as possible. The District will complete the investigation and its determination regarding responsibility or the informal resolution process within 180 calendar days.

When appropriate, the Title IX Coordinator may determine that good cause exists to extend the 180-calendar day period to conduct a fair and complete investigation, to accommodate an investigation by law enforcement, to accommodate the unavailability of witnesses or delays by the Parties, to account for District breaks or vacations, or due to the complexity of the investigation. The District will provide notice of this extension to the Complainant and Respondent in writing and include the reason for the delay and anticipated timing of completion.

A Party may request an extension from the Title IX Coordinator in writing by explaining the reason for the delay and the length of the continuance requested. The Title IX Coordinator will notify the Parties and document the grant or denial of a request for extension or delay as part of the case recordkeeping.

***Role of Advisor***

The role of the Advisor is to provide support and assistance in understanding and navigating the investigation process.

The Advisor may not testify in or obstruct an interview or disrupt the process. The Title IX Coordinator has the right to determine what constitutes appropriate behavior of an Advisor and take reasonable steps to ensure compliance with this procedure.

A Party does not have a right to self-representation at the hearing; an Advisor must conduct any cross-examination. The District must provide an Advisor of its choice, free of charge to any Party without an Advisor to conduct cross-examination. If an Advisor fails to appear at the hearing, the District will provide an Advisor to appear on behalf of the non-appearing Advisor. To limit the number of individuals with confidential information about the issues, each Party may identify one Advisor.

***Confidentiality Agreements***

To protect the privacy of those involved, the Parties and Advisors are required to sign confidentiality agreement prior to attending an interview or otherwise participating in the District's grievance process. The confidentiality agreement restricts dissemination of any of the evidence subject to inspection and review or use of this evidence for any purpose unrelated to the Title IX grievance process. The confidentiality agreement will not restrict the ability of either Party to discuss the allegations under investigation.

***Use of Privileged Information***

The District's formal complaint procedure does not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege (e.g., attorney-client privilege, doctor-patient privilege, spousal privilege, etc.), unless the person holding the privilege provides voluntary, written consent to waive the privilege.

***Investigations***

The Title IX Coordinator is responsible for overseeing investigations to ensure timely resolution and compliance with Title IX and this procedure. Both Parties have the right to have an Advisor present at every meeting during the grievance procedure.

***Trained Investigators***

Individuals serving as investigators under this procedure will have adequate training on what constitutes sexual harassment, how the District's grievance procedures operate, and trauma-informed investigation techniques. The District will also ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence and complies with this procedure.

***Gathering Evidence and Burden of Proof***

The District, not the Parties, has the responsibility to gather information and interview witnesses. As part of the District's burden of gathering evidence, the District's investigator will create an investigative report that fairly summarizes relevant evidence, whether it is inculpatory or exculpatory. The investigator shall not make findings or determinations of law or fact.

***Notice of Investigative Interview***

The District will provide written notice of the date, time, location, participants, and purpose of all investigative interviews to a Party whose participation is invited or expected, with sufficient time for the Party to prepare to participate.

***Evidence Review***

Both Parties have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence obtained from a Party or other source.

Prior to the investigator preparing an investigative report, the District will make available to each Party and the Party's Advisor, if any, the evidence subject to inspection and review in an electronic

format or a hard copy. The Parties will have at least ten days to submit a written response. The investigator must consider this written response prior to completing the investigative report.

### ***Investigative Report***

The results of the investigation of a formal complaint will be set forth in a written report that will include at least all the following information:

- A description of the circumstances giving rise to the formal complaint.
- A description of the procedural steps taken during the investigation, including all individuals contacted and interviewed.
- A summary of the testimony of each witness the investigator interviewed.
- An analysis of relevant evidence collected during the investigation, including a list of relevant documents; A specific finding as to whether the allegations occurred using a preponderance of the evidence standard; A table of contents if the report exceeds ten pages; and
- Any other information deemed appropriate by the District.

The investigator will not decide regarding responsibility. The investigator may redact information not directly related to the allegations or privileged information. However, the investigator will keep a log of information they do not produce to the Parties. The investigator will provide this log only to the Title IX Coordinator. The Title Coordinator will not disclose the log to the Parties but will maintain the log in the Title IX Coordinator's file, in the event it later becomes relevant.

At least ten days prior to a hearing, the District will send the investigative report to each Party and their Advisors, if any, the investigative report in an electronic format or a hard copy, for review and written response. The Parties will have at least ten days to submit a written response.

### ***Hearing***

After completing an investigation and prior to completing a determination regarding responsibility, the District will hold a live hearing to provide the Complainant and Respondent an opportunity to respond to the evidence gathered before a Decision-Maker. Neither Party may choose to waive the right to a live hearing, but the Parties can choose whether to participate in the hearing or answer some or all cross-examination questions.

### ***Notice***

If the District proceeds to a hearing, the District will provide all Parties with written notice of the date, time, location, participants, and purpose of the hearing with sufficient time for the Party to prepare to participate.

### ***Hearing Format***

The District may provide a live hearing with all Parties physically present in the same geographic location or, at the District's discretion if either Party or a witness requests, the District may provide any or all Parties, witnesses, and other participants the ability to appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other in real time.

The District will make the information reviewed during the Evidence Review available at the hearing for reference and consultation. The District will not restrict the ability of either Party to discuss the allegations under investigation or to gather and present relevant evidence. The District will create an audio or audiovisual recording, or transcript of any live hearing and make it available to the Parties for inspection and review.

### ***Decision-Maker***

The Decision-Maker will be free from conflict of interest or bias, including bias for against Complainants or Respondents. The Decision-Maker may ask the Parties and the witnesses questions during the hearing. The Decision-Maker must objectively evaluate all relevant evidence both inculpatory and exculpatory and must independently reach a determination regarding responsibility without giving deference to the investigative report. The Decision-Maker must receive training on issues of relevance, how to apply the rape-shield protections for Complainants, and any technology to be used at the hearing.

### ***Presenting Witnesses and Evidence***

The District will provide the Complainant and Respondent an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. Witnesses, like Parties, are not required to participate in the live hearing process.

Only relevant evidence will be admissible during the hearing. Relevant evidence means evidence, including evidence relevant to the credibility of a Party or witness, having any tendency in reason to prove or disprove any disputed fact material to the allegations under investigation.

### ***Cross-Examination***

The District shall permit each Party's Advisor to ask the other Party and any witness relevant questions, including questions challenging credibility. The Party's Advisor must conduct cross-examination directly, orally, and in Realtime. A Party may never personally conduct cross-examination.

neither the Decision-Maker nor the District are obligated to respond, other than to include any objection in the record.

Before a Complainant, Respondent, or witness answers a question, the Decision-Maker must first determine whether the question is relevant and explain any decision to exclude a question as not



relevant. The Decision-Maker need not provide a lengthy or complicated explanation in support of a relevance determination. If a Party or witness disagrees with a relevance determination, that individual has the choice of either (1) abiding by the Decision-Maker's determination and answering the question or (2) refusing to answer the question.

If a Party or witness does not submit to cross-examination at the live hearing, the Decision-Maker may admit any statement of that Party or witness in reaching a determination regarding responsibility. The Decision-Maker cannot draw an inference about the determination of responsibility based solely on a Party's or witness's absence from the live hearing or refusal to submit to cross-examination or to answer any questions.

### ***Determinations of Responsibility***

When the Decision-Maker decides responsibility or non-responsibility, the Decision-Maker will issue a written determination regarding responsibility, no later than 20 business days after the date that the hearing ends.

When deciding regarding responsibility, a Decision-Maker will objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence. A Decision-Maker may not make credibility determinations based on an individual's status as a Complainant, Respondent, or witness. In evaluating the evidence, the Decision-Maker will use the preponderance of the evidence standard. Thus, after considering all the evidence it has gathered, the District will decide whether it is more likely than not that sexual harassment occurred.

The written determination will include:

- Identification of the allegations potentially constituting Title IX sexual harassment as defined in these procedures.
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including who conducted the investigation and gave notifications to the Parties. The determination will also state when, where, and the date the investigator interviewed the Parties and witnesses, conducted site visits, the methods used to gather other evidence. The procedural section should also discuss the dates and how the Parties were provided the opportunity to review and inspect evidence and the date of any hearings held and who attended the hearing.
- Findings of fact supporting determination. In making these findings, the Decision-Maker will focus on analyzing the findings of fact that support the determination of responsibility or non-responsibility.
- Conclusions regarding the application of the District's code of conduct to the facts.
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility.

- A statement of, and rationale for, any disciplinary sanctions the District imposes on the Respondent.
- A statement of whether the District will provide the Complainant with remedies designed to restore or preserve equal access to the District's education program or activity.
- The District need not disclose to the Respondent remedies that do not affect them as part of the written determination. The District can inform the Respondent that it will provide remedies to the Complainant. However, the District will inform the Complainant of the sanctions against the Respondent; and
- The District's procedures and permissible bases for the Complainant and Respondent to appeal.

The District will provide the written determination to the Parties simultaneously. The determination regarding responsibility becomes final either on the date that the District provides the Parties with the written determination of the result of the appeal, if the Parties file an appeal, or if the Parties do not file an appeal, the date on which an appeal would no longer be timely.

### ***Disciplinary Sanctions and Remedies***

The District must have completed the grievance procedures (investigation, hearing, and an appeal, if applicable) before imposing disciplinary sanctions or any other actions that are not supportive measures against a Respondent. If the Decision-Maker determines the Respondent was responsible for conduct that constitutes sexual harassment, the District will take disciplinary action against the Respondent and any other remedial action it determines to be appropriate. The action will be prompt, effective, and commensurate with the severity of the offense.

Remedies for the Complainant might include, but are not limited to:

- Providing an escort to ensure that the Complainant can move safely between classes and activities.
- Ensuring that the Complainant and Respondent do not attend the same classes or work in the same work area.
- Providing counseling services or a referral to counseling services.
- Providing medical services or a referral to medical services
- Providing academic support services, such as tutoring.
- Arranging for a Complainant, if a student, to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the Complainant's academic record; and
- Reviewing any disciplinary actions taken against the Complainant to see if there is a causal connection between the harassment and the misconduct that may have resulted in the Complainant's discipline.

Possible disciplinary sanctions for student Respondents include written or verbal reprimand, required training or counseling, non-academic probation, suspension, and expulsion. Possible disciplinary sanctions for employee Respondents include written or verbal reprimand, required training or counseling, reduction in pay, demotion, suspension, or discharge.

### ***Appeal of Dismissal of a Formal Complaint or of the Determination of Responsibility***

A Complainant or Respondent may appeal the District's determination regarding responsibility or the dismissal of a formal complaint or any allegations. A Complainant or Respondent must submit a written appeal within five business days from the date of the notice of determination regarding responsibility or from the date of the District's notice of dismissal of a formal complaint or any allegations.

### ***Grounds for Appeal***

The District will assign a different Decision-Maker to serve as the Decision-Maker on appeal. In filing an appeal of the District's determination regarding responsibility or the District's dismissal of a formal complaint, the Party must state the grounds for appeal and a statement of facts supporting those grounds. The grounds for appeal are as follows:

- A procedural irregularity affected the outcome.
- New evidence was not reasonably available at the time the District's determination regarding responsibility or dismissal was made, and this new evidence could affect the outcome; or
- The District's Title IX Coordinator, investigator, or Decision-Maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome.

### ***Appeal Procedure***

If the Complainant or Respondent submits an appeal to the District, the District will:

- Notify the other Party in writing within 5 business days of receiving a Party's appeal.
- Allow the non-appealing Parties at least 10 business days from the date of receipt of the appeal to submit a written statement in support of, or challenging, the outcome.

The appeal Decision-Maker will issue a written decision on whether to grant or deny the appeal, and the rationale for the decision, within 45 business days after the Decision-Maker on appeal receives the response to the appeal or the last day to provide a response. The District will provide the written decision simultaneously to both Parties.

The Decision-Maker on appeal may extend or otherwise modify the deadlines provided above. Either Party may seek an extension by submitting a written request to the appeal Decision-Maker

explaining the need for the extension and the proposed length of extension. The Decision-Maker will respond to the request within 48 hours in writing and will inform the Parties simultaneously whether the extension is granted.

### ***Informal Resolution***

If the District determines that a formal complaint is appropriate for informal resolution, it may provide the Parties with the opportunity to participate in an informal resolution process, including mediation, at any time prior to reaching a determination regarding responsibility.

The District will provide the Complainant and Respondent written disclosure of the allegations, the requirements of the informal resolution process, including the circumstances under which it precludes the Parties from resuming a formal complaint arising from the same allegations, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

The District must obtain the Parties' voluntary, written consent to the informal resolution process. If the Parties reach an agreement, the District does not have to complete a full investigation and adjudication of a report of sexual harassment. At any time prior to agreeing to a resolution, any Party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint. The informal resolution process is not available to resolve allegations that an employee sexually harassed a student or any allegations of sexual assault.

### ***Retaliation Prohibited***

The District prohibits any intimidation, threats, coercion, or discrimination against any individual who made a report or complaint of sexual harassment, testified, assisted, or participated or refused to participate in any manner in a Title IX investigation, proceeding, or hearing. Individuals who experience retaliation may file a complaint using the formal complaint process described above.

### ***Dissemination of Policy and Procedures***

The District will provide its policy and procedures related to Title IX on its website and in each handbook or catalog provided to applicants for admission and employment, students, employees, and all unions or professional organizations holding collective bargaining with the District. When hired, employees are required to sign acknowledging that they have received the policy and procedures. The District will place the signed acknowledgment of receipt in each employee's personnel file.

### ***Training***

The District will provide a comprehensive trauma-informed training program to Title IX Coordinators, investigators, Decision-Makers, and any individual who facilitates an informal resolution process, on the definition of sexual harassment, the scope of the District's education program or activities, best practices for assessment of a sexual harassment complaint, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including avoiding prejudgment of the facts at issue, conflicts of interest, bias, and implicit bias and racial inequities, both broadly and in school disciplinary processes. Any materials used to train the District's Title IX Coordinator, investigators, Decision-Makers, and any person who facilitates an informal resolution process, will not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

### ***File Retention***

The District will retain for a period of at least seven years after closing the case copies of:

- The original report or complaint.
- Any actions taken in response to the complaint, including supportive measures.
- The investigative report including all evidence gathered and any responses from the Parties
- The District's determination regarding responsibility.
- Audio or audiovisual recording or transcript from a hearing.
- Records of any disciplinary sanctions imposed on the Respondent.
- Records of any remedies provided to the Complainant.
- Any appeal and the result
- Any informal resolution and the result; and
- All materials used to train Title IX Coordinators, investigators, Decision-Makers, and any person who facilitates an informal resolution process. The District will make these training materials publicly available on its website.

The District will make these documents available to the U.S. Department of Education Office for Civil Rights upon request.

### ***Discrimination and Harassment Complaints and Investigations***

*AP 3410, AP 3430, AP 3435*

For sexual harassment under title IX, the District utilizes the procedures outlined under Prohibition of Sexual Harassment under Title IX (AP 3433) and Responding to Harassment Based on Sex under Title IX (AP 3434) . Other forms of sexual harassment or gender-based harassment are governed under Discrimination and Harassment Complaints and Investigations (AP 3435).

### ***Reporting and Filing Complaints***

The law prohibits coworkers, supervisors, managers, and third parties with whom an employee comes into contact from engaging in harassment, discrimination, or retaliation. Any person who has suffered harassment, discrimination, or retaliation or who has learned of harassment, discrimination, or retaliation may report harassment, discrimination, or retaliation. Complainants may have the option of filing a Complaint.

A Complaint is a written or verbal statement filed with the District that alleges harassment, discrimination, or retaliation in violation of the District's Board Policies, Administrative Procedures, or in violation of state or federal law. Complaints must be filed with the Associate Vice Chancellor of Human Resources unless the Party submitting the Complaint alleges discrimination, harassment, or retaliation against the Associate Vice Chancellor of Human Resources, in which case it should be submitted directly to the Chancellor or designee.

The District may request, but shall not require, the Complainant to submit a Complaint on the form prescribed by the Chancellor of the California Community Colleges. A copy of the form is available in the Office of Human Resources and can be submitted electronically or in hard copy to the Associate Vice Chancellor of Human Resources. The Associate Vice Chancellor of Human Resources shall record the verbal Complaint in writing. The Associate Vice Chancellor of Human Resources will take steps to ensure the writing accurately reflects the facts alleged by the Complainant.

A Complaint must meet each of the following criteria:

- It must allege facts with enough specificity to show that the allegations, if true, would constitute a violation of District policies or procedures prohibiting discrimination, harassment, or retaliation.
- The Complainant must file any Complaint not involving employment within one year of the date of the alleged discriminatory, harassing, or retaliatory conduct or within one year of the date on which the Complainant knew or should have known of the facts underlying the allegations of discrimination, harassment, or retaliation.
- The Complainant must file any Complaint alleging discrimination, harassment, or retaliation in employment within 180 days of the date of the alleged discriminatory, harassing, or retaliatory conduct, except that this period shall be extended by no more than 90 days following the expiration of the 180 days if the Complainant first obtained knowledge of the facts of the alleged violation after the expiration of the 180 days.

If the Complaint does not meet the requirements set forth above, the Associate Vice Chancellor of Human Resources will promptly contact the Complainant and specify the defect. If the Complainant is unable to fix the defect in the Complaint, the Associate Vice Chancellor of Human Resources shall consider the allegations contained in the Complaint and determine the appropriate course of action. This may include efforts to informally resolve the matter or a fact-finding investigation.

***Oversight of Complaint Procedure***

The Associate Vice Chancellor of Human Resources is the "responsible District officer" charged with receiving complaints of discrimination or harassment, and coordinating their investigation. The actual investigation of complaints may be assigned by the Associate Vice Chancellor of Human Resources to other staff or to outside persons or organizations under contract with the District. This shall occur whenever the Vice Chancellor of Human Resources is named in the Complaint or implicated by the allegations in the Complaint.

***Who May File a Complaint***

Any student, employee, parent of a minor, or an individual with legal authority on behalf of a student or employee who believes the student or employee has been discriminated against or harassed by a student, employee, or third party in violation of this procedure and the related policy.

***Where to File a Complaint***

A student, employee, parent of a minor, or an individual with legal authority on behalf of a student or employee who believes the student or employee has been discriminated against or harassed in violation of these policy and procedures may make a Complaint orally or in writing directed to the Associate Vice Chancellor of Human Resources. Complainants may but are not required to use the form prescribed by the California Community Colleges Chancellor's Office. These forms are available from the Vice Chancellor of Human Resources and at the California Community Colleges Chancellor's Office website.

***Employment-Related Complaints***

Complainants filing employment-related complaints shall be notified that they may file employment discrimination complaints with the U.S. Equal Employment Opportunity Commission (EEOC) or the Department of Fair Employment and Housing (DFEH). Any District employee who receives a harassment or discrimination complaint shall notify the Vice Chancellor of Human Resources immediately.

***Filing a Timely Complaint***

Since failure to report harassment and discrimination impedes the District's ability to stop the behavior, the District strongly encourages anyone who believes they are being harassed or discriminated against to file a complaint. The District also strongly encourages the filing of such complaints within 30 days of the alleged incident. While all complaints are taken seriously and will be investigated promptly, delay in filing impedes the District's ability to investigate and remediate.

All supervisors and managers have a mandatory duty to report incidents of harassment and discrimination, the existence of a hostile, offensive, or intimidating work environment, and acts of retaliation. The District will investigate complaints involving acts that occur off campus if they are related to an academic or work activity or if the harassing conduct interferes with or limits a student's or employee's ability to participate in or benefit from the school's programs or activities.

***Communicating that the Conduct is Unwelcome***

The District encourages students and staff to let the offending person know immediately and firmly that the conduct or behavior is unwelcome, offensive, in poor taste, or inappropriate.

### ***Intake and Processing of Complaint***

Upon receiving notification of a harassment or discrimination complaint, the Associate Vice Chancellor of Human Resources shall:

- Consider whether the District can undertake efforts to informally resolve the charges, including but not limited to mediation, rearrangement of work/academic schedules, obtaining apologies, providing informal counseling, training, etc.
- Advise all Parties that he/she/they need not participate in an informal resolution of the Complaint, as described above, and they have the right to end the informal resolution process at any time. The District cannot allow mediation, even on a voluntary basis, to resolve allegations of sexual violence.
- Advise a student Complainant that he/she/they may file a Complaint with the Office for Civil Rights of the U.S. Department of Education and employee Complainants may file a Complaint with the Department of Fair Employment and Housing.
- All Complainants should be advised that they have a right to file a Complaint with local law enforcement if the act complained of is also a criminal act. The District must investigate even if the Complainant files a Complaint with local law enforcement.
- In addition, the District should ensure that Complainants are aware of any available resources, such as counseling, health, and mental health services.
- In matters involving student sexual harassment, provide student Parties notice regarding appropriate counseling resources developed and maintained by the District.
- Take interim steps to protect a Complainant from coming into contact with an accused individual, especially if the Complainant is a victim of sexual violence. The AVCHR should notify the Complainant of his/her/their options to avoid contact with the accused individual and allow students to change academic situations as appropriate. When taking steps to separate the Complainant and accused individual, the District shall minimize the burden on the Complainant.

### ***Investigation***

The District shall promptly investigate every Complaint. No claim of workplace or academic harassment, retaliation, or discrimination shall remain unexamined. This includes Complaints involving activities that occur off campus and in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District's facilities, on a District bus, or at a class or training program sponsored by the District



at another location. The District shall promptly investigate complaints of harassment or discrimination that occur off campus if the alleged conduct creates a hostile environment on campus.

The District will fairly and objectively investigate harassment and discrimination complaints. Employees designated to serve as investigators under this procedure shall have adequate training on what constitutes sexual harassment, including sexual violence, and that they understand how the District's grievance procedures operate. The investigator may not have any real or perceived conflicts of interest and must be able to investigate the allegations impartially.

### ***Investigation Steps***

Investigators will use the following steps: interviewing the Complainant(s); interviewing the Respondent(s); identifying and interviewing witnesses and evidence identified by each Party; identifying and interviewing any other witnesses, if needed; reminding all individuals interviewed of the District's no-retaliation policy; considering whether any involved person should be removed from the campus pending completion of the investigation; reviewing personnel/academic files of all involved Parties; reach a conclusion as to the allegations and any appropriate disciplinary and remedial action; and see that all recommended action is carried out in a timely fashion. When the District evaluates the Complaint, it shall do so using a preponderance of the evidence standard. Thus, after considering all the evidence it has gathered, the District will decide whether it is more likely than not that discrimination or harassment has occurred.

### ***Timeline for Completion***

The District will undertake its investigation promptly and swiftly as possible. To that end, the investigator shall complete the above steps, and prepare a written report, and the District shall notify the Complainant and Respondent of the outcome within 90 days of the District receiving the Complaint.

### ***Cooperation Expected***

All employees are expected to cooperate with a District investigation into allegations of harassment or discrimination. Lack of cooperation impedes the ability of the District to investigate thoroughly and respond effectively. However, lack of cooperation by a Complainant or witnesses does not relieve the District of its obligation to investigate. The District will conduct an investigation if it is discovered that harassment is, or may be occurring, with or without the cooperation of the alleged victim and regardless of whether a Complaint is filed. The District will not retaliate against an employee as a result of lodging a Complaint or participating in any workplace investigation.

### ***Written Report***

The results of the investigation of a Complaint shall be set forth in a written report that will include at least all of the following information:

- A description of the circumstances giving rise to the Complaint.
  - A description of the procedural steps taken during the investigation, including all individuals contacted and interviewed.
- A summary of the testimony provided by each witness, including the Complainant and any available witnesses identified by the Complainant in the Complaint.
- An analysis of relevant data or other evidence collected during the course of the investigation, including a list of relevant documents.
- A specific finding as to whether each factual allegation in the Complaint occurred based on the preponderance of the evidence standard.
- A table of contents if the report exceeds ten (10) pages.
- Any other information deemed appropriate by the District.

### ***Confidentiality of the Process***

Investigations are best conducted within a confidential climate. Therefore, the District does not reveal information about ongoing investigations except as necessary to fulfill its legal obligations. The District will keep the investigation confidential to the extent possible, but it cannot guarantee absolute confidentiality because release of some information on a “need-to-know-basis” is essential to a thorough investigation and to protect the rights of students and employees during the investigation process and any ensuing discipline.

### ***Administrative Determination***

In any case not involving employment discrimination, within 90 days of receiving a Complaint, the district shall complete its investigation and forward a copy or summary of the report, and written notice to the Complainant setting forth all the following:

- The Chancellor or designee’s determination as to whether unlawful discrimination occurred with respect to each allegation in the Complaint based on a preponderance of the evidence standard and the basis for that determination including factual findings.
- In the event a discrimination allegation is substantiated, a description of actions taken, if any, to prevent similar acts of unlawful discrimination from occurring in the future.
- The proposed resolution of the Complaint.
- The Complainant’s right to appeal to the District’s Board of Trustees and the California Community Colleges Chancellor’s Office.
- In matters involving student sexual misconduct, the Respondent’s right to appeal to the District’s Board of Trustees any disciplinary sanction imposed upon the Respondent.

In any case involving employment discrimination, within 90 days of receiving a Complaint, the District shall complete its investigation and forward a copy or summary of the report and written notice to the Complainant setting forth all the following:

- The Chancellor or designee's determination as to whether discrimination occurred with respect to each allegation in the Complaint based on the preponderance of the evidence standard and the basis for that determination including factual findings.
- If a discrimination allegation is substantiated, a description of actions taken, if any, to prevent similar acts of unlawful discrimination from occurring in the future.
- The proposed resolution of the Complaint.
- The Complainant's right to appeal to the District's Board of Trustees and to file a Complaint with Department of Fair Employment and Housing.

The District shall also provide the Respondent the following:

- The Chancellor or his/ designee's determination as to whether unlawful discrimination occurred with respect to each allegation in the Complaint based on the preponderance of the evidence standard and the basis for that determination including factual finding.
- The proposed resolution of the Complaint, including any disciplinary action against the Respondent; and
- In matters involving student sexual misconduct not subject to Title IX, the Respondent's right to appeal to the District's Board of Trustees any disciplinary sanction imposed upon the Respondent.

### ***Discipline for Student Sexual Misconduct Not Subject to Title IX***

In a complaint involving student sexual misconduct not subject to Title IX, if a student Respondent is subject to severe disciplinary sanctions, and the credibility of witnesses was central to the investigative findings, the District will provide an opportunity for the student Respondent to cross-examine witnesses indirectly at a live hearing, either in person or by videoconference, conducted by a neutral decision-maker other than the investigator. The District shall appoint a neutral third party to attend the hearing solely for the purpose of asking any questions to the witnesses. The neutral third party shall not be the student Respondent, the student Respondent's representative, or any individual charged with making a final determination regarding discipline. The student Respondent may submit written questions before and during the cross-examination, including any follow-up questions.

### ***Discipline and Corrective Action***

If harassment, discrimination, or retaliation occurred in violation of the policy or procedure, the District shall take disciplinary action against the accused and any other remedial action it determines to be appropriate consistent with state and federal law. The action will be prompt, effective, and commensurate with the severity of the offense.

Possible disciplinary sanctions for student Respondents include written or verbal reprimand, required training or counseling, non-academic probation, suspension, and expulsion.

Possible disciplinary sanctions for employee Respondents are determined by relevant policy and procedure.

If the District imposes discipline, the nature of the discipline will not be communicated to the Complainant. However, the District may disclose information about the sanction imposed on an individual who was found to have engaged in harassment when the sanction directly relates to the Complainant; for example, the District may inform the Complainant that the harasser must stay away from the Complainant.

If the District issues a no-contact directive after making decision of responsibility, the no-contact directive shall be unilateral and only apply against the Party found responsible.

### ***Appeals***

If the District imposes discipline against a student or employee as a result of the findings in its investigation, the student or employee may appeal the decision using the procedure for appealing a disciplinary decision.

If the Complainant is not satisfied with the results of the administrative determination, he/she/they may, within 30 days, submit a written appeal to the Board of Trustees.

In a Complaint involving student sexual misconduct not subject to Title IX, a Respondent who is not satisfied with the results of the administrative determination may submit a written appeal to the District's Board of Trustees within 30 days.

The Board shall review the original Complaint, the investigative report, the administrative decision, and the appeal. The Board shall issue a final District decision in the matter within 45 days after receiving the appeal. A copy of the decision rendered by the Board shall be forwarded to the Complainant and the Respondent. The Complainant shall also be notified of his/her/their right to appeal this decision.

If the Board does not act within 45 days, the administrative determination shall be deemed approved on the forty-sixth day and shall become the final decision of the District in the matter. The District shall promptly notify the Complainant and the Respondent of the Board's action, or if the Board took no action, that the administrative determination is deemed approved.

In any case not involving workplace discrimination, harassment, or retaliation, the Complainant shall have the right to file a written appeal with the California Community Colleges Chancellor's Office within 30 days after the Board issued the final District decision or permitted the administrative decision to become final. Such appeals shall be processed pursuant to the provision of Title 5 Section 59350.

In any case involving employment discrimination, including workplace harassment, the Complainant may, at any time before or after the issuance of the final decision of the District, file a Complaint with the Department of Fair Employment and Housing.

### ***Remand***

The California Community College Chancellor's Office may remand any matter to the District for any of the following reasons: to cure defects in the investigation or in procedural compliance; to consider new evidence not available during the investigation despite the Complainant's due diligence that would substantially impact the outcome of the investigation; or to modify or reverse a decision of the District's Board of Trustees based upon misapplication of an applicable legal standard or an abuse of discretion.

If the California Community College Chancellor's Office remands a matter to the District, the District shall take necessary action and issue a decision after remand within 60 days. In any case not involving employment discrimination, the Complainant may appeal the District's amended determination to the California Community College Chancellor's Office within 30 days by following the appeal procedures above.

### ***Extension of Time***

If the District is unable to comply with the 90-day deadline, the District may extend the time to respond by up to 45 additional days. An extension may be taken only once without permission from the California Community Colleges Chancellor's Office, and must be necessary for one of the following reasons:

- A need to interview a party or witness who has been unavailable.
- A need to review or analyze additional evidence, new allegations, or new complaints related to the matter; or
- To prepare and finalize an administrative determination.

The District shall send a written notice to the Complainant and to a Respondent who is aware of an investigation indicating the necessity of an extension, the justification for the extension, and the number of days the deadline will be extended. The District shall send this notice no later than 10 days prior to the initial time to respond.

The District may request additional extensions from the California Community Colleges Chancellor's Office after the initial 45-day extension. The District shall send a copy of the extension request to the Complainant and to a Respondent who is aware of an investigation. The

Complainant and Respondent may each file a written objection with the California Community Colleges Chancellor's Office within five days of receipt.

### ***Disclosures to the California Community Colleges Chancellor's Office***

Upon request of the California Community Colleges Chancellor's Office, the District shall provide copies of all documents related to a discrimination complaint, including the following: the original Complaint, any investigative report unless subject to the attorney-client privilege, the written notice to the Complainant setting forth the results of the investigation, the final administrative decision rendered by the Board or a statement indicating the date upon which the decision became final, and a copy of the notification to the Complainant of his/her/their appeal rights, the Complainant's appeal of the District's administrative determination, and any other non-privileged documents or information the Chancellor requests.

The District shall provide to the California Community Colleges Chancellor's Office an annual report with the following information:

- The number of employment and non-employment discrimination complaints and informal charges received in the previous academic year.
- The number of complaints and informal charges resolved in the previous academic year; the number of complaints of unlawful discrimination received in the previous academic year.
- The number of those complaints that were sustained in whole or in part; and any other information requested by the Chancellor.

### ***File Retention***

The District will retain on file for a period of at least five years after closing the case copies of:

- The original Complaint.
- The investigatory report.
- The summary of the report if one is prepared.
- The notice provided to the Parties of the District's administrative determination and the right to appeal.
- Any appeal.
- The District's final decision.

For any appeal to the California Community Colleges Chancellor's Office, shall provide all relevant, non-privileged documents upon request of the Chancellor.

### ***Dissemination of Policy and Procedures***

District Policy and Procedures related to harassment will include information that specifically addresses sexual violence. District policy and procedures will be provided to all students, faculty

members, members of the administrative staff and members of the support staff and will be posted on campus and on the District's website.

When hired, employees are required to sign that they have received the policy and procedures, and the signed acknowledgment of receipt is placed in each employee's personnel file. In addition, these policies and procedures are incorporated into the District's course catalogs and orientation materials for new students.

### ***Training***

By January 1, 2021, the District shall provide at least two hours of classroom or other effective interactive training and education regarding sexual harassment to all supervisory employees and at least one hour of classroom or other effective interactive training and education regarding sexual harassment to all nonsupervisory employees. All new employees must be provided with the training and education within six months of their assumption of his/her/their position. After January 1, 2021, the District shall provide sexual harassment training and education to each employee once every two years. An employee who received this training and education in 2019 is not required to have refresher training until after two years thereafter.

The training and education required by this procedure shall include information and practical guidance regarding the federal and state statutory provisions concerning the prohibition against and the prevention and correction of sexual harassment and the remedies available to victims of sexual harassment in employment, a review of "abusive conduct," and harassment based on gender identity, gender expression, and sexual orientation. The training and education shall also include practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation, and shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation. Supervisor's harassment training must also address potential exposure and liability for employers and individuals, supervisor's obligation to report sexual harassment, discrimination, and retaliation when they become aware of it, appropriate remedial measures to correct harassing behavior.

The District will maintain appropriate records of the training provided, including the names of the supervisory employees trained, the date of training, sign in sheets, copies of all certificates of attendance or completion issued, the type of training provided, a copy of all written or recorded training materials, and the name of the training provider. If the training is provided by webinar, the District will maintain a copy of the webinar, all written materials used by the training and all written questions submitted during the webinar, and document all written response or guidance the trainer provided during the webinar. The District will retain these records for at least two years.

The District will also provide training to students who lead student organizations. The District should provide copies of the sexual harassment policies and training to all District law enforcement unit employees regarding the grievance procedures and any other procedures used for investigating reports of sexual violence.

In years in which a substantive policy or procedural change has occurred, all District employees will attend a training update or receive a copy of the revised policies and procedures. Participants in training programs will be required to sign a statement that they have either understood the policies and procedures, their responsibilities, and their own and the District's potential liability, or that they did not understand the policy and desire further training.

### ***Education and Prevention Information***

#### ***AP 3540***

The Title IX Coordinator shall:

- Provide, as part of each campus' established on-campus orientation program, education, prevention, and outreach information about domestic violence, dating violence, sexual assault, and stalking.
- The information shall be developed in collaboration with campus-based and community-based victim advocacy organizations and shall include the District's sexual assault policy and prevention strategies including empowerment programming for victim prevention, awareness raising campaigns, primary prevention, bystander intervention, and risk reduction.

The outreach programming included as part of an incoming student's orientation must include, at a minimum, the following:

- The warning signs of intimate partner and dating violence.
- Campus policies and resources relating to intimate partner and dating violence.
- Off-campus resources and centers relating to intimate partner and dating violence.
- A focus on prevention and bystander intervention training as it relates to intimate partner and dating violence.
- Post sexual violence prevention and education information on the campus internet website regarding domestic violence, dating violence, sexual assault and stalking.

### ***Resources for Victims/Survivors***

The following resources can be found on the District's [Title IX](#) web page:

- Title IX for Students, Faculty, Staff, and Administrators Handbook
- Sexual Assault: Myths and Facts Handbook
- Consent Handbook
- Title IX and Athletics
- Bystander Intervention
- Stalking



[Confidential and/or anonymous community resources](#) are available on the District website.

Questions (students and employees) may be addressed to the Regional OCR office for California which is located in Seattle, WA:

Seattle Office  
Office for Civil Rights  
U.S. Department of Education  
915 Second Avenue Room 3310  
Seattle, WA 98174-1099

Telephone: 206-607-1600  
FAX: 206-607-1601; TDD: 800-877-8339  
Email: [OCR.Seattle@ed.gov](mailto:OCR.Seattle@ed.gov)

Employment-related complaints or inquiries may be made externally to:

1. U.S. Equal Employment Opportunity Commission (EEOC)  
450 Golden Gate Avenue  
5 West, P.O Box 36025  
San Francisco, CA 94102-3661

Phone: 1-800-669-4000  
Fax: 415-522-3415  
TTY: 1-800-669-6820  
ASL Video Phone: 844-234-5122

2. Civil Rights Department  
State of California  
651 Bannon Street, Suite 200  
Sacramento, CA 95811

Phone: (800) 884-1684

## **STUDENT DISCIPLINE PROCEDURE**

*AP 5520*

The District has a procedure to provide a prompt and equitable means to address violations of the Standards of Student Code, which guarantees to the student or students involved the due process rights guaranteed them by state and federal constitutional protections. This procedure will be used in a fair and equitable manner, and not for purposes of retaliation. It is not intended to substitute for criminal or civil proceedings that may be initiated by other agencies.

The Administrative Procedure is specifically not intended to infringe in any way on the rights of students to engage in free expression as protected by the state and federal constitutions, and by Education Code Section 76120, and will not be used to punish expression that is protected.

For discipline resulting from a complaint of sex discrimination, including sex-based harassment under Title IX, the procedure in AP 3434 Responding to Sex Discrimination must be used.

Definitions related to student discipline can be found in Appendix A.

### ***Steps in the Discipline Process***

While not all steps will necessarily occur in every situation, any or a combination of the steps will occur.

**Incident Reporting:** All incidents are reported to the College President or designee. If a faculty or staff member does not believe further action is required, the incident should nonetheless be reported to the College President or designee.

**Verbal and/or Written Reprimand:** The College President or designee may impose the discipline of a written or verbal reprimand.

**Removal from Class (Education Code § 76032):** Any instructor may order a student removed from class for the day of the removal and the next class meeting. The instructor shall immediately report the removal to the College President or designee,

**Immediate Interim Suspension (Education Code § 66017):** The College President or designee may notify any person for whom there is a reasonable belief that the person has willfully disrupted the orderly operation of the campus that consent to remain on campus has been withdrawn. If the person is on campus at the time, they must promptly leave or be escorted off campus. If a designee withdraws consent, a written report must be promptly made to each college President.

The person from whom consent has been withdrawn may submit a written request for a hearing on the withdrawal within the period of the withdrawal. The request shall be granted not later than seven days from the date of receipt of the request. The hearing will be conducted in accordance with the provisions of this procedure relating to interim suspensions. In no case shall consent be withdrawn for longer than 14 days from the date upon which consent was initially withdrawn.

Any person whose consent to remain on campus has been withdrawn who knowingly reenters the campus during the period in which consent has been withdrawn, except to come for a meeting or hearing, is subject to arrest (Penal Code Section 626.4).

**Notice of Discipline:** Within five college workdays of the Disciplinary Conference, the College President or designee will provide the student with a written decision detailing the proposed discipline. If the proposed discipline is not probation, suspension, or expulsion, the student has no

further remedy. If, however, the proposed discipline is probation, suspension, or expulsion, the student has the right to Disciplinary Hearing.

**Student Response:** The student must submit to the College President or designee a written request for a Disciplinary Conference by filing a “Statement of Case” within 10 workdays of receiving the “Notice of Discipline.”

**Disciplinary Conference:** The Disciplinary Conference shall be attended by the student, a College administrator, and other individuals as may be deemed necessary. The College President shall appoint an appropriate administrator to hold and chair Disciplinary Conferences and to recommend disciplinary action to the College President.

Disciplinary Conferences will be held on the campus or center within the District where the incident occurred. If the student fails to attend the Disciplinary Conference, the discipline remains in effect.

The administrator in charge of the Disciplinary Conference will provide the College President or their designee with a written decision detailing the proposed discipline. The College President or designee can accept or reject this decision.

**Disciplinary Hearing:** The College President shall appoint a Disciplinary Committee at the beginning of each Fall Semester for the purpose of Disciplinary Hearings. The Committee shall have three members:

- A member of the faculty, selected by the Academic Senate.
- A student, selected by the Associated Students of the College.
- An administrator selected by the College President, who shall chair the Committee and serve as “hearing officer” of the Disciplinary Hearing.

No administrator, faculty member or student who has any personal involvement in the matter to be decided, who is a necessary witness, or who could not otherwise act in a neutral manner shall serve on a hearing Panel.

### ***Disciplinary Hearing Procedures***

Disciplinary Hearings held by the Disciplinary Committee will be held on the campus or center within the District where the incident occurred.

- The taking of evidence and the examination of witnesses shall be in accordance with the provisions of Government Code § 11513.
- Oral evidence may be taken only on oath or affirmation.
- Each party shall have these rights: to call and examine witnesses, to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that

matter was not covered in the direct examination; to impeach any witness regardless of which party first called to testify; and to rebut the evidence presented against. If the student does not testify on their own behalf they may be called and examined as if under cross-examination.

- The hearing need not be conducted according to the technical rules relating to evidence and witnesses, except as provided hereinafter. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil actions.
- Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but over timely objection shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. An objection is timely if made before submission of the case or on reconsideration.
- The rules of privilege shall be effective to the extent that they are otherwise required by statute to be recognized at the hearing.
- The hearing officer has discretion to exclude evidence.

The hearing shall be closed to the public and confidential unless the student requests in writing that they be open to the public. Any such requests must be made no less than 5 working days prior to the date of the hearing. If the hearing implicates the right of privacy of any student other than the student requesting the public hearing, then that portion of the hearing shall be in closed session.

The hearing shall either be recorded by a hearing reporter or by digital recording. If a digital recording is used, the recording of the hearing shall be maintained by the District for at least one year from the conclusion of the proceeding. The official recording shall be the only recording made.

At the conclusion of the hearing, the Disciplinary Committee shall prepare a proposed decision containing Findings of Fact and Determination of Issues. These Findings of Fact and Determination of Issues shall be transmitted to the College President or designee. If the College President or designee determines that the student's conduct merits discipline they may:

- Immediately impose the proposed penalty; or
- Immediately impose a lesser penalty; or
- The College President or designee has the discretion to stay the proposed penalty. Under this section, the student must be informed of the proposed penalty. The student will then be placed on Disciplinary Probation for the duration of the proposed penalty (e.g., if the proposed penalty is a 10-day suspension, the student will be placed on Disciplinary Probation for 10 workdays). If the student violates the Student Code of Conduct while on Disciplinary Probation, they must serve the full-term of the proposed discipline.

The College President will report all suspensions of students to the District Board of Trustees through the Chancellor.

If the Disciplinary Committee's proposed discipline is expulsion, the Findings of Fact and Determinations of Issues shall be presented to the District Board of Trustees.

### ***Board of Trustees Decision***

The Board of Trustees shall consider any recommendation from the College President or designee for expulsion at the next regularly scheduled meeting of the Board after receipt of the recommended decision. The Board shall consider an expulsion recommendation in closed session, unless the student has requested that the matter be considered in a public meeting in accordance with these procedures (Education Code § 72122).

The student shall be notified in writing, by registered or certified mail to the address last on file with the District or by personal service, at least three days prior to the meeting, of the date, time, and place of the Board's meeting. The student may, within 48 hours after receipt of the notice, request that the hearing be held as a public meeting. Even if a student has requested that the Board consider an expulsion recommendation in a public meeting, the Board will hold any discussion that might be in conflict with the right to privacy of any student other than the student requesting the public meeting in closed session.

The Board may accept, modify or reject the findings, decisions and recommendations of the College President or designee or the hearing panel. If the Board modifies or rejects, the Board shall review the record of the hearing and shall prepare a new written decision which contains its specific factual findings and conclusions.

The decision of the Board shall be final. Whether the matter is conducted at a closed session or at a public meeting, the final action of the Board of Trustees shall be taken at a public meeting and the result of that action shall be a public record of the District.

### ***Implementation of Penalty***

A student who has been suspended from attending classes or expelled from the College shall not be enrolled at or allowed on any community college campus in the District for the period of the suspension or expulsion.

### ***Additional Rules and Regulations***

The District Board of Trustees may adopt additional rules and regulations, which are not inconsistent with the requirements of the Education Code provisions pertaining to the removal, suspension, or expulsion of District students or with the requirements of due process.

## **WEAPONS ON CAMPUS**

### *BP/AP 3530*

Firearms or other weapons shall be prohibited on any college campus, or in any facility of the District, except for activities conducted under the direction of District officials or as authorized by an official law enforcement agency.

Firearms, knives, and other dangerous weapons of any kind are not permitted on District property. Intentional use, possession, or sale of firearms, knives or any other dangerous weapon is strictly prohibited on a school campus by state law.

Firearms, knives, explosives, or any other dangerous objects, including but not limited to any facsimile firearm, knife or explosive, are prohibited on any District campus or at any District center, or in any facility of the District.

Activities involving firearms or any other weapons conducted under the direction of District officials or as authorized by an official law enforcement agency shall be reported to the Director of Safety and Risk Management before taking place.

Any person who believes that he/she/they may properly possess a firearm or other weapon on campus or in a District center or other facility of the District must promptly notify the Director of Safety and Risk Management.

Bringing or possessing any dirk, dagger, ice pick, or knife having a fixed or locking blade longer than 2-1/2 inches, taser, or stun gun, upon the grounds, unless the person is authorized to possess such a weapon in the course of his/her/their employment, has been authorized by the District Chancellor or designee to have the weapon, or is a duly appointed peace officer, who is engaged in the performance of his or her duties.

Violators of BP/AP 3530 are subject to college discipline and/or criminal prosecution. Students found in violation of the YCCD's weapons policy may be subject to academic probation, suspension, or expulsion.

## **HATE CRIMES**

### *BP/AP 5500*

Hate crimes, as defined by California Penal Code Sections 422.55 and 422.6 and the Higher Education Opportunity Act (Public Law 110-315), are "any act of physical intimidation or physical harassment, physical force, physical violence, or the threat of physical force or physical violence, that is directed against any person or group of persons because of ethnicity, race, national origin,

religion, sex, sexual orientation, disability, or political and/or religious beliefs of that person or group.”

Incidents of hate violence should be reported to local law enforcement. The District does not condone violence and is charged with ensuring that the rights guaranteed by State law and the U.S. Constitution are protected for all people regardless of their ethnicity, race, national origin, religion, sex, sexual orientation, gender, gender identity, disability, or political and/or religious beliefs.

## **REGISTERED SEX OFFENDER INFORMATION**

*AP 3516*

California Penal Code (PC) Section 290.01 requires a convicted sex offender who is enrolled as a student, or employed as a full- or part-time employee, or is carrying on a vocation, in a community college for more than 14 days, or for an aggregate period exceeding thirty (30) days in a calendar year, to register with the law enforcement agency having jurisdiction over the college or center location within five (5) working days of commencing enrollment or employment. Violation of the above requirement is a misdemeanor and may result in a fine, imprisonment, or both.

Public information regarding sex offenders in California may be obtained by viewing the Department of Justice’s Megan’s Law website at <http://www.meganslaw.ca.gov/>.

## **MISSING STUDENT NOTIFICATION**

*34 CFR 668.46(h)*

The Yuba Community College District does not have on-campus student housing facilities.

## **FIRE SAFETY REPORT AND FIRE LOG**

*34 CFR 668.49(b), 34 CFR 668.49(d)*

The Yuba Community College District does not have on-campus student housing facilities.

## **CRIME STATISTICS REPORTED FOR 2022, 2023 AND 2024**

A list of reportable crime categories required by the Clery Act and reportable geography definitions can be found in Appendix A.

### ***Reporting Methods and Data Sources***

#### ***BP/AP 3515***

The Clery Act requires community colleges to disclose statistics for all reported Clery Act offenses. To be reportable, these crimes must have also occurred within geographic categories that are Clery Act-specific. Additionally, when more than one offense was committed during a single incident, the Clery Act requires the District to conform to the Hierarchy Rule in the Federal Bureau of Investigation Summary Reporting System (SRS) User Manual.

In compliance with District policy and procedure, Safety and Risk Management prepares the Annual Security Report and publishes the report on or before October 1 of each year. Safety and Risk Management sends written requests for crime statistics for all Clery Act crimes committed in applicable geographic locations to all local law enforcement agencies having jurisdiction over college and center locations. Such agencies include the Yuba City Police Department, the Woodland Police Department, the Clearlake Police Department, the Williams Police Department, and the Yuba County Sheriff's Department.

In addition, written requests for statistics are sent to college campus security authorities (CSAs). These statistics are compiled into the crime statistics for the District.

If a local law enforcement agency or District attorney chooses not to charge an individual because they believe there is insufficient evidence to reach a conviction, the reported Clery Act offense(s) will still be counted in the crime statistics, if it occurred within the Clery geography of the District. If local sworn law enforcement authorities determine that an incident could not have occurred or did not occur, the crime may be "unfounded" and will be included in the unfounded crime category of the annual report.

Each year an email notification is sent to all students, faculty, and staff providing the website URL to the Annual Security Report. Additionally, paper copies are available upon request through the YCCD Safety and Risk Management Department by calling (530) 645-5993 or emailing: [yccd-safety@yccd.edu](mailto:yccd-safety@yccd.edu).

The Annual Security Report is available at the Yuba Community College District website: <https://www.yccd.edu/district-services/safety-risk/annual-security-report/>. The statistics published in the YCCD Annual Security Report are also available to the public on the United States Department of Education's (DOE) website: <https://ope.ed.gov/campusafety/>.



**W = Woodland Community College    Y = Yuba College**

**C = Colusa County Center                S = Sutter County Center**

**L = Lake County Campus**

**Criminal Offenses**

OFFENSE	YEAR	ON CAMPUS					NON-CAMPUS					PUBLIC PROPERTY				
		W	C	L	Y	S	W	C	L	Y	S	W	C	L	Y	S
MURDER/ NON-NEGLIGENT MANSLAUGHTER	2022	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2024	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NEGLIGENT MANSLAUGHTER	2022	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2024	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
RAPE	2022	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2024	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FONDLING	2022	0	0	<b>2</b>	0	0	0	0	0	0	0	<b>1</b>	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2024	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
INCEST	2022	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2024	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
STATUTORY RAPE	2022	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2024	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AGGRAVATED ASSAULT	2022	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0	0	<b>4</b>	0	0	0	0
	2024	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
BURGLARY	2022	0	0	0	<b>1</b>	0	0	0	0	0	0	0	0	0	0	0
	2023	<b>1</b>	0	<b>2</b>	<b>2</b>	0	0	0	0	0	0	0	0	0	0	0
	2024	0	0	<b>6</b>	<b>1</b>	0	0	0	0	0	0	0	0	0	0	0
MOTOR VEHICLE THEFT	2022	0	0	0	<b>2</b>	0	0	0	0	0	0	0	0	0	0	0
	2023	0	0	0	<b>2</b>	0	0	0	0	0	0	0	0	0	0	0
	2024	0	0	<b>1</b>	0	0	0	0	0	0	0	0	0	0	0	0
ARSON	2022	0	0	0	<b>1</b>	0	0	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2024	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

### Hate Crimes

OFFENSE	YEAR	ON CAMPUS					NON-CAMPUS					PUBLIC PROPERTY				
		W	C	L	Y	S	W	C	L	Y	S	W	C	L	Y	S
HATE CRIMES	2022	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2024	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

### VAWA Offenses

OFFENSE	YEAR	ON CAMPUS					NON-CAMPUS					PUBLIC PROPERTY				
		W	C	L	Y	S	W	C	L	Y	S	W	C	L	Y	S
DOMESTIC VIOLENCE	2022	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2024	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DATING VIOLENCE	2022	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2024	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
STALKING	2022	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2024	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

### Special Category Disciplinary Referrals

OFFENSE	YEAR	ON CAMPUS					NON-CAMPUS					PUBLIC PROPERTY				
		W	C	L	Y	S	W	C	L	Y	S	W	C	L	Y	S
LIQUOR LAW REFERRALS	2022	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2024	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DRUG VIOLATION REFERRALS	2022	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2024	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
WEAPONS LAW REFERRALS	2022	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2024	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

**Special Category Arrests**

OFFENSE	YEAR	ON CAMPUS					NON-CAMPUS					PUBLIC PROPERTY					
		W	C	L	Y	S	W	C	L	Y	S	W	C	L	Y	S	
LIQUOR LAW ARRESTS	2022	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2023	0	0	<b>2</b>	0	0	0	0	0	0	0	0	0	0	0	0	0
	2024	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DRUG VIOLATION ARRESTS	2022	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2023	<b>1</b>	0	<b>6</b>	<b>3</b>	0	0	0	0	0	0	<b>1</b>	0	0	0	0	0
	2024	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
WEAPONS LAW ARRESTS	2022	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2024	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

**\*No unfounded crimes reported for 2022, 2023 or 2024**

## APPENDIX A

### DEFINITIONS

For purposes of compiling and reporting campus crime statistics and campus security policies as required under the Clery Act, the YCCD utilizes the definitions set forth below for applicable crimes.

#### Clery Act Primary Criminal Offenses

**Murder and Non-Negligent Manslaughter:** the willful (non-negligent) killing of one human being by another.

**Negligent Manslaughter:** the killing of another person through gross negligence.

**Sexual Assault (Sex Offenses):** any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. There are four types of sex offenses:

**Rape:** the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.

**Fondling:** the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

**Incest:** sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape:** sexual intercourse with a person who is under the statutory age of consent. (Note: If force is used or threatened, or the victim was incapable of giving consent because of his/her age or temporary or permanent or mental impairment, the offense is Rape, not Statutory Rape).

**Robbery:** the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Aggravated Assault:** an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

**Burglary:** the unlawful entry of a structure to commit a felony or a theft. A structure is defined as having four walls, a roof, and a door.

**Motor Vehicle Theft:** the theft or attempted theft of a motor vehicle, even if the vehicle is recovered.

**Arson:** any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

## Hate Crime Offenses

**Hate Crime:** a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. In addition to the offenses listed above, larceny (theft), simple assault, intimidation, and the destruction, damage, or vandalism of property motivated by bias are counted as hate crimes.

**Larceny (Theft):** the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Constructive possession is the condition in which a person does not have physical custody or possession but is in a position to exercise dominion of control over a thing.

**Simple Assault:** an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

**Intimidation:** to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

**Destruction / Damage / Vandalism of Property:** to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

**Bias:** only the following eight categories are reported under the Clery Act:

- Disability
- Ethnicity
- Gender
- Gender Identity
- National Origin
- Race
- Religion
- Sexual orientation

## Clery Act Geography

34 CFR 668.46

**On-Campus:** any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to the area identified in this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

**Non-Campus Building or Property:** any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

**Public Property:** all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus.

## Violence Against Women Act (VAWA) Offenses

**Dating Violence:** 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 such a relationship shall be determined based on the reporting party's statement and with the consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

**Domestic Violence:** a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person whom the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; by 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 in which the crime of violence occurred.

**Stalking:** engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.

**Course of conduct:** two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows,

monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

**Reasonable person:** a reasonable person under similar circumstances and with similar identities to the victim.

**Substantial emotional distress:** significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

## Arrests and Disciplinary Referrals

**Referred for Disciplinary Action:** the referral of any person to any official who initiates a disciplinary action of which a record is established and which may result in the imposition of a sanction.

**Weapons: Carrying, Possessing, Etc.:** the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

**Drug Abuse Violations:** the violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use; the unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

**Liquor Law Violations:** the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

## Title IX Policy Section

**Advisor:** throughout the grievance process, both the Complainant and Respondent have a right to an Advisor of their choice. If a Party does not have an Advisor at the time of the hearing, the District must provide the Party an Advisor of its choice, free of charge during the cross-examination portion of the hearing. The District may establish restrictions regarding the extent to which the Advisor may participate in the proceedings as long as the restrictions apply equally to both Parties.

**Complainant:** an individual who alleges he/she/they is the victim of conduct that could constitute sexual harassment.

**Consent:** affirmative, conscious, and voluntary agreement to engage in sexual activity. Both Parties must give affirmative consent to sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he/she/they has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest, lack of resistance, or silence does not indicate consent. Affirmative consent must be ongoing throughout a sexual activity and one can revoke his/her/their consent at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, is not an indicator of consent.

The Respondent's belief that the Complainant consented will not provide a valid defense unless the belief was actual and reasonable, based on the facts and circumstances the Respondent knew, or reasonably should have known, at the time of the incident. A Respondent's belief is not a valid defense where:

- The Respondent's belief arose from the Respondent's own intoxication or recklessness;
- The Respondent did not take reasonable steps to ascertain whether the Complainant affirmatively consented; or
- The Respondent knew or a reasonable person should have known that the Complainant was unable to consent because the Complainant was incapacitated, in that the Complainant was:
  - Asleep or unconscious;
  - Unable to understand the fact, nature, or extent of the sexual activity due to the influence of drugs, alcohol, or medication; or
  - Unable to communicate due to a mental or physical condition.

**Decision-Maker:** person(s) who will oversee the live hearing and make a determination of responsibility. The Decision-Maker will determine whether the Respondent is responsible and, if so, the appropriate level of penalty for the conduct. The District may have one Decision-Maker determine whether the Respondent is responsible, and another Decision-Maker determine the appropriate level of penalty for the conduct. The Decision-Maker cannot be the Title IX Coordinator or the investigator. The Decision-Maker must receive training as described in this procedure.

**Formal Complaint:** written complaint signed by the Complainant or Title IX Coordinator, alleging sexual harassment and requesting an investigation. If the Title IX Coordinator signs the formal complaint, he/she/they will not become a Party to the complaint.

**Parties:** the Complainant and Respondent.

**Respondent:** an individual reported to be the perpetrator of conduct that could constitute sexual harassment.

**Sexual Harassment under Title IX:** conduct that satisfies one or more of the following:



- A District employee conditions the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct (quid pro quo harassment);
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity;
- Sexual assault, including the following:
  - Sex Offenses
  - Sex Offenses, Non-Forcible Unlawful, Non-Forcible Sexual Intercourse.
  - Rape
  - Dating violence
  - Sodomy
  - Domestic Violence
  - Sexual Assault with an Object
  - Stalking
  - Fondling

## **General Harassment**

Harassment based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation of any person, military and veteran status, or the perception that a person has one or more of these characteristics is illegal and violates District policy. Harassment shall be found where a reasonable person with the same characteristics as the victim of the harassing conduct would be adversely affected to a degree that interferes with his/her/their ability to participate in or to realize the intended benefits of an institutional activity, employment, or resource.

For sexual harassment under Title IX, Complainants must proceed under BP 3433 Prohibition of Sexual Harassment under Title IX, AP 3433 Prohibition of Sexual Harassment under Title IX, and AP 3434 Responding to Harassment Based on Sex under Title IX. For other forms of sexual harassment or gender-based harassment, Complainants should use this procedure.

Gender-based harassment does not necessarily involve conduct that is sexual. Any hostile or offensive conduct based on gender can constitute prohibited harassment if it meets the definition above. For example, repeated derisive comments about a person's competency to do the job, when based on that person's gender, could constitute gender-based harassment. Harassment comes in many forms, including but not limited to the following conduct that could, depending on the circumstances, meet the definition above, or could contribute to a set of circumstances that meets the definition.

**Verbal:** inappropriate or offensive remarks, slurs, jokes or innuendoes based on a person's race gender, sexual orientation, or other protected status. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats or intimidation; or sexist, patronizing or ridiculing statements that convey derogatory attitudes based on gender, race nationality, sexual orientation or other protected status.

**Physical:** inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, pinching, leering, staring, unnecessarily brushing against, or blocking another person, whistling, or sexual gestures. It also includes any physical assault or intimidation directed at an individual due to that person's gender, race, national origin, sexual orientation, or other protected status. Physical sexual harassment includes acts of sexual violence, such as rape, sexual assault, sexual battery, and sexual coercion. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability.

**Visual or Written:** display or circulation of visual or written material that degrades an individual or group based on gender, race, nationality, sexual orientation, or other protected status. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics, or electronic media transmissions.

**Environmental:** hostile academic or work environment may exist where it is permeated by sexual innuendo; insults or abusive comments directed at an individual or group based on gender, race, nationality, sexual orientation or other protected status; or gratuitous comments regarding gender, race, sexual orientation, or other protected status that are not relevant to the subject matter of the class or activities on the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements in the classroom or work environment. It can also be created by an unwarranted focus on, or stereotyping of, particular racial or ethnic groups, sexual orientations, genders or other protected statuses. An environment may also be hostile toward anyone who merely witnesses unlawful harassment in his/her/their immediate surroundings, although the conduct is directed at others. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's learning or work.

**Sexual Harassment:** in addition to the above, sexual harassment consists 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 work or educational setting when:

- o Submission to the

conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status, progress, internship, or volunteer activity;

- Submission to, or rejection of, the conduct by the individual is used as a basis of employment or academic decisions affecting the individual;
- 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 (as more fully described below); or
- 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 community college.

This definition encompasses two kinds of sexual harassment:

- "Quid pro quo" sexual harassment occurs when a person in a position of authority makes educational or employment benefits conditional upon an individual's willingness to engage in or tolerate unwanted sexual conduct.
- "Hostile environment" sexual harassment occurs when unwelcome conduct based on a person's gender alters the conditions of an individual's learning or work environment, unreasonably interfere with an individual's academic or work performance, or create an intimidating, hostile, or abusive learning or work environment. The victim must subjectively perceive the environment as hostile, and the harassment must be such that a reasonable person of the same gender would perceive the environment as hostile. A single or isolated incident of sexual harassment may be sufficient to create a hostile environment if it unreasonably interfered with the person's academic or work performance or created an intimidating, hostile, or offensive learning or working environment.

Sexually harassing conduct can occur between people of the same or different genders. The standard for determining whether conduct constitutes sexual harassment is whether a reasonable person of the same gender as the victim would perceive the conduct as harassment based on sex.

**Consensual Relationships:** romantic or sexual relationships between supervisors and employees, or between administrators, faculty members, or staff members and students are discouraged. There is an inherent imbalance of power and potential for exploitation in such relationships. A conflict of interest may arise if the administrator, faculty members, or staff member must evaluate the student's or employee's work or make decisions affecting the employee or student. The relationship may create an appearance of impropriety and lead to charges of favoritism by other students or employees. A consensual sexual relationship may change, with the result that sexual conduct that was once welcome becomes unwelcome and harassing. In the event that such relationships do occur, the District has the authority to transfer any involved employee, to eliminate or attenuate the supervisory authority of one over the other, or of a teacher over a

student. Such action by the District is a proactive and preventive measure to avoid possible charges of harassment and does not constitute discipline against any affected employee.

**Academic Freedom:** no provision of this Administrative Procedure shall be interpreted to prohibit conduct that is legitimately related to the course content, teaching methods, scholarship, or public commentary of an individual faculty member or the educational, political, artistic, or literary expression of students in classrooms and public forums. Freedom of speech and academic freedom are, however, not limitless and this procedure will not protect speech or expressive conduct that violates federal or California anti-discrimination laws.

## Student Discipline

The following are definitions related to AP 5520 on Student Discipline Procedure:

**College Day or Instructional Day:** a day when the College's or District's regular instructional program is offered, including summer school.

**District:** the Yuba Community College District

**Student:** any person currently enrolled as a student at any college or in any program offered by the District who was also enrolled at the time of the alleged violation of the Standards of Student Conduct.

**Instructor:** any academic employee of the District in whose class a student subject to discipline is enrolled, or counselor who is providing or has provided services to the student, or another academic employee who has responsibility for the student's educational program.

**Work day:** a day when the College's or District's regular operation is open to the general public.

**Removal from class:** exclusion of the student by an instructor for the day of the removal and the next class meeting.

**Written or verbal reprimand:** an admonition to the student to cease and desist from conduct determined to violate the Student Code of Conduct. Written reprimands may become part of a student's permanent record at the college. A record of the fact that a verbal reprimand has been given may become part of a student's record at the college for a period of up to one year.

**Disciplinary probation:** the disciplinary authority has the discretion to impose an appropriate probationary period consistent with these procedures.

**Immediate Interim Suspension:** the suspension from one or more classes when required to protect lives or property and to ensure the maintenance of order. A student may be placed on

immediate interim suspension without prior notice, provided that student is provided a reasonable opportunity for a hearing within 10 days of the first day of suspension.

**Short-term Suspension:** exclusion of the student by the District for good cause from one or more classes for a period of up to ten consecutive days of instruction.

**Long-term Suspension:** the exclusion of the student by the District for good cause from one or more classes for the remainder of the school term, or from all classes and activities of the college for one or more additional terms.

**Expulsion:** the exclusion of the student by the Board of Trustees from all colleges in the District for one or more terms.