



PASADENA CITY COLLEGE



2026 ANNUAL SECURITY REPORT





Pasadena City College Police and Safety Services

The information provided in this Annual Clery Report is to identify and assist you in understanding the policies, safety, security programs, and resources the College offers to our campus community and partners.

As required by the Clery Act, this report contains crime statistics for the last three calendar years. These statistics are provided to enhance your learning, living, working and visiting experience at Pasadena City College.

The PCC Police and Safety Department is a 24 hour, 7 days a week, 365-day operation. Campus Police and Safety employs sworn law enforcement officers, and emergency dispatch personnel. We also employ a cadre of College Service Officers, otherwise known as Police Cadets. Cadets are utilized to support the Police Department to ensure we meet the needs of our campus community.

We as a department wholeheartedly agree and understand the meaning of campus community partnerships and build on those partnerships to ensure the safety of all who visit our District properties. We believe and understand through these partnerships we will remain attuned to the needs of our diverse and inclusive community and remain empathetic to their needs.

Thank you all again for your partnerships, continued support, and open communication to ensure we all do our best in providing a safe, learning, and proactive environment.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven Matchan".

Steven Matchan

Chief of Police & Safety Services

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Campus Safety and the Clery Act: Preparing the Annual Security Report

Campus Safety and the Clery Act

This report is published in compliance with the “Jeanne Clery Campus Safety Act”, which requires U.S. Colleges and Universities that participate in federal student financial aid programs to disclose information about crime on and around their campuses.

Who is Jeanne Clery?

Jeanne Ann Clery was a 19-year-old Lehigh University freshman who was raped and murdered in her dorm room on April 5, 1986. Her parents later found out about 38 violent crimes on the Lehigh campus in the three years before her murder. They joined other victims of campus crime and persuaded Congress to enact this law, which was originally known as the “Crime Awareness and Campus Security Act of 1990”

Clery Act Summary:

- Schools must publish an annual report disclosing campus security policies and three years of specified crime and arrest statistics.
- Schools must make this report available to students, faculty/staff, and applicants for employment.
- Schools must make timely warnings to the campus community about crimes that pose an ongoing threat to students and employees.
- Each institution with a police or security department must have a public crime log.
- The U.S. Department of Education centrally collects and disseminates the reported statistics <https://ope.ed.gov/campusafety/>.
- Campus sexual assault victims are assured of certain basic rights.
- Schools that fail to comply can be penalized by the U.S. Department of Education.
- For further information regarding the Clery Act please visit <http://www.clerycenter.org>

Preparing the Annual Security Report

The Campus Police Department Clery Act Compliance Coordinator confers with campus officials to compile and report crimes, arrests, and student disciplinary information contained in this report. District employees, who hold significant responsibilities for students and campus activities, also provide reportable crime incident information for this report. Relevant crime data from the Pasadena Police Department and Los Angeles County Sheriff's Department – Temple Station Record Management Systems are also included. The Clery Act Coordinator then reviews all information obtained. Parties providing the information necessary for the Clery Report are contacted when necessary for clarification. A draft of the Clery Report is then sent to the Clery Center and the Chief of Police & Safety Services for review. Revisions to the report are made based on feedback provided, and the final report is submitted.

All policy statements in this Annual Security Report apply to the Main Campus as well as the following Satellite Campus properties:

- Foothill Campus (Community Education Center) 3035 E. Foothill Blvd, Pasadena, CA 91107
- PCC Northwest (John Muir Campus) 1905 Lincoln Ave., Pasadena, CA 91103

And the following non-campus location:

- Jefferson Training Center 1500 E Villa St, Pasadena CA 91106

Each year, campus police notify enrolled students, Faculty, and staff via email of the availability of the Pasadena City College Annual Security Report, otherwise known as The Clery Report, located on the PCC website. Copies of the report may also be obtained at the Police & Safety Department located in building B-210. Prospective employees may obtain a copy of this report from the Office of Human Resources located in building C-204. The web address to view this report is also attached to all prospective employee applications for employment.

A current copy of the Pasadena City College Annual Security Report is available for viewing on the PCC website under the Clery Act tab.



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College Police and Safety Services
Department



College Police and Safety Services Department

It is the policy of the Pasadena Area Community College District Board of Trustees to protect the members of the total college community and the property of Pasadena City College. Under the general direction of the Assistant Superintendent, Vice President of Business and College Services, Police and Safety Services shall ensure reasonable protection is provided to all PCC controlled properties by using methods that fit within and contribute to the learning philosophy and process of the institution.

Pasadena Community College employs sworn Peace Officers who are vested with full arrest authority in the State of California pursuant to California Penal Code, Section 830.32(a) and Education Code Section 72330. Each officer has graduated from a Police Officer Standards and Training (POST) approved academy and adheres to the same state-mandated training as all municipal and State Peace Officers. Under California law, the officers' jurisdiction extends to any place in the State of California

for the purposes of performing their primary duty or when making an arrest pursuant to California Penal Code Section 836. However, officers concentrate their efforts on the district's four campuses and the public areas that are adjacent to and near them.

Pasadena City College Campus Police Officers are responsible for responding to and investigating all criminal incidents occurring on all PCC-controlled properties, which include the Main Campus, the Community Education Center, the Child Development Center, and PCC Northwest, D Building at the John Muir Campus.

Pasadena City College Police Department maintains a close working relationship with the Pasadena Police Department, as well as the Los Angeles Sheriff's Department Temple City Station. Both Police agencies provide assistance when requested. Campus police also occasionally work with other State and Federal Law enforcement agencies, including the Federal Bureau of Investigation, the California Highway Patrol, and the Secret Service. The College has partnered with the Pasadena Police Department through a formal Memorandum of

Understanding (MOU) to assist the College with incidents requiring highly specialized resources and investigations. This memorandum outlines the circumstances in which the PCC Police Department may call upon the Pasadena Police Department for assistance and the protocol for these multi-agency investigations.

The PCC Police Department also employs a cadre of College Service Officers, also known as Cadets. Cadets are utilized to support officers with parking enforcement, student/staff escort services, unlocking/locking of doors, first aid response, and serve as the “eyes and ears” for the campus community, reporting any potential criminal activity to PCC officers.

Campus Escort Services

PCC Police & Safety Services offers free escort services on all campuses to and from classes and to your car in any of our parking structures. This service is provided during business hours. To arrange for an escort, call (626) 585-7484

Daily Crime Log

The PCC Police & Safety Department maintains a daily crime log. The crime log is written in a form that can be easily understood, recording all crimes reported to the Police Department, including:

- The nature, date, and time the crime occurred
- The general location of each crime, and description of any property
- The disposition of the complaint, if known

All entries on the log, except where disclosure of such information is prohibited by law, or such disclosure would jeopardize the confidentiality of the victim or compromise the investigation, are open to public inspection within two business days of the initial report being made to the PCC Police Department.

California law (Section 11160 of the California Penal Code) requires prompt mandatory reporting to the local law enforcement agency by health care practitioners (such as those at Student Health Services) when they provide medical services to a person they know, or reasonably suspect is suffering from wounds inflicted by a firearm or as a result of assaultive or abusive conduct. The PCC Personal Counseling and Services Department staff inform their clients of the procedures to report crimes to the PCC Police Department on a voluntary or confidential basis, should they feel it is in the best interest of the client.





Crime Prevention and Security Awareness Programs / Services

PCC provides safety escorts on all campuses to all students, staff, faculty, and visitors who request it by calling Campus Police at (626) 585-7484. Services are provided during business hours.

Crime Prevention and Security Awareness procedures are discussed during new student orientation. PCCPD members participate in forums to address students and explain campus crime prevention, security measures, and procedures. PCCPD conducts Crime Prevention and Security Awareness presentations when requested by various community groups, including students and campus employees. During these presentations, the following information is typically provided: crime prevention tips and details regarding campus security procedures and practices, including guidance on participants' responsibility for their own security and the safety of others on campus. Pasadena City College also offers a self-defense program to all members of the PCC campus community. The Rape Aggression Defense (RAD) program teaches basic self-defense skills and techniques, capitalizing on women's lower center of gravity and lower body strength. This program helps women develop confidence in their abilities

while also providing information on the importance of being aware of one's surroundings.

PCC utilizes a state-of-the-art camera surveillance system to monitor all PCC campuses. The camera system is monitored by the Campus Police Department's 24-hour dispatch communications center.

Sex Offender Registry

The Adam Walsh Child Protection and Safety Act of 2006 provide for the registration and tracking of sex offenders. Institutions of higher education are required to issue a statement advising the campus community of where to obtain law enforcement agency information provided by a state concerning registered sex offenders. The law also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, or is a student. In the state of California, convicted sex offenders must register with their local law enforcement agencies. Megan's Law allows the public to access the registry. For more information, visit <https://www.meganslaw.ca.gov/>

Access to Campus Facilities

All Pasadena City College campuses are patrolled by Police & Safety 24 hours a day, seven days a week. Additional monitoring is provided by security surveillance cameras strategically placed on all college properties.

Intrusion alarms protect many campus rooms and areas. Before entering such areas, PCC Police & Safety dispatch must be notified at (626) 585-7484.

All PCC students and staff members have been issued identification cards for access to certain facilities and services on campus. A campus representative or PCC Police may ask you to produce your Lancer Card identification or DMV-issued identification if there is a question about your authorization to be in a specific area. Most buildings are open from 6:30 a.m. to 10:30 p.m., Monday through Friday. Buildings are opened on an “as needed” basis on weekends and holidays as published in the Room Reservation Schedule prepared by the Campus Use office (626) 585-7233.

Pasadena City College does not have residential housing on its campuses. Overnight parking is prohibited on all District Campuses without prior authorization from the PCC Police & Safety.

Staff and faculty with college-related business and proper identification may be granted entrance by PCC Police to college facilities daily between the hours of 5:00 a.m. and 12:00 a.m.

To gain access to college facilities after hours or during “closed” periods, a Building Entry Permit must be obtained from the Division Dean or Director responsible for the area.

Exceptions

Students will not be permitted access to district facilities after hours without direct staff supervision and a Building Entry Permit.

It is the responsibility of those who use rooms, offices, and other areas on campus to lock doors, turn off lights and equipment/computers, and close windows before leaving the room.

PCC Police & Safety patrol areas of the campus 24 hours a day, seven days a week. However, the primary responsibility for the security of an area rests with the user.

Staff and Facility Keys

Keys are provided for individual staff members on a need-to-enter basis, as determined by the appropriate supervisor. Lost keys must be reported immediately to your supervisor and to PCC Police & Safety Services.

Keys must never be loaned to other staff members or students. PCC Police may confiscate any keys not specifically issued to a particular individual. Duplication and unlawful possession of college keys are misdemeanors.

Security Considerations and Maintenance

Parking lots, pedestrian walkways, and building exteriors on all campuses are well-lit. Police & Safety Services partners closely with Facilities Services and regularly conducts campus surveys throughout the campuses to identify necessary repairs.

Campus shrubbery, trees, and other vegetation are trimmed regularly, with special attention given to walkways. Facilities Services encourages prompt reporting by our campus community at (626) 585-7277 of any defective building equipment or unsafe facilities problem for repair.

Police personnel regularly test the emergency phones and conduct periodic lighting surveys. Custodians inspect their respective work areas to ensure lights are working, doors that should be locked are locked, and unauthorized persons are reported to PCC Police & Safety Services.

PCC Police & Safety Services regularly conducts crime analysis as part of an ongoing effort to identify crime patterns and address specific crime issues. PCC Police & Safety will also complete a security survey when an area is reconfigured, remodeled, or constructed, and when requested by the appropriate administrator.

College Property

No college property may be removed from the campus without written permission from the Division Dean or area supervisor. The unauthorized removal of college property from the campus violates the law and is subject to prosecution.



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Crime Reporting & Campus Security Authorities

Procedures for Reporting Crimes or Other Emergencies

Security at Pasadena City College is a collaborative effort. Students, faculty, staff, and visitors are partners in creating an atmosphere that is safe and conducive to learning. The College strongly encourages accurate and prompt reporting of all crimes or other emergencies on campus to Campus Police as well as the appropriate police agency in the jurisdiction when the victim of a crime elects to or is unable to make such a report. A Campus Police Officer will respond to the caller's location to obtain additional information and begin an investigation if warranted.

Pasadena City College maintains a Police and Safety Department with personnel available 24 Hours a day/7 days a week. The Campus Police Department is located on the main campus in Building B, Room 210. Campus Police may be reached in any of the following ways: by calling 9-1-1 from an inner campus phone, by calling police dispatch at (626) 585-7484, or by pressing the red button on any of the 141 blue emergency phones strategically located throughout the main campus, Community Education Center, and the Child Development Center, or in person at the Police & Safety Department located in the B building, Room 210 on the Main Campus, in person at the Community Education Center Administration Office Room 100, in person at the PCC Northwest Campus (John Muir Campus) in the D building, Room 413.

Anonymous tips regarding crimes that are not in progress may be reported via PCC Lancer Anonymous Tip Reporting (L.A.T.R.) at <https://pasadena.edu/police-and-college-safety/latr.php>

Procedures for Reporting to Other Campus Security Authorities

Pasadena City College urges community members to promptly report all crimes and other emergencies directly to Campus Police in an accurate and timely manner. Victims and witnesses are encouraged to report all crimes. Some individuals may prefer to report crimes to college employees or offices other than Campus Police. The Clery Act recognizes certain college officials and offices as "Campus Security Authority" (CSA). The Act defines a CSA as being 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." An official is defined as "any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution." An official's job function and not their title determines if they are a CSA.

CSAs include but are not limited to the following individuals:

- A member of campus police.
- An individual who has responsibility for campus security but does not constitute a police or security department (for example, monitoring the entrance to a building).
- An individual or organization specified in the institution's security policy as an individual or organization to which students and employees should report criminal offenses.
- Officials with significant responsibility for student and campus activities. Pasadena City College requires that any PCC CSA who becomes aware of a crime at Pasadena City College or a crime involving a member of the College community must immediately report the incident to Campus Police or the Title IX Coordinator in cases of sexual assault.

CSA Phone Numbers and Locations

Natural Sciences	(626) 585-7140	SV6
Social Sciences	(626) 585-7248	C321
Health Sciences (Main Campus)	(626) 585-3378	W204
Visual Arts and Media Studies	(626) 585-7238	CA102
Mathematics	(626) 585-7331	R322
Library	(626) 585-7221	LL Bldg.
Community Education Center	(626) 585-3000	CEC
Business and Computer	(626) 585-7341	C121
Technology English	(626) 585-7371	C245
Languages	(626) 585-3187	C247
Engineering and Technology	(626) 585-7267	C121
Kinesiology, Health and Athletics	(626) 585-7225	GM201
Child Development Center	(626) 585-3180	CDC
Extended Learning Center	(626) 585-7608	D108
Health Services	(626) 585-7244	U201
Personal Counseling Services	(626) 585-7273	D203
Office of Student Life	(626) 585-7385	CC105
John Muir Campus	(626) 585-3346	D413
Performing & Communications Arts	(626) 585-7126	CA119

Voluntary, Confidential Reporting

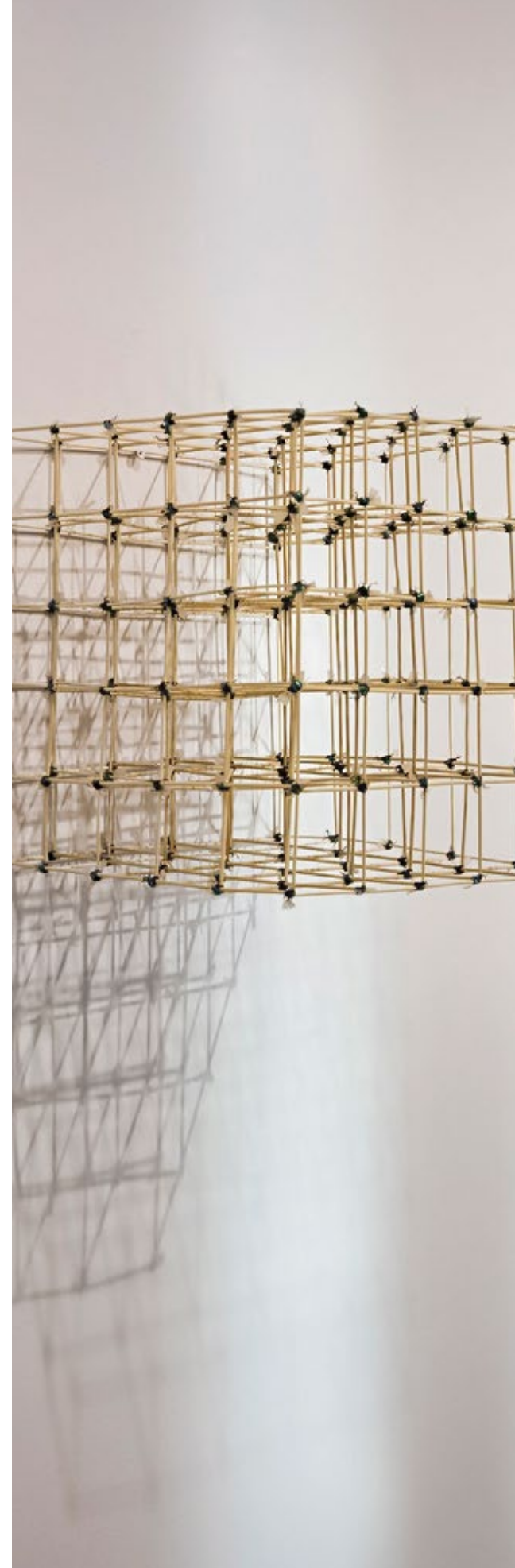
If you are the victim of a crime and do not wish to pursue action within the Pasadena City College system or the criminal justice system, you may still want to consider making a confidential report. With your permission, the Chief, or a designee of PCCPD can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential while taking steps to ensure the future safety of yourself and others. With such information, the College can keep an accurate record of the number of incidents involving students, employees, and visitors; determine where there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community to potential danger.

The Pasadena City College Police Department encourages anyone who is a victim or witness to any crime to promptly report the incident to the police.

Pastoral and Professional Mental Health Counselors

Campus “Pastoral Counselors” and Campus “Professional Counselors”, when acting as such, are not considered a campus security authority and are not required to report crimes for inclusion in the annual disclosure of crime statistics.

- **Pastoral Counselor:** An employee of an institution who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.
- **Professional Counselor:** An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution’s community, and who is functioning within the scope of his or her certification.



Employee Reporting Responsibilities

Reports Involving Minors or Suspected Child Abuse

Under California law, all PCC employees are mandated reporters who are required, by law, to report all known or suspected cases of child abuse or neglect. It is not the job of the mandated reporter to determine whether the allegations are valid. If child abuse or neglect is reasonably suspected or if a student shares information with a mandated reporter leading them to believe abuse or neglect has taken place, the report must be made. No supervisor or administrator can impede or inhibit a report or subject the reporting person to any sanction.

To make a report, an employee must contact an appropriate local law enforcement or county child welfare agency. This legal obligation is not satisfied by making a report of the incident to a supervisor or to the school. An appropriate law enforcement agency may be one of the following:

- California County Emergency Response Child Abuse Reporting Hotline (800)–540–4000 Online Reporting <https://dcfs.lacounty.gov/contact/report-child-abuse/>
- A Police or Sheriff's Department (not including a school district police department or school security department).
- A County Probation Department, if designated by the county, to receive child abuse reports.
- A County Welfare Department/County Child Protective Services.

The report should be made immediately over the telephone and should be followed up in writing. The law enforcement agency has special forms for this purpose that they will ask you to complete. If a report cannot be made immediately over the telephone, then an initial report may be made via email or fax. A report may also be filed at the same time with the district. Districts, however, do not investigate child abuse allegations, nor do they attempt to contact the person suspected of child abuse or neglect.

Procedures for Reporting Sex-Based Harassment and Misconduct

All Pasadena City College employees have a duty to report sexual misconduct (sex-based harassment, sexual assault, stalking, dating or domestic violence, or other sexual misconduct) by a member of the College community. (The only exception to this reporting requirement is employees who have a legally protected right to confidentiality, including staff in Student Health Services and Personal Counseling.) Employees must promptly report all relevant information that is known to the Title IX Office, including the names of the complainant, respondent, and any witnesses; contact information for those individuals; the time, date, and location of the incident(s); the nature of the misconduct; and any other relevant information. Reporting helps PCC fulfill its commitment to maintaining a learning and working environment free from sex-based discrimination and harassment, and ensures that immediate and corrective action can be taken.

Procedures for Reporting Students in Distress: Campus Assessment, Response, and Education (CARE TEAM)

What is CARE?

CARE: Campus Assessment, Response, and Education

The CARE Team's mission is to provide a safe and supportive physical and emotional environment for members of the college community by identifying, assessing, and responding to student behavioral, emotional and/or psychological challenges that are disruptive academically, or who present a risk to the health or safety of themselves, the college, or its members.

CARE provides a centralized structure for the campus community to report academic, behavioral, emotional, physical, or safety concerns. The team reviews reports on a weekly basis to determine the level of risk or concern and then develops an action plan of support and intervention.

The goals of the team are to:

- Respond: Identify, assess, and intervene with individuals who are struggling or who demonstrate concerning or threatening behavior. Provide support and resources to community members who are concerned for another individual.
- Educate: Inform the campus of proactive, best practices for supporting and promoting holistic student wellbeing. Implement prevention and intervention strategies in response to identified trends related to health, wellness, and safety.

Who participates in CARE?

The team consists of trained college personnel with expertise in academic affairs, student affairs, mental health and trauma, sexual and interpersonal violence, student conduct, and law enforcement/campus safety. Team members are responsible for completing ongoing training, attending weekly meetings, and assisting with follow-up and intervention as designated. CARE members include:

- Dean, Student Wellness & Support Services
- Dean, College Life & Readiness
- Chief of Police and College Safety
- Supervisor, Police and College Safety
- Psychologist, Mental Health & Wellness
- Dean of Academic Affairs
- Dean of Mathematics

What happens after a CARE report is submitted?

1. After receiving a report:
2. A member of CARE will contact the referring party to gather additional information
3. CARE will meet as a team to review and assess the information available to analyze student need and level of risk. Based on the determined level of risk, CARE will determine one or more interventions, including immediate and ongoing strategies.
4. A CARE member will extend services to and/or meet with the student to discuss presenting issues and available resources.
5. CARE member will follow up and provide case management to the student, as needed.
6. Outcome is communicated with referring party

Note: Outreach is extended to students out of an abundance of care for a student's well-being as well as the safety and well-being of the campus community as a whole. Students are not required to meet with CARE staff and CARE meetings with students are not punitive. However, CARE may make a referral to Student Conduct or Title IX for behavioral intervention and potential disciplinary action.

Link to CARE Reporting form: https://cm.maxient.com/reportingform.php?PasadenaCityCollege&layout_id=1



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Emergency Management

Emergency Management

Pasadena City College encourages all students, faculty, and staff members to take individual responsibility for emergency preparedness. Especially in the event of a large-scale incident, each of us must know what to do to be prepared to be self-reliant for a period.

The Pasadena City College Emergency Preparedness Plan identifies natural and man-made emergencies that may impact the campus community. All departments within the Pasadena City College campus community should become familiar with this plan.

An Emergency Preparedness Planning Committee, chaired by the Chief of Police & Safety Services, currently includes the Office of Business Services, the Office of Fiscal Services, the Office of Purchasing Services, the Office of Strategic Communications, and the Office of Information Technology Services. The committee convenes every two years to review the College's Emergency Preparedness Plan for necessary updates and revisions.

The Emergency Operations Plan (EOP) serves as a guide for response to a disaster by Pasadena City College Administration, faculty, staff, and students. The procedures outlined in the EOP are designed to protect life and property through the effective use of PCC resources and to provide for the physical and emotional well-being of the members of our campus community during and immediately following an emergency.

Many resources are in place to help the college respond to an emergency and facilitate the recovery of critical operations, including:

- Personal Preparedness
- Rave Alert (mass notification system, including email and text alerts)
- Campus Emergency Response Team (CERT)
- Available Training
- Emergency Operations Plan
- Evacuation Drills

To view PCC's Emergency Procedures or College Safety Plans in their entirety, please visit the following website <http://www.pasadena.edu/police/> under the Emergency Information tab.

Emergency Response Exercises

Pasadena City College conducts annual emergency management exercises. These exercises are designed to assess and evaluate our emergency procedures. PCC participates in the Great California Shakeout drill held each October. All PCC campuses participate in the drill, which includes campus-wide evacuations, a R.A.V.E. Alert activation with instructions regarding what to do, and announcements to the campus community via the Public Address system.

Pasadena City College also conducts an annual "Active-Shooter Drill". All staff and students participate in this important training event. This drill does not require an evacuation. This drill is designed to test the campus emergency notification systems such as the RAVE text messaging and email system, and the P/A system.

During this exercise, staff, students, and faculty view specific videos with content designed to inform and educate on strategies related to an active shooter incident.

This drill is a time for all our campus community to identify safe places within your offices, workspaces, and classrooms, and practice lockdown procedures with this information in mind. For more information, visit the Police and College Safety section of our website or contact Chief Matchan at sxmatchan@pasadena.edu

Timely Warning Policy

The Clery Act requires colleges and universities to issue timely warnings to the campus community about Clery Act crimes that occur within the College's Clery geography and

- Are reported to campus security authorities (Campus Police or other Campus Security Authorities) or local police agencies; and
- Are considered by the institution to represent a serious or continuing threat to students and employees.

The timely warning is intended to alert the campus community to potentially dangerous criminal activity on or near campus to enable people to protect themselves and prevent similar or repeat occurrences. To ensure the timeliness of an alert, a warning is issued as soon as pertinent information is available.

Timely Warning Notices are usually distributed for the following Uniform Crime Reporting Program (UCR)/ National Incident-Based Reporting System (NIBRS) classifications: major incidents of arson, murder/ non-negligent manslaughter, and robbery. Incidents of aggravated assault and sex offenses are considered on a case-by-case basis, depending on the facts of the case and the information known by PCCPD.

After learning that an incident has occurred, the Chief of Police & Safety Services or other College designee will determine if the incident merits a timely warning. If it is determined that a timely warning is necessary, the Chief of Police & Safety Services or College designee will evaluate the content and the best delivery method(s) of the warning. The Director of Police & Safety Services or College designee will issue the timely warning consistent with the distribution methods described herein.

Crime reports are evaluated on a case-by-case basis, depending on the facts of the case and information known at the time of the initial report. Timely warnings are primarily distributed via the College's email system, as well as via text messages.

Emergency Notification to the College Community

The College will immediately notify the campus community upon confirmation of an emergency or dangerous situation that involves an immediate threat to the health or safety of students or employees. An "immediate" threat includes an imminent or impending threat, such as an approaching fire, earthquake, gas leak, or outbreak of a serious illness. These situations may occur on campus or in the local neighborhood and pose an immediate threat to the health and safety of the campus community members. PCC's Rave Alert is a mass notification system, including email and text alerts. Students are automatically enrolled in this service for email notifications, but may register their cellphone number to receive text messages in addition to email notifications. Students may also choose to opt out. Faculty and staff are encouraged to enroll. Rave Alerts can be used to send emergency messages via email and text message within minutes of an incident.

Additional information and updates may be posted on the College website <https://pasadena.edu/> and its Twitter <https://twitter.com/PCCLancer> accounts.



Issuing Emergency Notifications

Confirming the existence of a significant emergency or dangerous situation

In the event the Campus Police & Safety Department, Office of the Superintendent–President, or another College designee learns of a critical incident or other emergency that potentially affects the health or safety of the campus community, they will attempt to verify as quickly as possible that a legitimate emergency or dangerous situation exists. Confirmation may include speaking with eyewitnesses, checking with relevant departments on campus, and/or consulting with local law enforcement, the local fire department, or other government agencies. Once there is a confirmation of an emergency or dangerous situation that poses an immediate threat to the health or safety of the campus community, the College will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or contain, respond to, or otherwise mitigate the emergency. In those instances, the College may elect to delay issuing an emergency notification. As soon as the condition that may compromise efforts is no longer present, the College (via the Chief of Police & Safety Services or another College designee, with the approval of the Superintendent–President or their designees (such as the Assistant Superintendent/Vice President of Business and Administrative Services) will issue the emergency notification to the campus community by activating the College's emergency notification system through one or more of the below procedures.

I. Determining the contents of the emergency notification

The Chief of Police & Safety Services, the Office of Strategic Marketing and Communications, and designees, have the authority to determine the content of the notification, taking into consideration the nature of the threat, the facts that are known about the emergency, the actions members of the campus community are being asked to take to protect their safety, and any other relevant information that will not compromise in assisting a victim, or containing, responding to, or otherwise mitigating the emergency. The purpose of the emergency notification is to ensure that individuals are made aware of the emergency and know what steps to take to safeguard their personal safety.

II. Procedures used to notify the campus community

- Rave Alert (mass notification system, including email and text alerts)
- Office telephone 9–1–1 system
- PCC Twitter page <https://twitter.com/pcclancer>
- Parking lot and parking structures emergency call box, external broadcast speakers
- Electronic Boards
- Pasadena City College main telephone line recording
- On the PCC home page
- Posted Fliers
- Contact and broadcast information with local radio and television stations
- On the PCC Police and Safety Website <https://pasadena.edu/police-and-college-safety/index.php>

Procedures for disseminating emergency information to the larger community

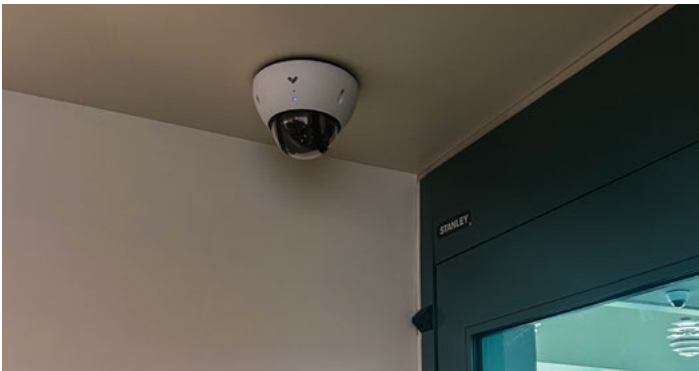
If the College activates its emergency notification system in response to an emergency, the Campus Police and Safety Department and the Office of Strategic Communications and Marketing are responsible for notifying the larger community of the emergency. The Office of Strategic Communications and Marketing is primarily responsible for updating notices on Facebook, Twitter, and other social networking platforms. It is also responsible for maintaining communication with national, regional, and local news and radio outlets, as needed.

Emergency Call Boxes

There are 141 Emergency call boxes located throughout the main campus, Child Development Center, Community Education Center, parking lots and parking structures. When activated, you will immediately be connected to the PCC Police & Safety Department.

Surveillance Cameras

Pasadena City College is equipped with approximately 238 cameras. These cameras are strategically placed throughout all campuses. Each camera is monitored by the Campus Police Department's 24-hour dispatch communications center.



Safety tips

Active shooter

An active shooter is an individual actively engaged in killing or attempting to kill people in a confined and populated area. In most cases, there is no pattern or method to their selection of victims. An active shooter incident is unpredictable and can evolve quickly.

- It is often over within 15 minutes.
- If you hear or think you hear gunshots, react quickly.
- Review the “Surviving an Active Shooter Situation” video, which demonstrates the actions one should take if involved in an active shooter situation <http://www.dhs.gov/active-shooter-preparedness>

If there is an escape path, GET OUT.

- Evacuate whether or not others agree to follow.
- Leave belongings behind.
- Help others escape, if possible.
- Prevent others from entering the area.
- Call 9–1–1 when safe to do so.
- Number of potential victims at the location. If evacuation is not possible, HIDE OUT.

Provide law enforcement or the 9–1–1 operator with the following information:

- Location of the shooter(s).
- Number of shooters.
- Physical description of shooter(s)

If you are in an office or classroom, stay there and secure the door.

If you are in a hallway, go into a room and secure the door. Your hiding place should:

- Be out of the shooter’s view.
- Provide protection if shots are fired in your direction.
- Not trap you or restrict your options for movement.

Once in a hiding place, KEEP OUT of the shooters view.

- Lock and barricade the door.
- Silence your cell phone and electronic devices.
- Turn off any source of noise (radios, TV).
- Hide behind large items.
- If there are two or more of you, spread out. Do not huddle together. Develop a plan quietly in the event

the shooter enters.

- Remain quiet and calm.
- Dial 9–1–1 if able (if you can’t speak, leave line open).

As a last resort, TAKE OUT the shooter.

- Act with physical aggression.
- Throw items and improvise weapons.
- Yell.
- Commit to your actions.

How to react to law enforcement:

The first responders on the scene are not there to evacuate or tend to the injured. They are there to stop the shooter.

- Remain calm and follow officers’ instructions.
- Put down any items in your hands.
- Immediately raise hands and spread fingers.
- Keep hands visible at all times.
- Avoid making quick movements towards officers.
- Avoid pointing, screaming or yelling.
- Do not stop to ask officers for help. Just proceed in the direction from which the officers are entering the premises.
- Notify family members that you are safe as soon as possible.

Shelter-In-Place

Shelter-in-place procedures and what it means to shelter-in-place:

If an incident occurs and the buildings or areas around you become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors because leaving the area may expose you to that danger. Thus, sheltering in place means to make a shelter of the building that you are in, and with a few adjustments, this location can be made even safer and more comfortable until it is safe to go outside.

Basic Shelter-in-Place Guidance

If an incident occurs and the building you are in is not damaged, stay inside in an interior room until you are told it is safe to come out. If your building is damaged, take only your personal belongings (purse, wallet, etc.) and follow the evacuation procedures for your building (close your

door, proceed to the nearest exit, and use the stairs instead of elevators). Once you have evacuated, seek shelter at the location designated by police, fire department, or other first responder personnel at the scene.

How You Will Know to Shelter-in-Place

A shelter-in-place notification may come from several sources, including the Pasadena City College Police Department, campus employees, or other authorities. A RAVE message will be the primary means of disseminating the notification; however, other means of communication, such as changeable message boards, may also be employed.

How to Shelter-in-Place

No matter where you are, the basic steps of shelter-in-place will generally remain the same. Should the need ever arise, follow these steps unless instructed otherwise by local emergency personnel:

1. If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed to a wide-open area or follow instructions from emergency personnel at the scene.
2. Locate a room to shelter inside. It should be:
 - I. An interior room;
 - II. Above ground level, and
 - III. Without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms may be necessary.
3. Shut and lock all windows (creating a tighter seal) and close exterior doors.
4. Turn off air conditioners, heaters, and fans.
5. Close vents to ventilation systems as you are able. Campus staff will turn off the ventilation as quickly as possible.
6. Make a list of the people with you and ask someone (faculty or other staff) to call the list into the Pasadena City College Police Department so they know where you are sheltering. If only students are present, one of the students should call in the list.
7. Turn on a radio or TV and listen for further instructions.
8. Make yourself comfortable.



Verbal Threats

Studies have shown that, in many cases, people who commit violent acts told someone else they were going to do so before the incident occurred. Threats made in person, whether communicated directly or overheard, can be:

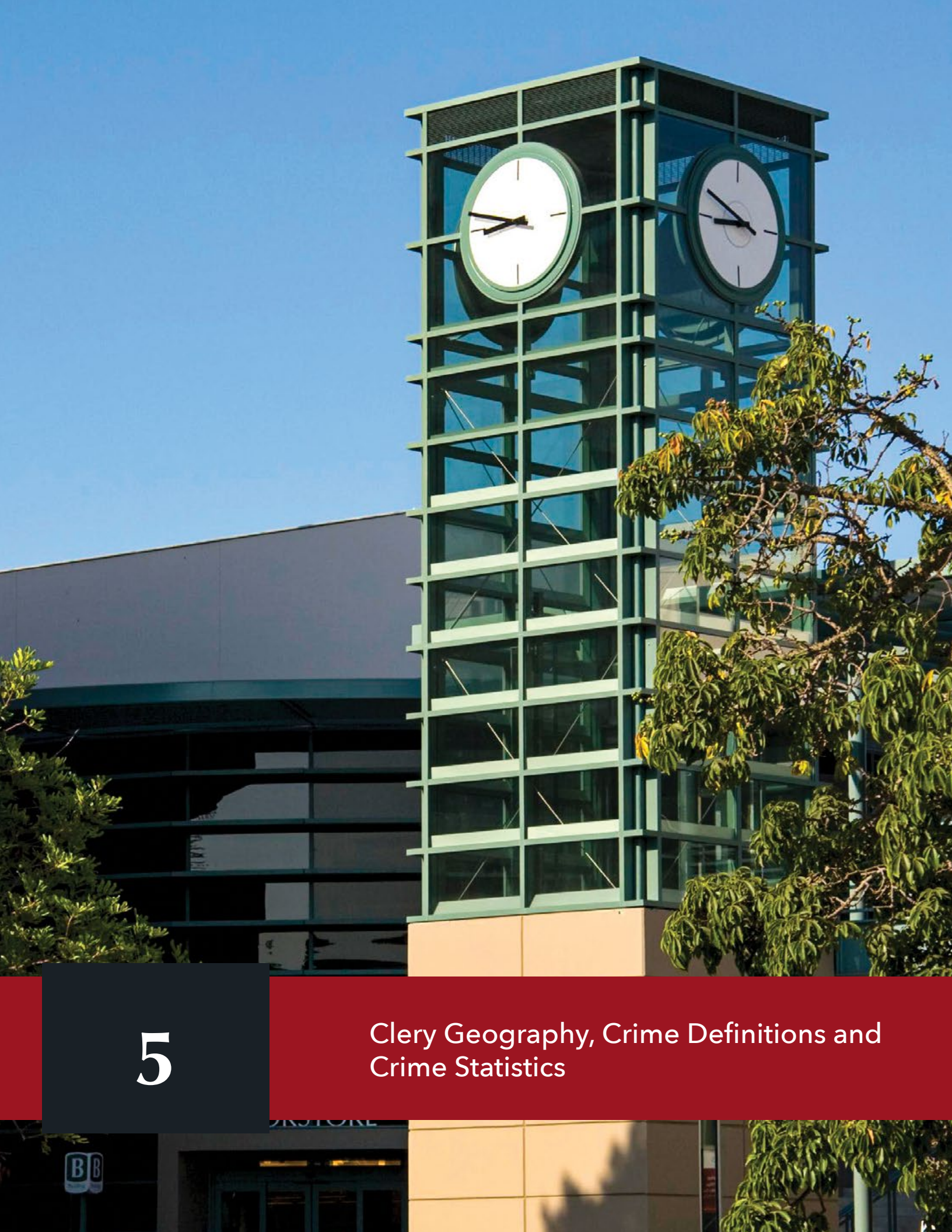
- Specific ... “Wait until everyone sees the boomer I’ve got in my backpack.”
- Veiled ... “Something really big is going to happen in the library.”
- Direct ... “Don’t piss me off, Bob, or I’m going to go nuts on you.”
- Indirect ... “I just wish this whole school was wiped off the face of the earth.”

When a person receives a threat verbally:

1. Take the threat seriously.
2. Contact PCC Police and Safety Services (626) 585–7484. If you feel others are in immediate danger, call 9–1–1.
3. Note the characteristics of the person who made the threat. Make these notes even if you know the identity of the person. If possible, take a photograph of the subject. This will help police find the subject, who they may not recognize.
 - Name (if known)
 - Race
 - Sex
 - Type and color of clothing
 - Body size
 - Hair color
 - Distinguishing features
4. The person who received the threat should write down the threat exactly as it was communicated. Include:
 - Exact wording.
 - Who made the threat?
 - Where the person who made the threat is now.
 - Any physical characteristics noted about the person who made the threat.







5

Clery Geography, Crime Definitions and Crime Statistics



Clery Geography

The Jeanne Clery Campus Safety Act (20 USC§ 1092(f)) requires colleges and universities to disclose information about crime on and around their campuses in this Annual Security Report. Crime statistics for three years are published in the Annual Security Report by October 1 of each year and submitted annually to the U.S. Department of Education.

Clery outlined geography is defined as follows:

On-Campus:

As defined by the Clery Act (U.S. Dept. of Education, Office of Postsecondary Education, 2016, 2-2) : (i) 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 (ii) Any building or property that is within or reasonably contiguous to paragraph (1) of 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).

On-campus Student Housing:

Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

Non-campus:

As defined by the Clery Act (U.S. Dept. of Education, Office of Postsecondary Education, 2016, 2-18) : (i) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or (ii) 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:

As defined by the Clery Act (U.S. Dept. of Education, Office of Postsecondary Education, 2016, 2-11): Public property immediately adjacent to, within, or surrounding one's on-campus geography.

Definitions of Clery Reportable Crimes

Murder/Non–Negligent Manslaughter:

The willful (non–negligent) killing of one human being by another.

Manslaughter by Negligence:

The killing of another person through gross negligence.

Rape:

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.

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 their age or because of their 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.

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 is usually 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 theft. For reporting purposes, this definition includes unlawful entry with intent to commit a larceny, or a felony, breaking and entering (forcible entry) with intent to commit a larceny; and all attempts to commit any of the aforementioned.

Motor Vehicle Theft:

The theft or attempted theft of a motor vehicle.

Arson:

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

Hate Crimes:

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 criminal offenses listed above, Larceny–Theft, Simple Assault, Intimidation, and Destruction/Damage/Vandalism of Property are included in Clery Act statistics only if they are 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 or control over a thing.

- **Simple Assault**

An unlawful physical attack by one person upon another where neither the offender displays a weapon or 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**

To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or person having custody or control of it.

Hazing

Any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that (1) is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization (e.g., a club, athletic team, fraternity, or sorority); and (2) causes or creates a risk, above the reasonable risk encountered in the course of participation in the IHE or the organization, of physical or psychological injury.

Categories of Bias (Under the Clery Act)

Race

A preformed negative attitude toward a group of persons who possess common physical characteristics genetically transmitted by descent and heredity, which distinguish them as a distinct division of humankind.

Religion

A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being.

Sexual Orientation

A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation.

Gender

A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender.

Gender Identity

A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity.

Ethnicity

A preformed negative opinion or attitude toward a group of people whose members identify with each other through a common heritage, often consisting of a common language, common culture, and or ideology that stresses common ancestry.

National Origin

A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.

Disability

A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital, or acquired by heredity, accident, injury, advanced age or illness.

Violence Against Women Act (VAWA) Offenses

Violence Against Women Reauthorization Act of 2013

On March 7, 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013 (VAWA) (Pub. Law 113–4), which, among other provisions, amended section 485(f) of the Higher Education Act of 1965, as amended (HEA), otherwise known as the Jeanne Clery Disclosure of Campus Safety Policy and Campus Crime Statistics Act (Clery Act). The Clery Act requires institutions of higher education to comply with certain campus safety and security–related requirements as conditions of participating in the Federal student financial aid programs authorized by Title IV of the HEA. Notably, VAWA amended the Clery Act to require institutions to compile statistics for incidents of domestic violence, dating violence, sexual assault, and stalking and to include certain policies, procedures, and programs pertaining to these incidents in their annual security reports (ASRs). The statute requires institutions to include this new information in the ASR beginning with the ASR that must be provided to students, employees, and prospective students and employees by October 1, 2014.

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 consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition: (a) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse; (b) Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence

A felony or misdemeanor crime of violence committed:

- I. by a current or former spouse or intimate partner of the victim;
- II. by a person with whom the victim shares a child in common;
- III. by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
- IV. 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; or
- V. 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 (i) fear for the person's safety or the safety of others; or (ii) suffer substantial emotional distress.

Course of Conduct means 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 means a reasonable person under similar circumstances and with similar identities to the victim.

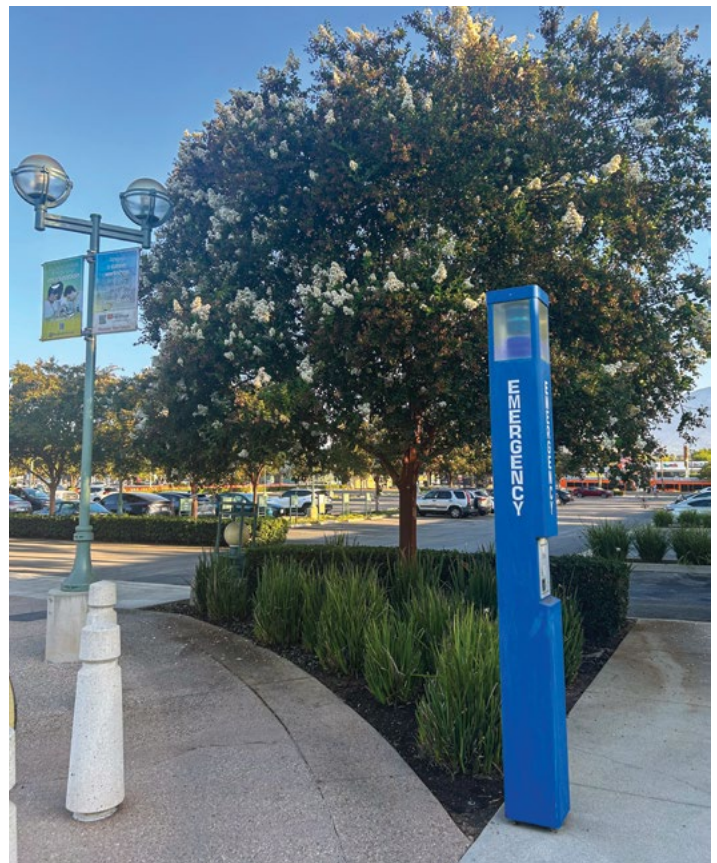
Substantial Emotional Distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

A single course of conduct may include varying Stalking activities and may include acts committed over electronic communication (e.g., emails, texts, or social media).

Sexual Assault

An offense that meets the definition of rape, fondling, incest, or statutory rape. A sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

- a. 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.
- b. 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 their age or because of their temporary or permanent mental or physical incapacity. (Because there is no penetration in fondling, this offense will not convert to the SRS as Rape)
- c. Incest: sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- d. Statutory Rape: sexual intercourse with a person who is under the statutory age of consent.



Arrests and Disciplinary Referrals

Under Clery, an arrest is defined as the processing of a person by arrest, citation, or summons. A referral for disciplinary action is defined as the referral of any person to an institution official who institutes a disciplinary action of which a record is kept and which may result in the imposition of a sanction.

The Clery Act mandates that institutions track and report annual statistics for arrests and disciplinary referrals in the following three categories:

Weapons Law Violations

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.

Drug Law 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 the 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.

Alcohol and Other Drugs Policy

The Pasadena City College is committed to providing its employees and students with an illicit drug-free workplace and campus environment. The College emphasizes prevention and intervention through education. The district prohibits the unlawful possession, use, sale, or distribution of illicit drugs by students and employees on the District's property, or as part of any of the district's activities, including but not limited to field trips, activities, or workshops.

The use, sale, or possession of any illegal drug is a violation of Federal and state law. All federal and state drug laws are strictly enforced by the College Police

Department. Any person found in violation may be subject to arrest by federal, state, local, or campus law enforcement authorities.

The district prohibits the unlawful possession, use, sale, or distribution of alcoholic beverages by students and employees on the district's property, or as part of any of the district's activities, including but not limited to field trips, activities, or workshops.

The use, sale, or possession of any alcoholic beverage on any PCC property is a violation of state law, and any person found in violation may be subject to arrest by state, local, or campus law enforcement authorities. State underage drinking laws are also strictly enforced.

The decision to take disciplinary action in any instance rests with the Board of Trustees after consideration of a site administrator and/or an administrative panel. Further, criminal prosecution is separate from any administrative discipline that may be imposed by the District.

In addition to potential prosecution for the above drug and alcohol offenses by federal, state, local, or campus law enforcement authorities, any student or employee in violation of this policy may be subjected to disciplinary action, up to and including expulsion from the College or termination from employment. You may view the District's Administrative Policy 3550 for information on health risks associated with drug use, as well as assistance, resources and referral by visiting

http://go.boarddocs.com/ca/pasadena/Board.nsf/goto?open&id=AM3TRM7_8A50B

https://go.boarddocs.com/ca/pasadena/Board.nsf/goto?open&id=BRKN83_5DC105#

The district provides information on drug treatment and prevention through referrals to drug prevention programs and counseling.

Additional resources for drug and alcohol education and prevention, including counseling and treatment, can be found by visiting the following website; Substance Abuse and Mental Health website; <https://www.samhsa.gov/> or by calling 1-800-622-HELP (4357)

Annual Notification

A notification is sent annually to all students and employees. The notification includes:

- A description of appropriate legal sanctions for violation of local, state, or federal laws for the unlawful possession or distribution of illicit drugs and alcohol;

- A description of the health risks associated with the abuse of illicit drugs or alcohol use.
- A list of drug and alcohol programs (counseling, treatment, rehabilitation, and re-entry) that are available to employees or students;
- A clear statement that the Institution of Higher Learning (IHL) will impose disciplinary sanctions on students and employees for violations of the standards of conduct and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution.

Hazing

The Stop Campus Hazing Act amended the Clery Act in 2024 and outlined several new requirements relating to hazing. Key changes are as follows:

1. Colleges must collect and publish crime statistics for hazing crimes in the Annual Security Report.
2. Institutions must establish a policy relating to hazing.
3. Institutions must produce a biannual report, called the Campus Hazing Transparency Report, documenting information about organizations that have violated an institution's hazing policy.

Campus Hazing Transparency Report

This report will summarize findings regarding any established or recognized student organization found to be in violation of an institution's standards of conduct relating to hazing, and must remain publicly available online for at least five years from the date of publication.

You can locate the Campus Hazing Transparency Report on the PCC website under the Hazing section. Pasadena City College's report contains the following information:

- Date of Incident
- Name of Organization
- Date Reported
- Description of Incident
- Policy Violations
- Date of Investigation Start
- Date of Notice Outcome
- Findings
- Sanctions



Pasadena City College Policy on Hazing:

Pasadena City College (PCC) is committed to preventing hazing in all forms. Any student or student organization that engages in, attempts to engage in, encourages, facilitates, or participates in hazing may be subject to disciplinary action. Reports of alleged hazing will be addressed in accordance with the College's Standards of Student Conduct (Administrative Procedure 5500 and Board Policy 5500) and the Student Discipline Procedures (Administrative Procedure 5520). This policy is intended to comply with the federal Stop Campus Hazing Act and should be read in conjunction with AP 5500 and AP 5520, which govern investigation, adjunction, sanctions, hearing, and appeal process for student conduct violations.

1. Student Conduct Code

The Student Conduct Code identifies conduct that is prohibited by College policy. Students who violate the Student Conduct Code will be subject to disciplinary action under the Student Discipline Process Procedures (AP 5520). Disciplinary sanctions depend on the nature of the offense, the past pattern of behavior of the student, and other relevant factors. Allegations of hazing will not be investigated through a separate disciplinary process. All allegations involving students or student organizations will be addressed through the College's established student conduct procedures outlined in AP 5520 to ensure consistent due process protections and equitable application of disciplinary sanctions. Examples of possible disciplinary sanctions are listed below. In addition, student drug or alcohol offenses or other criminal acts, may be referred to law enforcement officials.

2. Types of Conduct Subject to Discipline

As outlined in AP 5500 Standards of Student Conduct, hazing is prohibited under the following section:

"g. Assault, battery, any threat of force or violence, physical or verbal abuse, intimidation, harassment, coercion, stalking, hazing, and/or other such conduct involving any member of the College community of visitors."

These types of conduct are prohibited at all times on College owned or controlled property and at any off-campus function sponsored or supervised by the College.

Incidents of hazing must be reported to the Office of Student Life via the Behavioral Student Conduct Reporting Form and will be reviewed in accordance with AP 5520 Student Discipline Procedures. Reports may be submitted by students, employees, advisors, student organization members, or third parties. Anonymous reports may also be submitted via Lancer Anonymous Tip Reporting; however, the College's ability to investigate may depend

upon the information available. Incidents presenting an immediate threat to health or safety should be reported to Campus Police. Violations of College policy are addressed independently through the College's student conduct process. Conduct that may also violate state or federal law may be referred to appropriate law enforcement agencies. College disciplinary proceedings may proceed independently of any criminal investigation or prosecution, consistent with AP 5520.

The term "student organization", for purposes of reporting under the Stop Campus Hazing Act, means an organization at an institution of higher education (such as a club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, or student government) in which two or more of the members are students enrolled at the institution of higher education, whether or not the organization is established or recognized by the institution. The policy applies to recognized and unrecognized student organizations whose activities are associated with Pasadena City College.

3. Institutional Responsibility

Pasadena City College is committed to preventing hazing through education, reporting, prevention programs, and accountability. To support compliance with the Stop Campus Hazing Act, the College will:

- Provide education and prevention information regarding hazing to students and student organizations.*
- Encourage student organization officers and advisors to participate in hazing prevention training.
- Maintain procedures for reporting and investigating allegations of hazing through the Office of Student Life in accordance with AP 5520.
- Coordinate, as appropriate, with Campus Police, Clery compliance personnel, Title IX personnel, and other College offices when allegations involve criminal conduct, Clery-reportable offenses, discrimination, or sexual misconduct.
- Publish required hazing transparency information in accordance with the applicable federal law while protecting personally identifiable information as required by the Family Educational Rights and Privacy Act (FERPA)

Nothing in this policy replaces or supersedes the College's existing student conduct process established in AP 5500 and AP 5520. All allegations of hazing will be investigated using those procedures, and sanctions will be imposed consistent with the College's established disciplinary process.

*As of Fall 2026, Pasadena City College has implemented the following:

- Inter Club Council training on Hazing. As part of making a club official (a process known as chartering or registration), the club will select one person to represent them in the ICC. This council typically meets once a week on Fridays (bi-weekly later into a regular semester). Representatives are required to attend these meetings.
- Professional Development Day training for Employees that includes the college's Hazing Policies and Procedures.
- As of Fall 2026, Pasadena City College plans to provide modules available to Student Organizations on the Canvas platform.

Requests for trainings and workshops related to Hazing can be requested by emailing Karla Claustro, Pasadena City College's Student Rights and Responsibility Coordinator at: kcclaustro1@pasadena.edu

Office of Student Life Contact Information:
pccstudentlife@pasadena.edu
CC-105 • (626) 585-7384

Applicable State and Federal Laws:

Matt's Law (California Law)

PENAL CODE – PEN [240-248]

245.6.

(a) It shall be unlawful to engage in hazing, as defined in this section.

(b) "Hazing" means any method of initiation or preinitiation into a student organization or student body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury to any former, current, or prospective student of any school, community college, college, university, or other educational institution in this state. The term "hazing" does not include customary athletic events or school-sanctioned events.

(c) A violation of this section that does not result in serious bodily injury is a misdemeanor, punishable by a fine of not less than one hundred dollars (\$100), nor more than five thousand dollars (\$5,000), or imprisonment in the county jail for not more than one year, or both.

(d) Any person who personally engages in hazing that results in death or serious bodily injury as defined in paragraph (4) of subdivision (f) of Section 243 of the Penal Code, is guilty of either a misdemeanor or a felony,

and shall be punished by imprisonment in county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170.

(e) The person against whom the hazing is directed may commence a civil action for injury or damages. The action may be brought against any participants in the hazing, or any organization to which the student is seeking membership whose agents, directors, trustees, managers, or officers authorized, requested, commanded, participated in, or ratified the hazing.

(f) Prosecution under this section shall not prohibit prosecution under any other provision of law.

The Stop Campus Hazing Act (Federal Law)

H.R 5646 Public Law No: 118-173

This act requires Institutions of Higher Education (IHEs) that participate in federal student aid programs to report hazing incidents. It also renames the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act as the Jeanne Clery Campus Safety Act.

Specifically, the act requires each IHE to disclose hazing incidents that were reported to campus security authorities or local police agencies in its annual security report.

The act defines the term hazing to mean any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that (1) is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization (e.g., a club, athletic team, fraternity, or sorority); and (2) causes or creates a risk, above the reasonable risk encountered in the course of participation in the IHE or the organization, of physical or psychological injury.

Additionally, each IHE must include in its annual security report (1) a statement of current policies relating to hazing, how to report hazing incidents, the process used to investigate hazing incidents, and information on applicable laws on hazing; and (2) a statement of policy regarding prevention and awareness programs relating to hazing that includes a description of prevention programs.

Further, an IHE must develop a campus hazing transparency report that summarizes findings concerning any student organization found to be in violation of the IHE's standards of conduct relating to hazing. An IHE is not required to develop or update this report unless the IHE has a finding of a hazing violation. The act does not apply to foreign IHEs.

Crime Statistics Pasadena City College Main Campus 2023–2025

Reportable Crime Category	On Campus			Public Property*			Non-Campus**		
Offense:	2023	2024	2025	2023	2024	2025	2023	2024	2025
Murder/Non–Negligent Manslaughter	0	0	0	0	0	0	-	-	0
Manslaughter by Negligence	0	0	0	0	0	0	-	-	0
Sex Offenses									
Rape	0	1	0	0	0	0	-	-	0
Fondling	2	1	0	0	0	0	-	-	0
Incest	0	0	0	0	0	0	-	-	0
Statutory Rape	0	0	0	0	0	0	-	-	0
Robbery	0	0	0	0	0	0	-	-	0
Aggravated Assault	0	1	2	1	1	0	-	-	0
Burglary	2	3	5	0	0	0	-	-	0
Motor Vehicle Theft	7	17	13	0	0	0	-	-	0
Arson	0	0	4	0	3	0	-	-	0
Violence Against Women Act Crimes									
Domestic Violence	0	1	4	0	1	0	-	-	0
Dating Violence	2	0	0	0	0	0	-	-	0
Stalking	0	1	0	0	0	0	-	-	0
Hazing***	-	-	0	-	-	0	-	-	0
Unfounded Crimes Total by Year	0	0	0	0	0	1	-	-	0
*This occurred on public property within Clery geography and was handled by the Pasadena Police Department. Statistics were requested from the Pasadena Police Department. Note: Crimes that occurred on Public Property in 2025 were handled by Campus Police. ** Non-campus location was added in 2025. Classes in that location began in February 2025. PCC does not have on-campus student housing. ***Hazing statistics were collected beginning Jan 2025. Increase in motor vehicle thefts is largely due to the thefts of electric scooters and electric bicycles, which have become more prevalent on campus.									

Pasadena City College Main Campus Special Category Arrests 2023–2025

Arrests	On Campus			Public Property*			Non-Campus**		
Offense:	2023	2024	2025	2023	2024	2025	2023	2024	2025
Weapon	6	3	1	0	0	0	-	-	0
Drug	3	2	3	1	0	0	-	-	0
Liquor	1	2	3	0	0	0	-	-	0

Pasadena City College Main Campus Disciplinary Referrals 2023–2025

Disciplinary Referrals	On Campus			Public Property*			Non-Campus**		
Offense:	2023	2024	2025	2023	2024	2025	2023	2024	2025
Weapon	0	1	0	0	0	0	-	-	0
Drug	0	0	2	0	0	0	-	-	0
Liquor	0	0	0	0	0	0	-	-	0

Hate Crimes Main Campus

2023	2024	2025
(1) Intimidation: Anti-Asian	(1) Burglary: Anti-LGBTQ	(1) Vandalism: National Origin Bias
	(2) Vandalism: Anti-African American	(1) Vandalism: Racial, Religious and Sexual Orientation Bias
	(1) Vandalism: Anti-Jewish	(1) Intimidation: Racial and Sexual Orientation Bias
	(1) Vandalism: Anti-African American***	(1) Simple Assault: National Origin Bias***

*This occurred on public property within Clery geography and was handled by the Pasadena Police Department. Statistics were requested from the Pasadena Police Department.

Note: Crimes that occurred on Public Property in 2025 were handled by Campus Police.

** Non-campus location was added in 2025. Classes in that location began in February 2025. PCC does not have on-campus student housing.

*** This incident took place on public property.

The 2025 hate crime statistics reflect the type of established bias motivation rather than the specific demographics of the targeted group.

Crime Statistics Community Education Center (Foothill Campus) 2023–2025

Reportable Crime Category	On Campus			Public Property*		
Offense:	2023	2024	2025	2023	2024	2025
Murder/Non–Negligent Manslaughter	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0
Sex Offenses						
Rape	0	0	0	0	0	0
Fondling	0	0	0	0	0	0
Incest	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated Assault	0	0	4	0	0	0
Burglary	1	1	0	0	0	0
Motor Vehicle Theft	1	0	3	0	0	0
Arson	0	0	2	0	0	0
Violence Against Women Act Crimes						
Domestic Violence	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0
Stalking	0	0	0	0	0	0
Hazing***	-	-	0	-	-	0
Unfounded Crimes Total by Year	0	0	0	0	0	0
*This occurred on public property within Clery geography and was handled by the Pasadena Police Department. Statistics were requested from the Pasadena Police Department. PCC does not have on-campus student housing. ***Hazing statistics were collected beginning Jan 2025.						

Foothill Campus Special Category Arrests 2023–2025

Arrests	On Campus			Public Property*		
Offense:	2023	2024	2025	2023	2024	2025
Weapon	0	0	0	0	0	0
Drug	0	0	0	0	0	0
Liquor	0	0	0	0	0	0

Foothill Campus Disciplinary Referrals 2023–2025

Disciplinary Referrals	On Campus			Public Property*		
Offense:	2023	2024	2025	2023	2024	2025
Weapon	0	0	0	0	0	0
Drug	0	0	0	0	0	0
Liquor	0	0	0	0	0	0

Hate Crimes Foothill Campus

2023	2024	2025
0	0	(3)Intimidation: National Origin Bias

*This occurred on public property within Clery geography and was handled by the Pasadena Police Department. Statistics were requested from the Pasadena Police Department.

***Hazing statistics collected beginning Jan 2025

The 2025 hate crime statistics reflect the type of established bias motivation rather than the specific demographics of the targeted group.

Crime Statistics PCC Northwest (John Muir Campus) 2023–2025

Reportable Crime Category	On Campus			Public Property*		
Offense:	2023	2024	2025	2023	2024	2025
Murder/Non–Negligent Manslaughter	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0
Sex Offenses						
Rape	0	0	0	0	0	0
Fondling	0	0	1**	0	0	0
Incest	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Violence Against Women Act Crimes						
Domestic Violence	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0
Stalking	0	0	0	0	0	0
Hazing***	-	-	0	-	-	0
Unfounded Crimes Total by Year	0	0	0	0	0	0
*This occurred on public property within Clery geography and was handled by the Pasadena Police Department. Statistics were requested from the Pasadena Police Department. **This incident was handled by Pasadena Police Department. ***Hazing statistics were collected beginning Jan 2025. PCC does not have on-campus student housing.						

PCC Northwest Campus Special Category Arrests 2023–2025

Arrests	On Campus			Public Property*		
Offense:	2023	2024	2025	2023	2024	2025
Weapon	0	0	0	0	0	0
Drug	0	0	0	0	0	0
Liquor	0	0	0	0	0	0

PCC Northwest Campus Disciplinary Referrals 2023–2025

Disciplinary Referrals	On Campus			Public Property*		
Offense:	2023	2024	2025	2023	2024	2025
Weapon	0	0	0	0	0	0
Drug	0	0	0	0	0	0
Liquor	0	0	0	0	0	0

Hate Crimes PCC Northwest Campus

2023	2024	2025
0	(1) Vandalism: Anti-Jewish	0

*This occurred on public property within Clery geography and was handled by the Pasadena Police Department. Statistics were requested from the Pasadena Police Department.

End of Crime Statistics

End of Crime Statistics



6

Prevention and Awareness

Programs to Prevent Gender-Based Violence and Sexual Harassment

All students and employees at Pasadena City College deserve to feel safe and supported. PCC prohibits the crimes of sexual assault, domestic violence, dating violence, and stalking. PCC is committed to providing year-round, institution-wide education and awareness programs for the community to promote education, tools, and resources that recognize concerning or harmful behaviors and strategies for intervening or helping others get the support they need.

As part of these efforts, Pasadena City College provides prevention programs for all incoming students and new employees, as well as ongoing prevention and awareness events for the entire campus community. These programs are comprehensive, intentional, and integrated programs, initiatives, strategies, and campaigns intended to end sexual assault, domestic violence, dating violence, and stalking. We also consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels so that we can address actual issues that may influence how or if violence is occurring within our own community and how the programs can meet our collective needs. When designing these programs, Pasadena City College considers our own unique campus to ensure they are:

- Culturally relevant
- Inclusive of diverse communities and identities
- Sustainable
- Responsive to community needs; and
- Informed by research or assessed for value, effectiveness, or outcome

All of the programs reinforce that sexual assault, domestic violence, dating violence, and stalking are unacceptable and prohibited within our campus community. Many of these programs will:

- Address how we define these terms under Pasadena City College's policies.
- Address the definitions of dating violence, domestic violence, sexual assault, and stalking within our jurisdiction. Pasadena City College uses different definitions to define these crimes than the definitions within our jurisdiction. It's helpful to know the distinction in case you or a friend would ever choose to pursue the criminal justice process.
- Discuss safe and positive options for bystander

intervention. This is an important part of our prevention philosophy on our campus, so you can also find some of these strategies listed below.

- Share information on risk reduction and ways to promote healthy relationships and establish consent in sexual activity.
- Give you more information about our institution's disciplinary policies and processes, which are also included starting on page 82 within this ASR.

Primary prevention programs are those that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

Bystander intervention programs review safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of harm, including but not limited to incidents of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene. Awareness programs are programs that are community-wide (anyone can access) or audience-specific (targeted towards a certain segment of our community or students or employees specifically) that increase your knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

Risk reduction efforts are aimed at increasing awareness about safety, as well as proactive and intervention options that are available to individuals to help reduce the risk of harm playing out.

Programs for Employees and Students

Throughout the academic year, PCC hosts several events and workshops open to the campus community, hosted in partnership with campus partners, student clubs and organizations, and community partners. While these events are designed to address the themes and issues above, the modality and title of the events shift and evolve each year in response to the changing needs and feedback of the campus community.

Below is information on the programs we offered this past academic year – we hope we'll see you at our upcoming programs this year. For more information, to register for an upcoming event, or to request a presentation on a specific topic, visit the Title IX website or contact the Title IX Office at titleix@pasadena.edu or 626 585 7375.

Program Name / Description	Who it is for	Modality
Online Training for Incoming Employees reviewing how to recognize, respond to, and prevent sex-based harassment and sexual misconduct. Participants complete this online two-hour training every two years, as required by state law, which reviews state definitions, reporting options, and PCC policy.	All incoming employees and all supervisors every two years	Online
Orientation for Incoming staff includes information regarding PCC's policies pertaining to sex-based harassment, discrimination, and misconduct; supportive measures; reporting options; confidential resources; resolution processes; and employee reporting requirements.	All incoming staff	Virtual or In-person
Online Training for Incoming Students about recognizing and defining sex-based harassment, discrimination, and misconduct; bystander intervention; rights, resources, and reporting options; and campus and community resources.	All incoming students	In-person, hybrid, or fully asynchronous (online).
College 01, PCC's first-year seminar, is a 3-unit UC/CSU-transferrable course designed to help students transition to college and develop the academic and personal behaviors necessary to succeed in college. As a part of this course, students complete a module that reviews the protections and rights under Title IX; definitions of and warning signs associated with gender-based violence and sexual harassment; bystander intervention techniques to support someone in a risky situation; and how to access both campus and community resources, supports, and reporting options.	All incoming students	Online
Title IX Tabling in the Quad focused on spreading awareness to students about the various events throughout the semester aimed at engaging them in conversations about a range of topics related to gender-based violence, healthy relationships, consent, and more.	Students and employees	In-person

Online Orientation includes information about the Title IX office, prohibited conduct, reporting avenues, confidential resources and supports, supportive measures, as well as risk reduction and bystander intervention tips.	All incoming students	Online
JAM is an orientation to college and a requirement for students seeking to receive priority registration from the Pathways FYE program. Participating students watch a video made by PCC staff and students that reviews Title IX (what protections students have, what behaviors are prohibited, what options students have by way of reporting and/or supports) and engages them in small group discussion and/or reflection activities regarding bystander intervention options.	Incoming students	In-person, hybrid, or fully asynchronous (online).
Fall Safety Fair: Alcohol and Other Drug Health During our Health Fair, we invited on campus departments/ resources, outside community resources and City of Hope Blood Drive. For the students to receive a free lunch, students needed to visit and collect information from 9 booths. We provided free screenings, which included Blood Pressure, Weight, Blood Sugar and Body Composition, We had over 20 community resources that varied from Mental Health, Health, Sexual Assault/Domestic Violence, Health Insurance Enrollment, Sexual Health, Smoking Cessation, Drug Overdose Awareness, Suicide Prevention, and much more!	Students	In-person
Health Fair: Flu Shot Clinic CEC During this event, we invited on campus departments/resources, outside community resources and Student Health Services administered free flu shots with the help of PCC Nursing Students. Our community resources varied from Mental Health, Health, Sexual Assault/Domestic Violence, Health Insurance Enrollment, Sexual Health and Smoking Cessation.	Students	In-person
Spring into a New YOU: Health & Wellness Fair During this Health Fair, we invited on campus departments/ resources and outside community resources. For the students to receive a free lunch, students needed to visit and collect information from 9 different booths. We had over 20 community resources participate in our fair each day that varied from Mental Health, Health, Sexual Assault/Domestic Violence, Health Insurance Enrollment, Sexual Health, Smoking Cessation, Drug Overdose Awareness, Suicide Prevention, and much more.	Students	In-person
Denim Day Student Health Services Peer Health Educators tabled a booth sharing the “Denim Day” story, writing messages to survivors on Denim Jeans and providing Sexual Assault resources.	Students	In-person

Bystander Intervention

Pasadena City College encourages all members of the College community to participate in the process of creating a safe, welcoming, and respectful campus environment free from harassment, discrimination, and violence for all. Accordingly, PCC believes that everyone has a role to play in preventing, intervening, and helping to reduce the risk of interpersonal and sexual harm playing out. The College fully recognizes that only those who commit sexual or interpersonal offenses are responsible for their actions and that victim-blaming is never appropriate. The suggestions that follow are intended to help keep all members of the campus community play an active role in caring for oneself, caring for one another, and keeping our community safe.

When harm plays out, we know that there is almost always someone present, at some point, who is in a position to intervene. Yet, many individuals may face challenges with taking action and stepping up when they see something. Though we can't always remove some of these barriers; identifying them and working around them is critical to finding a way to act.

Some common barriers may include:

- Diffusion of responsibility – in group settings, we believe others will act and may not take personal responsibility
- Conformity – if others aren't acting, we may go along with established group norms that may accept the behaviors. Similarly, however, if others are taking action – others are more likely to step in.
- Ambiguity – it may not be clear whether there is a problem, or whether help is needed.
- Relationships – a common concern when intervening when a friend, family, or colleague is involved is potentially harming the relationship with that person.
- Power or Status – if there is an imbalance of power between the person potentially causing harm and experiencing harm (e.g., supervisor and employee), common concerns of taking action may include fears of retaliation and possible impact on opportunities or reputation.

In any situation, there are factors that influence if someone will provide help:

- Individual variables (of the potential bystander) such as knowledge/skills, confidence, and sense of social responsibility.

- Situational variables, such as severity of need, number of other bystander's present, bystanders present, and cost of helping.
- Victim variables, such as appearance of victim, friendship with victim, perceived deservedness, whether they accept help, etc.

Identifying Safe and Effective Intervention Options

Below are what's commonly referred to as the Five D's of Bystander Intervention options. Distinct approaches work for different people, in different circumstances. Sometimes, an effective intervention may involve a combination of the following intervention strategies.

To prevent harm from escalating, always prioritize safety by intervening early and enlisting the help of others, ensuring you never act in a way that risks yourself or anyone else involved.

- Direct – Approach the person of concern and ask if they are okay or if they need help, or directly address the person responsible for the concerning behaviors.
- Delegate – Ask a friend, family member, or someone in a position of authority to intervene directly and/or call for help.
- Distract – There are endless ways to create a distraction. Strike up a conversation about something random, suggest a change of venue, or anything else that safely interrupts the concerning situation and allows the individual(s) of concern to safely get away from the situation.
- Delay – Whether or not you act in the moment, you can still make a difference after an incident by checking in, asking how you can help, and/or offering resources to the person(s) involved.
- Document – If someone is already helping the person, and you are safe, record a video of the incident at a safe distance. Give the video of the recording to the victim and let them choose if and how they want to share it or use it. Documenting emails, texts, and other online platforms where harm may play out can also be helpful and should similarly be shared with the victim.

Tips to Promote Healthy Relationships & Establish Consent

Promote Healthy Relationships & Choices

- Look out for your friends and ask them to look out for you. Stay connected to you and your friend's surrounding environment without the distraction of headphones or looking at your phone. Stick with your friends throughout the night. Watch each other's beverages if you are drinking. Respect one another, but be willing to confront a high-risk situation.
- Designate a driver ahead of time. If you're using a ride-share app, travel home together with a friend. If you notice a friend is particularly intoxicated, go with them to make sure they get home safely.
- Take extra safety steps when dating online. Block users who make you feel uncomfortable. Do not share any personally identifying information. Consider video chatting before meeting in person. Keep the conversation on the app rather than moving to text. Arrange to meet at and stay in a public place. Arrange and have control over your transportation. Bring a friend or share with them what your plans are.
- Communicate clearly and as early as possible (ideally before engaging in intimate relationships or sexual activity) about physical boundaries, relationship goals, and sexual preferences. Ask your partner(s) to share their preferences with you and share yours with them.
- If you notice a friend is very intoxicated and/or being pressured to drink or use drugs, try to remove them from the situation, and get them food or water.
- If you notice a friend is pressuring someone to drink or use drugs, intervene and let that person know that they are past their limits.

Establish & Maintain Ongoing Consent

- Communicate clearly, early, and firmly as possible. Before and during sexual activity, communicate what you are and are not comfortable with. If you are uncertain if you are comfortable with certain sexual activity, you have the right to stop at any time.
- If you receive a "no," accept it and don't push for a yes. A forced or pressured yes is not consensual.
- Always ask for clear permission and consent, and

don't proceed without it. If you have questions or are unclear, you don't have consent. Don't make assumptions about consent, whether someone is attracted to you, how far you can go with that person, or if the individual is physically and mentally able to consent.

- If you and/or your partner may be under the influence of drugs or alcohol, even if you and/or your partner voluntarily consumed the drugs or alcohol, one or both of you may not be able to provide or receive consent. Alcohol and drugs impair judgment and decision-making skills.
- Stop and address mixed messages or mixed feelings. Don't assume, without talking about it, that you know what your partner(s) is comfortable with. Mixed messages are a clear indication to stop and talk about what you and/or your partner wants/doesn't want to happen. You or they may be undecided about how far to go, or one of you may have misread a previous signal.
- Silence or passivity is not an indication of consent. To avoid misreading intentions and to clearly convey your consent and interest, pay attention to, ask for, and utilize both verbal and non-verbal signals to convey and receive consent.
- Fear or intimidation can potentially be caused by sex, physical size, or a position of power or authority. Differences in power, intimidation, and verbal or physical coercion can create conditions that are not consensual.
- Consent is clear, ongoing, and specific. Consent to one type of sexual behavior does not automatically grant consent to other types of sexual behaviors. If you or your partner are unsure, stop, ask, and discuss with your partner one another's boundaries and preferences.
- Everyone has the right to stop or withdraw consent, at any time – before or during sexual activity. If you or your partner indicates a need to stop, that should be respected immediately.
- Previous consent to sexual activity is not ongoing consent. Being in a relationship also doesn't mean you or your partner consent every time you or they initiate going forward. It's necessary to keep talking about sexual boundaries, asking for permission, and checking in during sex.

Security Tips

Notice that our definition of risk reduction includes giving bystanders tools to overcome barriers that might lead them not to intervene, so all the tips provided above are not just bystander intervention but can also be considered risk reduction. It is up to us as a community to look out for one another and create the safe environment all our students and employees deserve.

Below are suggestions of options to consider while on campus:

- Be aware of what is going on around you at all times. If possible, don't wear headphones or be distracted by texting or talking on the phone.
- Walk on well-traveled and well-populated routes when moving around campus. At night, take routes that you are familiar with, and when possible, bring a friend. Campus Police provide safety escorts to students and staff if requested. You can contact Campus Police at (626) 585-7484.

While off campus:

- If you have a car, park in a safe, well-lit location and remember always to lock your vehicle.
- If you are uncomfortable with a situation or people involved, trust your instincts and take action or get help to increase your sense of safety and empowerment.
- Not engaging intimately with someone who may have over-consumed alcohol or drugs. If you or your friends are attending social events or parties.
- More than 90% of sexual assaults that occur among college students involve people who know each other, and the majority involve the use of alcohol or other drugs.
- Drinking and drug use can impair judgment. Trust your instincts. If you feel uncomfortable or unsafe about a person or situation, trust your gut and feel empowered to remove yourself from the situation.
- If you drink, drink responsibly: Consider eating a full meal before going out, have a glass of water between each drink, know your limits, and don't go beyond them.
- Have a designated driver, and don't let anyone else decide how much you will drink.
- Only drink something that you have poured yourself or that comes in a pre-sealed container. Premixed drinks can have more alcohol in them than you might want to drink. Also, drugs like Rohypnol and GHB are being dissolved in drinks, causing the person

who consumes the beverage to lose consciousness quickly. Don't drink something that has been left unattended.

- Do not go to places with anyone you don't know well. If you do leave a party with a new friend, tell the friends you came with where you are going and when you are coming back.
- When on a date, letting someone you trust know who you are with and where you are going, and when you expect to get home. Make sure your date understands the rules of verbal and sober consent and that you have that consent before engaging in any sexual behavior.
- Having a designated driver. If you are the designated driver for the evening, stay sober and be responsible for your less-than-sober friends.
- Getting involved if you believe that someone is at risk. If you see someone in trouble or someone pressuring another person, don't be afraid to intervene.
- Clearly communicate your intentions to the other person and give them a chance to clearly communicate their intentions to you.
- Listen carefully. Take time to hear what the other person has to say. If you feel you are receiving unclear or conflicting messages from the other person, you should stop, defuse any sexual tension, and communicate clearly.
- Do not assume that you have consent to sexual activity just because someone leaves or goes to a private location with you.
- Understand and respect personal boundaries and do not make assumptions about consent. Do not pressure a potential partner.
- Consider that your potential partner could be intimidated by you or be fearful. You may have a power advantage simply because of your gender, status, or size.
- Understand that consent to one form of sexual activity does not constitute consent for any other sexual activity.
- Silence and passivity cannot be interpreted as an indication of consent. Read the other person carefully, paying attention to verbal and non-verbal communication and body language. If it is not clear by the other person's words and/or actions that they are a willing participant in that specific activity, then stop and have a conversation.



7

Response to Sexual Assault, Dating
Violence, Domestic Violence, Stalking
and Sexual Harassment

Pasadena City College is committed to providing a learning and working environment free from harassment discrimination on the basis of sex. Title IX is a Federal Civil Rights law intended to end sex discrimination in all areas of education. This law applies to educational institutions which receive funds from the federal government, including Pasadena City College. This law outlines definitions and procedural requirements which PCC must follow with regards to policy and adjudication of sexual harassment cases.

Contact Information for the Title IX office:
titleix@pasadena.edu
C-221 • (626) 585-7375

Procedures to Follow if a Crime of Sexual Assault, Domestic Violence, Dating Violence, or Stalking has Occurred

Best Practices for Evidence Preservation

General information about best practices for preserving evidence, which may pertain to any form of misconduct, discrimination, or harassment, is included below.

- Get to a safe place as soon as you can. Call 911 if you are in immediate danger or if you have sustained serious injuries.
- Record the names of any witnesses and their contact information. This information may be helpful as proof of a crime, to obtain an order of protection, or to offer proof of a campus policy violation.
- Try to recall details (e.g., physical description, names, license plate number, car description, things you could hear/see/smell/feel, etc.) and write as much down as you remember about the circumstances of the incident.
- Make efforts to save relevant communications, such as text messages, voicemail, and other phone records, emails, photos or videos, social media interactions, or other records.
 - To avoid losing this data if your device becomes damaged or replaced, it's beneficial to save copies of these communications to a secure drive or the cloud, or even print them out and file the hard copies away in a safe place.

- If you obtain external orders of protection (e.g., personal protection orders, injunctions, protection from abuse), please notify Campus Police Services (and local law enforcement if it happened off-campus) and the Title IX Coordinator so that those orders can be observed on campus. The Title IX Coordinator may provide interim and supportive measures such as a no-contact directive.

Evidence Preservation Tips Based on Type of Incident

Tips for evidence preservation related to incidents of sexual assault, domestic violence, dating violence, and stalking follow. Consult with a medical, legal, or victim services professional for more information about best practices.

Sexual Assault / Rape

Preserving any available evidence after an attempted, completed, or suspected sexual assault allows you to leave open the option for criminal prosecution in the future without the obligation to take that step. Because some kinds of evidence may only be collected within a short time period after an assault, delaying action to preserve evidence immediately reduces the chances for a successful criminal prosecution in the future. The optimal time window for the collection of evidence is less than 72 hours, but it can be done up to 120 hours after the assault in the state of California. Even if the incident occurred more than 120 hours prior, victims are still encouraged to seek medical assistance and consult with a Sexual Assault Response Team (SART) medical professional. Some things to keep in mind are:

- To preserve evidence in the case of sexual assault, it is recommended that you do not shower or bathe, wash your hands, use the toilet, douche, eat, drink, smoke, brush your teeth, change clothing, or wash clothing or bedding before a medical exam. Even if you have already taken any of these actions, you are still encouraged to have prompt medical care.
- Seek Medical Assistance — even if you have no apparent or obvious injuries after the assault, it is still recommended that you seek medical care to assess for injuries and treat any possible underlying injuries and offer preventative resources against unwanted pregnancy and sexually transmitted diseases/infections. Victims/survivors have a couple of different confidential options when looking to obtain medical treatment, including urgent care, any hospital, or care at a Sexual Assault Response Team Center. If you wish to seek medical treatment at the hospital, the medical providers will, with your permission, collect physical evidence to be used if you decide to prosecute through what's called a

forensic examination.

- **Evidence Collection** — Typically, if police are involved or will be involved, they will obtain evidence from the scene. It is best to leave things undisturbed until their arrival. Police may gather bedding, linens, or unlaundered clothing, and any other pertinent articles that may be used for evidence. It is best to allow police to secure items in evidence containers, but if you are involved in the transmission of items of evidence, such as to the hospital, or if you aren't sure whether or not you'd like to report to police at that time, secure them in a clean paper bag or clean sheet to avoid contamination. Plastic bags or containers are not recommended, and items should be stored at room temperature so that they will not damage evidence.
- **Forensic Examination** — If, while receiving medical treatment, you provide consent for physical evidence to be collected, the process of doing so is often referred to as a forensic medical exam or "rape kit." This cannot be done at Student Health Services but must be done at an emergency room or hospital by a Sexual Assault Nurse Examiner (known as "SANE Nurse" for short). Depending on the types of sexual contact/activity that occurred, the search for physical evidence may include taking samples from the vagina, mouth, or rectum to test for sperm cells and semen. If you think you were drugged or consumed a sedative-like substance, ask the medical provider to take a urine sample. Other evidence may be obtained from fingernail scrapings, foreign matter on your body, and the clothes you were wearing at the time of the assault. All exam findings are completely confidential and can only be released with your written consent. If you have visible injuries, you may be asked to have photographs taken. Photographing injuries is important because by the time your assailant is prosecuted, the injuries may have healed.

Things to note about the forensic examination:

- The exam can be done up to five days (120 hours) post assault. (After five days, victims are encouraged to still consult with a SART professional).
- This is true even if you have showered or done any of the other things listed above.
- There is no cost for a forensic examination, and no bill should be generated.

- If physical injuries are present, they can not only be treated, but also photographed with a date stamp on the photo. SANE Nurses have special equipment to photograph injuries.

NOTE — Going to the hospital or having a forensic medical exam does not mean that you have to make a report to the police — you get to decide whether you'd like to make a statement to law enforcement. At the time you may not know whether you'd ever want to pursue a criminal investigation, and that's completely okay. Evidence can be collected, and you can decide later if you wish to press criminal charges.

Similarly, you can provide a statement and inform the police that you do not wish to participate at that time. Providing a statement to law enforcement as soon after the incident as possible allows you to document your experience while everything is still fresh. This form of evidence preservation can be helpful in case you decide to pursue a criminal investigation now or years later when it may be more challenging to remember all the details.

Dating Violence and Domestic Violence

- In the case of dating and/or domestic violence, the resource you choose to report the incident/crime to (a doctor, the police, the College, an advocate, etc.) may recommend ways to preserve evidence, such as logging incidents, seeking medical care, etc.
- If physical injuries are present, photograph or have them photographed.
- Things to consider —
 - Include a date stamp on each photo.
 - Be sure to take photographs at various time points after the incident to capture the healing process.
 - For example, it may take a few days for bruising or other signs of injury to appear, so if photographs are only taken immediately after a physical incident occurs, important details/evidence of the injuries may not be captured.
- Take photographs from various angles to document the full scope of the injuries.

Stalking

Stalking is demonstrated through a pattern of unwanted contact or conduct which may occur in-person, digitally, through a third party, or by some combination of these methods.

- Recording information about the stalking behavior you may be experiencing will help to document the

behavior for college resolution processes, protection order applications, divorce and child custody cases, or criminal prosecution should you wish to hold the individual engaging in the behavior accountable. It can also help preserve your memory of individual incidents about which you might later report or testify.

- A stalking log can be used to record and document all stalking-related behavior, including harassing phone calls, text messages, letters, email messages, acts of vandalism, and threats communicated through third parties. It's important to capture the following information in as much detail as possible in this log: date, time, description of incident, location of incident, for example: physical location, technology used, online platform, witness names, and contact information, evidence, photos, video, screenshots, call logs, gifts, etc., and details regarding a corresponding report filed (e.g. name of office or organization, report #, contact person).
- When reporting the incidents to law enforcement, always write down the officer's name and badge number for your own records. Even if the officers do not make an arrest, you can ask them to make a written report and request a copy for your records.
- In addition to logging unwanted contact, an advocate or police officer may recommend you save and photograph unwanted text messages, emails, letters, and gifts and store them in a secure location.

If you believe you have experienced dating violence, domestic violence, sexual assault, or stalking, you are encouraged to file a report with Campus Security or the Title IX Office. Any person may file a report, regardless of the amount of time that has passed since the alleged misconduct or where the incident occurred. The most important thing you can do is to get the assistance that you need by taking the following steps. Individuals who report to the College will receive the following options, resources, rights, and support in writing and information about how to request accommodations related to academics, housing, transportation, workplace, or other supportive or protective measures.

Important Things To Remember

- Get to a safe place as soon as you can. Call 911 if you are in immediate danger or if you have sustained serious injuries.
- Preserve evidence in cases of sexual violence, intimate partner violence, or stalking. It is important to preserve evidence that may assist law enforcement personnel. If possible, place each item of clothing you were wearing at the time of the assault in a separate paper bag, and do not shower, bathe, douche, wash, or clean any part of your body, including brushing your teeth, until you have had a forensic medical exam. If possible, do not clean the area or move anything around where the assault has occurred in case law enforcement and detectives need access to the area.
- Seek emergency medical treatment. Even if you have no apparent/obvious injuries, it is still recommended that you seek medical care to assess for possible underlying injuries and access preventative health services. For example, following a sexual assault, medication is available to prevent unwanted pregnancy and sexually transmitted diseases/infections. Specialized medical care for sexual assaults can be accessed at a hospital or a Sexual Assault Response Team Center. With your permission, the SART medical providers can collect physical evidence to be used if you decide to prosecute through what's called a forensic examination.
- Access confidential campus and/or community services.
 - Access campus counseling at **Personal Counseling** (626) 585-7273
 - Contact the **Rape Abuse and Incest National Network—RAINN** (800) 656-4673 (24/7) for support and referrals to the nearest domestic or sexual violence support agency near you.
 - **Peace Over Violence**
213-626-3393 (Los Angeles)
310-392-8381 (South Los Angeles Area)
626-793-3385 (San Gabriel Valley)
 - **National Deaf Domestic Violence Hotline (24/7 Confidential)**
Video phone (only for Deaf callers):
1-855-812-1001
Email: nationaldeafhotline@adwas.org
 - **Los Angeles County Domestic Violence Hotline (24/7 Confidential)**
1-800-978-3600
 - **This SART center provides 24/7 emergency sexual assault services and is the nearest center to the PCC main campus.**
 - **San Gabriel Valley Medical Center**
438 W. Las Tunas Dr. San Gabriel, CA 91776
(877) 209-3049 (24/7/365)
- Access campus support. The Title IX office can work with survivors to put in place supportive measures. Supportive Measures may include, but are not limited to, counseling, academic, residential, transportation,

and/or employment accommodations, as well as restrictions on contact between the Complaint and Respondent. A formal Title IX complaint is not required to access supportive measures.

Rights and Options For Filing A Report

The College strongly encourages all individuals to seek assistance from a medical provider and/or law enforcement immediately after an incident of sexual violence, dating violence, domestic violence, or stalking. This is the best option to ensure the preservation of evidence that may assist in proving that the alleged criminal offense occurred and may be helpful in obtaining a protection order.

The College also strongly encourages all individuals to make a report to the College and to Campus Police, although neither is required. These reporting options are not mutually exclusive. Both internal and criminal reports may be made simultaneously. The College has a strong interest in supporting survivors of sexual harassment, sexual violence, stalking, and intimate partner violence, and strongly encourages all individuals or third-party witnesses to report any incident to the College. Making a report means telling a Responsible Employee what happened in person, by telephone, in writing, or by email. At the time a report is made, a Complainant does not have to request any particular course of action, nor does a Complainant need to know how to label what happened. Choosing to make a report and deciding how to proceed after making the report can be a process that unfolds over time. The College provides support that can assist each individual in making these important decisions and will respect an individual's autonomy in deciding how to proceed to the extent legally possible. In this process, the College will balance the individual's interest with its obligation to provide a safe and nondiscriminatory environment for all members of the College community.

Any person may report sexual misconduct, intimate partner violence, and stalking (whether or not the person reporting is the person alleged to be the victim of conduct that could be prohibited), at any time, to Campus Police in-person, by mail, by telephone, or by electronic mail, or by using the contact information listed above for the Title IX Coordinator or Deputy Title IX Coordinator, or by any other means that results in the Campus Police or Title IX Coordinator receiving the person's verbal or written report.

File an Anonymous Report

Any individual may make an anonymous report concerning an act of prohibited conduct. An individual may report the incident without disclosing their name, identifying the Respondent, or requesting any action. Depending on the extent of information available about the incident or the individuals involved, the College's ability to

respond to an anonymous report may be limited. An online reporting form can be accessed on the College website at https://cm.maxient.com/reportingform.php?PasadenaCityCollege&layout_id=6). Once the report is received, a determination will be made regarding the appropriate steps, including individual or community remedies and consultation with the Clery Team, as appropriate.

File a Title IX Complaint with the Title IX Office

Filing a Title IX complaint can help stop the behavior, prevent its reoccurrence, and address the behavior through the College's administrative proceedings. Individuals found to be responsible for violating PCC policy, following an investigation and hearing, will be subject to disciplinary action by the College.

Kari Bolen, Ed.D.

Associate Vice President, Institutional Equity, Diversity, and Justice Chief Diversity, Equity, and Inclusion Officer

Title IX Coordinator

(626) 585-7375 | titleix@pasadena.edu | C-221 Attn: Title IX Coordinator, Pasadena City College 1570 E. Colorado Blvd., Pasadena, CA 91106

Online report form: https://cm.maxient.com/reportingform.php?PasadenaCityCollege&layout_id=6

Complainants have the right to notify or decline to notify law enforcement. The College strongly encourages all individuals to seek assistance from law enforcement immediately after an incident of sexual misconduct, intimate partner violence, or any other Prohibited Conduct. This is the best option to ensure the preservation of evidence and to begin a timely investigative and remedial response. Police have unique legal authority, including the power to seek and execute search warrants, collect forensic evidence, make arrests, and assist in seeking emergency protective orders. The College will assist any PCC community member in reaching a safe location and provide transportation to the hospital, coordinate with law enforcement, and offer information about on- and off-campus resources and options for resolution. The above-listed options and resources will be provided to the Complainant in writing. In the event of an emergency, Dial 911 or:

- Campus Police Department (626) 585-7484
- Pasadena Police Department (626) 744-4501
- Los Angeles Sheriff's Department (Temple City Station) (626) 285-7171

Other Reporting Considerations

Timeliness and Location of Incident

Complainants and third-party witnesses are encouraged to report Prohibited Conduct as soon as possible to maximize the College's ability to respond promptly and effectively. The College does not, however, limit the time frame for reporting. If the Respondent is not a member of the PCC community, the College will still seek to meet its Title IX obligation by taking steps to end the prohibited conduct, prevent its recurrence, and address its effects, but its ability to take disciplinary action against the Respondent will, of course, be limited. An incident does not have to occur on campus to be reported to the College. Off-campus conduct that is likely to have a substantial effect on the Complainant's on-campus life and activities or poses a threat or danger to members of the PCC community may also be addressed under this Policy.

Amnesty for Alcohol or Other Drug Use or Other Conduct

Violations by Students The College strongly encourages the reporting of Prohibited Conduct. It is in the best interest of this community that as many Complainants as possible choose to report to college officials and that participants in the grievance process are forthright in sharing information. To guard against discouraging reporting or participation, a student who reports Prohibited Conduct or participates in the grievance process, either as a Complainant, Respondent, or a third-party witness, will not be subject to disciplinary action by the College for personal consumption of alcohol or drugs or other violations of the conduct policy (not including the Sexual Misconduct Policy) at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk and do not involve plagiarism, cheating, or academic dishonesty. The College may, however, initiate an educational discussion or pursue other educational remedies with the student regarding alcohol or other drugs. Being intoxicated by drugs or alcohol is no defense to any violation of the Policy and does not diminish one's responsibility to obtain consent.

Coordination with Law Enforcement

The College encourages Complainants to pursue criminal action for incidents of sexual assault, sexual violence, intimate partner violence, and stalking that may also be crimes under California law. The College will assist, to the extent permitted by law, the Complainant in making a criminal report. The College will also cooperate with law enforcement agencies during the criminal process. The College's policies, definitions, and burden of proof may differ from California criminal law. A Complainant may file a claim under a College policy and/or pursue criminal action.

Neither law enforcement's determination to prosecute a Respondent nor the outcome of any criminal prosecution is determinative of whether a violation of a College policy has occurred. Proceedings under a College policy may be carried out prior to, simultaneously with, or following a civil or criminal proceeding. The College may not delay conducting its own investigation unless specifically requested by law enforcement. In the event of such a specific request, the College shall defer its investigation only during the time that law enforcement is gathering evidence, which should not exceed ten (10) days absent extenuating circumstances. The College will nevertheless communicate with the Complainant and Respondent (if appropriate) regarding their rights, procedural options, and the implementation of supportive measures to ensure safety and well-being. The College will promptly resume fact-gathering as soon as it is informed that law enforcement has completed its initial investigation.

Enforcement of Protective Orders

Enforcement of court-issued protection orders is critical to ensuring safety for students experiencing dating violence and sexual violence. Institutions have a duty to take any and all steps necessary to enforce a protection order held by a student.

Under PCC Policy AP 3540, PCC's obligation concerning a protection order arises when it receives notice that one of its students or employees holds such an order. The College may receive a copy of a protection order directly or be notified by a community organization from which the student or employee has been receiving services. Regardless of how or when the College receives notice of a protection order, the obligation to aid in enforcement attaches upon such notice.

When an employee is notified that a student or employee holds a protection order, a designated employee can work with the protected student to develop a plan for enforcement of the protection order on the school campus.

Upon receiving notice that a student or employee holds a protection order, the Campus Police shall immediately schedule a meeting with the protected individual to create a plan for enforcement of the protection order on the school campus. The Campus Police shall work with the protected person to create an enforcement plan regardless of whether the restrained individual is a student. In addition, the Campus Police shall provide the protected individual with information about reporting violations of the protection order, assist them with reporting any violations, and provide them with a list of campus and community resources.

If the restrained individual is a student, the College shall make any necessary changes to the restrained student's enrollment, participation, or environment to comply with

the protection order and ensure the protected student's safety. In addition, the Campus Police shall work with the protected student and the College to make any changes to the protected student's enrollment, participation, or environment to which they consent, and which are necessary to ensure their safety.

Changes to the restrained student's enrollment, participation, or environment that are made pursuant to a valid protection order do not require a written complaint or grievance by the student. The restrained student may file a grievance using the procedures set forth in this policy to challenge any changes made to their school enrollment, participation, or environment to enforce a protection order.

PCC seeks to empower and support students to end abusive relationships. Because of this, the College encourages protected students to change their schedule or enrollment in response to a protection order. Absent such a request, however, PCC shall only change the protected student's schedule or enrollment if absolutely necessary to protect the student's safety.

If the restrained individual is an employee, the College shall make any necessary changes to the restrained student's enrollment, participation, or environment to comply with the protection order and ensure the protected student's safety. In addition, the Campus Police shall work with the protected student and the College to make any changes to the protected student's enrollment, participation, or environment to which they consent and which are necessary to ensure their safety.

Changes to the restrained employee's employment, participation, or environment that are made pursuant to a valid protection order do not require a written complaint or grievance by the employee. The restrained employee may file a grievance using the procedures set forth in this policy to challenge any changes made to their employment, participation, or environment to enforce a protection order.



AP 3433: Prohibition of Sexual Harassment Under Title IX

Introduction

Pasadena City College (“the District”) is committed to providing an academic and work environment free of unlawful sexual harassment under Title IX. This procedure defines sexual harassment.

This procedure and the related policy protects students, employees, applicants for admission or employment, and other individuals participating or attempting to participate in the District’s education program or activity.

Definitions

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

- **Quid pro quo harassment.** A District employee conditions the provision of an aid, benefit, or service of the District on an individual’s participation in unwelcome sexual conduct;
- **Hostile environment 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; or
- **Sexual assault.** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent or unlawful sexual intercourse. Sexual assault includes sexual exploitation and the following:
 - **Rape.** Sexual intercourse between two people, and may include oral or anal intercourse, without the consent of the victim.
 - **Statutory Rape.** Sexual intercourse with a person who is under the statutory age of consent.
 - **Sexual Assault with an Object.** To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim.
 - **Sexual Contact/Fondling.** The intentional touching of the clothed or unclothed body parts without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation or the forced touching by the victim of the actor’s clothed or unclothed body parts, without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation.
 - **Incest.** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Dating violence.** Violence against a person who is or has been in a social relationship of a romantic or intimate nature with the victim, and where the existence of a relationship will be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- **Domestic Violence.** Violence committed:
 - By a current or former spouse or intimate partner of the victim;
 - By a person with whom the victim shares a child in common;
 - By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 - By a person similarly situated to a spouse of the victim under the domestic or family violence laws of California; or
 - By any other person against an adult or youth victim protected from that person’s acts under the domestic or family violence laws of California.
- **Stalking.** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

AP 3434: Responding to Sex Based Harassment Under Title IX

Introduction

Pasadena City College (“the District”) encourages members of the District community to report sexual harassment. This procedure and the related policy protects students, employees, applicants for employment, and applicants for admission. This procedure only applies to conduct defined as sexual harassment under Title IX and applicable federal regulations and that meets Title IX jurisdictional requirements. The District will respond to sexual harassment 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 Title IX Coordinator whose contact information is below.

The District’s Title IX Coordinator is Dr. Kari Bolen and her contact information is:

Dr. Kari Bolen

1570 E. Colorado Blvd, D Building #108A

Phone number: 626-585-7375

Email: titleix@pasadena.edu

The Title IX Coordinator is required to respond to reports of sexual harassment. 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.

Jurisdictional Requirements – Application of Procedures

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

- The conduct meets the definition of Title IX sexual harassment;
- 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 student organizations officially recognized by the District own or control; and
- The conduct took place in the United States.

Reporting Options

Any individual may report sexual harassment to the District’s Title IX Coordinator and can be submitted online at <https://pasadena.edu/institutional-equity-diversity-and-justice/title-ix/complaint-process.php>.

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.

Because individuals may be deterred from reporting incidents of sexual harassment if alcohol, drugs, or other violations of District or campus rules were involved, the District will inform individuals that the primary concern is for student and employee safety and that use of alcohol or drugs never makes a Complainant at fault for sexual harassment. An individual who participates as a Complainant or witness 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 dishonesty.

Individuals have the opportunity to decide whether they want to pursue a Title IX Formal 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 Formal Complaint being filed by a Complainant or the Title IX Coordinator will begin the investigation process.

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 a 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.)

Obligations of Employees

District employees who are Responsible Employees are not confidential resources and are required to report allegations of sexual harassment to the District's Title IX Coordinator promptly. All other employees are encouraged to report allegations to the Title IX Coordinator but are not required to do so. An employee who has a confidential relationship with a student or students by law is exempt from having to report sexual harassment concerns to the Title IX Coordinator or other designated employee, unless otherwise required by law.

Responsible employees are required to report all relevant information they know about sex-based harassment including the name of the Respondent, the Complainant, any other Witnesses, and the date, time, and location of the alleged incident.

The District has designated the following employees as Responsible Employees:

- Title IX coordinator or other coordinator designated to comply with and carry out the District's responsibilities regarding anti-harassment;
- Administrators, Supervisors or managers;
- Student life directors, coordinators, or deans;
- Athletic directors, coordinators, trainers, or deans;
- Coaches of any student athletic or academic team or activity;
- Faculty and associate faculty, teachers, instructors, or lecturers;
- Graduate student instructors, laboratory directors, coordinators, or principal investigators, internship or externship directors or coordinators; and
- Study abroad program directors or coordinators

Confidential Resource Options at the District

Students, faculty, and staff may wish to seek confidential assistance in dealing with an incident of sexual harassment. The District has identified specific employees who will maintain confidentiality under the professional license or professional ethics necessary for their employed role at the District. Please see the District's Title IX webpage for a list of District employees who may keep information regarding an incident of sexual harassment confidential by visiting <https://pasadena.edu/institutional-equity-diversity-and-justice/title-ix/confidential-campus-support.php>. The list includes the following individuals:

For Students:

- Mental Health & Wellness Services (626) 585-7273 or <https://pasadena.edu/campus-life/mental-health-and-wellness-services/index.php>.
- Student Health Services D-105, (626) 585-7244 or <https://pasadena.edu/campus-life/student-health-services/index.php>

For Employees:

- Employee Assistance Programs (SISC Anthem) (800) 999-7222 or www.anthemear.com, company code: SISC.
- Guidance Resources (855) 891-3684 or www.GuidanceResources.com, registration code: LifeKeys.

For all District community members:

- Ana Bernal, Pride Specialist (626) 585-3295 or abernal1@pasadena.edu

In most cases, Confidential Resources at the District will not share the substance of any such communications or that such communications occurred without consent. Individuals who wish to talk confidentially about issues related to sexual harassment, with the understanding that the District will not take any action based on such confidential communications, are encouraged to contact one of these Confidential Resources.

Confidential Resources may, however, have an obligation to disclose otherwise-privileged information where they perceive an immediate or serious threat to a person or property. This is a limited exception to the privileged nature of communications with Confidential Resources. Reports or records maintained by the District (including Counseling Service records), and other confidential, non-privileged records may, however, be subject to a subpoena if civil or criminal charges are filed in court.

In accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, Confidential Resources will not report Clery crimes they learn about through confidential communications for purposes of the District's compilation of campus crime statistics. In addition, when appropriate and legally permissible, the District shall conduct record-keeping on reports of dating violence, domestic violence, stalking and sexual assault, such as that collected for legally required disclosures, that excludes personally-identifiable information of any Complainants.

Under California law, any health practitioner employed in a health facility, clinic, physician's office, or local or state public health department or clinic is required to make a report to local law enforcement if they provide medical services for a physical condition to a person who they know or reasonably suspects is suffering from: (1) a wound or physical injury inflicted by a firearm; or (2) any wound or other physical injury where the injury is the result of assaultive or abusive conduct (including sexual assault, dating violence, and domestic violence). This requirement does not apply to sexual assault and domestic violence counselors and advocates.

Definitions

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 the District's choice, free of charge. 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.

Parties have the right to consult with an attorney, at his/her/their own expense, at any stage of the grievance process if they wish to do so. An attorney may serve as an Advisor.

Business Day: Business day means a day the District office is open. Business days do not include Saturdays, Sundays, or days on which the District office is closed.

Complainant: A Complainant is an individual who alleges they have experienced conduct that could constitute sexual harassment.

Consent: Consent means 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 they have 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 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: The person who will oversee the live hearing and make a determination of responsibility. The Decision-Maker cannot be the Title IX Coordinator or the Investigator. The District may have one Decision-Maker determine whether the Respondent is responsible for discrimination violation of the District's Title IX policies and procedures and another Decision-Maker determine the appropriate level of disciplinary sanctions for the conduct, or may have one Decision-Maker determine both responsibility and sanctioning. Cases of retaliation may be decided by a hearing, if including other allegations of Title IX sexual harassment, or according to other District procedures.

Disciplinary Sanctions: Consequences imposed on a Respondent following a determination under the District's Title IX policies and procedures that the Respondent violated the District's prohibition on sexual harassment.

Formal Complaint: A 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, they will not become a Party to the complaint.

Parties: As used in this procedure, this means the Complainant(s) and Respondent(s).

Relevant: Related to the allegations of sexual harassment under investigation as part of these grievance procedures. 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. Questions are relevant when the question seeks evidence that may aid in showing whether the alleged sexual harassment occurred.

Remedies: Measures provided, as appropriate, to a Complainant or any other person the District identifies as having had their equal access to the District's education program or activity limited or denied by sexual harassment. These measures are provided to restore or preserve that person's access to the District's education program or activity after the District determines that sexual harassment occurred.

Reporting Party: An individual who reports misconduct. This may include but is not limited to an Employee Official with Authority, a Complainant, or any other witness.

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

Retaliation: Intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by this procedure, or because the individual has reported information, made a Formal Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this procedure.

Sexual Harassment under Title IX: Conduct on the basis of sex that satisfies one or more of the following:

- **Quid pro quo harassment.** A District employee conditions the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;
- **Hostile environment 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; or

- **Sexual assault.** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent or unlawful sexual intercourse. Sexual assault includes sexual exploitation and the following:
 - **Rape.** Sexual intercourse between two people, and may include oral or anal intercourse, without the consent of the victim.
 - **Statutory Rape.** Sexual intercourse with a person who is under the statutory age of consent.
 - **Sexual Assault with an Object.** To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim.
 - **Sexual Contact/Fondling.** The intentional touching of the clothed or unclothed body parts without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation or the forced touching by the victim of the actor's clothed or unclothed body parts, without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation.
 - **Incest.** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Dating violence.** Violence against a person who is or has been in a social relationship of a romantic or intimate nature with the victim, and where the existence of a relationship will be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- **Domestic Violence.** Violence committed:
 - By a current or former spouse or intimate partner of the victim;
 - By a person with whom the victim shares a child in common;
 - By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 - By a person similarly situated to a spouse of the victim under the domestic or family violence laws of California; or
 - By any other person against an adult or youth victim protected from that person's acts under the domestic or family violence laws of California.
- **Stalking.** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

Supportive Measures: Supportive measures are non-disciplinary, non-punitive individualized services offered free of charge to the Complainant and the Respondent regardless of whether a Formal Complaint has been filed.

Response to Reports of Sexual Harassment

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.

Receipt of Report

After receiving a report of sexual harassment, the Title IX Coordinator or designee will contact the Complainant and reporting Party to explain rights under this policy and procedure and invite the Complainant to an in-person meeting. The Title IX Coordinator or designee will discuss supportive measures with the Parties.

Complainant Requests for Confidentiality

If a Complainant requests confidentiality when reporting sexual harassment, which could preclude a meaningful investigation or potential discipline of the Respondent, if found responsible, or that no investigation or disciplinary action be pursued to address alleged sexual harassment, the District shall take the request seriously, while at the same time

considering its responsibility to provide a safe and nondiscriminatory environment for all campus community members, including for the Complainant. The District shall normally grant the request when possible. In determining whether to disclose a Complainant's identity or proceed to an investigation over the objection of the Complainant, the District may consider whether any of the following apply:

- There are multiple or prior reports of sexual misconduct against the Respondent;
- The Respondent reportedly used a weapon, physical restraints, or engaged in battery;
- The Respondent is a faculty or staff member with oversight of students;
- There is a power imbalance between the Complainant and Respondent;
- The Complainant believes that the Complainant will be less safe if the Complainant's name is disclosed or an investigation is conducted; and
- The District is able to conduct a thorough investigation and obtain relevant evidence in the absence of the Complainant's cooperation.

If the District determines that it can honor the Complainant's request for confidentiality, it shall still take reasonable steps to respond to the Formal Complaint, consistent with the request, to limit the effects of the alleged sexual harassment and prevent its recurrence without initiating an investigation or revealing the identity of the Complainant. The District shall also take immediate steps to provide for the safety of the Complainant while keeping the Complainant's identity confidential as appropriate. The District shall notify the Complainant that the request for confidentiality will limit the steps the District will take to respond to the report of sexual harassment.

If the District determines that it must disclose the Complainant's identity to the Respondent or proceed with a Formal Complaint, it shall inform the Complainant prior to making this disclosure or initiating the investigation. The District shall also take immediate steps to provide for the safety of the Complainant where appropriate. In the event the Complainant requests that the District inform the Respondent that the Complainant asked the District not to investigate or seek discipline, the District shall honor this request.

Implementation of Supportive Measures

The District will offer and coordinate supportive measures as appropriate for the Complainant and Respondent to restore or preserve that person's access to the District's education program or activity without unreasonably burdening the other Party, including measures designed to protect the safety of all Parties or the District's educational environment, or deter sexual harassment.

The Title IX Coordinator or designee is responsible for coordinating the effective implementation of supportive measures. The Title IX Coordinator should record and retain records regarding requests and provision of supportive measures in accordance with the requirements set out in this procedure. A Party may request supportive measures from the Title IX Coordinator.

Supportive measures may include but are not limited to: counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more Parties; leaves of absence; changes in class, work, or extracurricular or any other activity, and other similar measures.

The District shall not disclose information about any supportive measures to persons other than the person to whom they apply, including informing one Party of supportive measures provided to another Party, unless necessary to provide the supportive measure or restore or preserve a Party's access to the education program or activity, or as required by law.

Sexual Assault and Domestic Violence Counselors

For further information about services provided by sexual assault and domestic violence counselors on campus, see resource information online at <https://pasadena.edu/institutional-equity-diversity-and-justice/title-ix/index.php>.

Emergency Removal Pending Final Determination

In connection with this policy, whether or not a grievance process is underway, the District may summarily remove an individual from an educational program or activity on an emergency basis, after undertaking an individualized safety and risk analysis, and upon the determination that the individual poses an immediate threat to the physical health or safety of any student or other individual (including themselves, the Respondent, the Complainant, or any other individual). In these situations, the District will provide the individual with notice and an opportunity to challenge the decision immediately following the 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 Formal Complaint.

The District will designate a member of the Behavioral Intervention Team to conduct the individualized safety and risk analysis upon recommendation by the Title IX Coordinator, Deputy Coordinator, or other Title IX office staff.

If the Behavioral Intervention Team 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 with a Chair of the Behavioral Intervention Team or designee and challenge the basis of their removal. The Chair or designee will determine whether the emergency removal from campus order is warranted after considering information provided by the Parties or other knowledgeable individuals challenging or supporting the emergency removal.

Administrative Leave

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

No Contact Orders in Reports of Sexual Harassment Involving Students

When requested by a Complainant or otherwise determined to be appropriate, the District shall issue an interim no-contact directive prohibiting the Respondent from contacting the Complainant during the pendency of the investigation. The District shall not issue a mutual no-contact directive automatically but instead shall consider the specific circumstances of each case to determine whether a mutual no-contact directive is necessary or justifiable to protect a Party's safety or well-being, or to respond to interference with an investigation. If the District issues any no-contact directive, the District shall provide the Parties with an explanation of the terms of the directive, including the circumstances, if any, under which violation could be subject to disciplinary action. If the District issues a mutual no-contact directive, the District shall also provide the Parties with a written justification for the directive.

Response to Formal Complaints of Sexual Harassment

In addition to the response discussed in the Response to Reports of Sexual Harassment section, above, the District's response to a Formal Complaint will include the steps described below.

Consolidation of Formal Complaints

The District may consolidate Formal Complaints 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. When more than one Complainant or more than one Respondent is involved, references below to a Party, Complainant, or Respondent include the plural, as applicable.

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 Title IX grievance 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 dismisses 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. See the section on appeals for more information.

The District may commence proceedings under other policies and procedures after dismissing a Formal Complaint.

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 all 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.

Role of Advisor

The role of the Advisor is to provide support and assistance in understanding and navigating the grievance 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, in order 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.

Privacy

The District will take reasonable steps to protect the privacy of the Parties and Witnesses during its grievance procedures. These steps will not restrict the ability of the Parties to discuss the allegations under investigation or to gather and present relevant evidence.

To protect the privacy of those involved, the Parties and Advisors are required to sign a confidentiality agreement prior to attending an interview or otherwise participating in the District's grievance process. The confidentiality agreement restricts unauthorized disclosure of information and evidence obtained solely through the grievance procedure. The confidentiality agreement will not restrict the ability of either Party to discuss the allegations under investigation.

Consistent with the requirements of this procedure, the District shall keep confidential the identity of any individual who has made a report or Formal Complaint of sexual harassment, any Complainant, any Respondent, and any witness, except as may be permitted by law, or to carry out the purposes of this procedure. This means that the District will protect the Party's privacy consistent with this procedure but may disclose information to those who have a legitimate need to know and in order to process Formal Complaints under this policy.

Confidentiality is not absolute, however. Where criminal conduct has occurred, or where the health or safety of others in the community may be in danger, it may be necessary for the University to take appropriate steps to protect the safety of its students and employees, including the person who has reported the misconduct.

Prohibition Against 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 or 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 and Extensions

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 120 business days.

When appropriate, the Title IX Coordinator may determine that good cause exists to extend the 120-business 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. The District shall grant a student Party's reasonable request for an extension of a deadline related to a Formal Complaint during periods of examinations or school closures.

Notice to Parties

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

- Notice of the District's Title IX grievance process;
- 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. A Party may request the District provide an Advisor;
- 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;

- 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; and
- 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 IX Coordinator will provide notice in writing of the additional allegations to the Parties.

Informal Resolution Process

At its discretion, the District may offer the Parties informal resolution in lieu of resolving a Formal Complaint through the District's grievance procedures. The District does not offer informal resolution, including settlement, to resolve allegations that an employee engaged in sexual harassment of a student, to resolve allegations that an employee engaged in sexual assault, sexual violence, or sexual battery, or to resolve allegations of sexual violence involving a student Party.

The District shall not require the Parties to participate in an informal resolution process. The District does not require waiver of the right to an investigation and determination of a Formal Complaint as a condition of enrollment or continuing enrollment, or employment or continuing employment, or exercise of any other right. The District must obtain the Parties' voluntary, written consent to the informal resolution process.

The District will inform the Parties in writing of any informal resolution process it offers and determines is appropriate, if any. Before the initiation of an informal resolution process, the District will explain in writing to the Parties:

- The allegations;
- The requirements of the informal resolution process;
- That any Party has the right to withdraw from the informal resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution;
- That if the Parties agree to a resolution at the end of the informal resolution process, the Parties cannot initiate or resume grievance procedures arising from the same allegations; and
- What information the District will maintain and whether and how the District could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed.

Formal Resolution Process

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 or proceeding described in this section.

The District will investigate Title IX Formal Complaints fairly and objectively. 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.

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

The burden is on the District—not on the Parties—to conduct an investigation that gathers sufficient evidence to determine whether sexual harassment occurred. The District will provide an equal opportunity for the Parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and otherwise permissible.

The District will objectively evaluate all evidence that is relevant and otherwise permissible, including both inculpatory and

exculpatory evidence. Credibility determinations will not be based on a person's status as a Complainant, respondent, or witness.

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.

Evidence of Past Sexual History

An investigator or Decision-Maker shall not consider the past sexual history of the Complainant except in the limited circumstances described below:

- The investigator or Decision-Maker shall not consider the prior or subsequent sexual history between the Complainant and anyone other than the Respondent for any reason unless directly relevant to prove that physical injuries alleged to have been inflicted by the Respondent were inflicted by another individual; or
- The investigator or Decision-Maker shall not consider the existence of a dating relationship or prior or subsequent consensual sexual relations between the Complainant and the Respondent unless the evidence is relevant to how the Parties communicated consent in prior or subsequent consensual sexual relations.
- Where the investigator or Decision-Maker allows consideration of questions or evidence about a dating relationship or prior or subsequent consensual sexual relations between the Complainant and the Respondent, the mere fact that the Complainant and Respondent engaged in other consensual sexual relations with one another is never sufficient, by itself, to establish that the conduct in question was consensual.

Before allowing the consideration of any evidence proffered pursuant to this section, the investigator or Decision-Maker shall provide a written explanation to the Parties as to why consideration of the evidence is consistent with this procedure.

Evidence Review

Prior to the investigator preparing an investigative report, the District will provide all Parties an equal opportunity to engage in evidence review. 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.

The District will make available to each Party and the Party's Advisor, if any, the evidence subject to evidence review in an electronic format or a hardcopy. The District will allow Parties at least ten business days to submit a written response. The investigator must consider any 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 of 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 with information relevant to the allegations;
- An analysis of relevant evidence collected during the investigation, including a list of relevant documents;
- A table of contents if the report exceeds ten pages; and
- Any other information deemed appropriate by the District.

The investigator will not make a determination 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 IX 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.

The District will send the investigative report to each Party and their Advisors, if any, at least 10 business days prior to the live hearing. The District will provide the final investigative report in an electronic format or a hard copy. Parties may review the investigation report and provide a written response. The District will allow Parties at least ten business days to submit a written response.

Live Hearing

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

Hearing Notice

The District will provide all Parties 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 a Party or a witness requests, the District may provide 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.

The Decision-Maker shall provide an explanation of the meaning of the preponderance of the evidence standard, and affirm that it shall apply to adjudications under this procedure. The preponderance of the evidence standard is met if the District determines that it is more likely than not that the alleged misconduct occurred, based on the facts available at the time of the decision.

Decision-Maker

The Decision-Maker will be free from conflict of interest or bias, including bias for or against Complainants or Respondents. In cases where the Complainant or Respondent objects to the Decision-Maker based on a conflict of interest, the Complainant or Respondent may request the Title IX Coordinator select a different Decision-Maker. The Complainant or Respondent must make this request to the Title IX Coordinator in writing at least five business days prior to the hearing.

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

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.

Generally, the Parties may not introduce evidence, including witness testimony, at the hearing that the Party did not identify during the investigation and that was available at the time of the investigation. However, the Decision-Maker has discretion to accept for good cause, or exclude, such new evidence offered at the hearing.

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 real time. A Party may never personally conduct cross-examination. The other Party shall have an opportunity to object to a question posed. The District may limit such objections to written form, and neither the Decision-Maker nor the District are obligated to respond, other than to include any objection in the record. The Decision-Maker shall have the authority and obligation to discard or rephrase any question that the Decision-Maker deems to be irrelevant. In making these determinations, the Decision-Maker is not bound by, but may take guidance from, the formal rules of evidence.

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 will give the statements whatever weight the Decision-Maker determines appropriate, bearing in mind that the statements have not been tested by cross-examination. In doing so, the Decision-Maker should consider, and if possible, determine, whether the witness or Party made the statement and what the statement proves.

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 question.

The Decision-Maker may also ask any Party or witness questions. If a Party or witness refuses to respond to a Decision-Maker's questions, the Decision-Maker is not precluded from relying on that Party or witness' statements.

Determinations of Responsibility

The Decision-Maker will issue a written determination of responsibility no later than 15 business days after the conclusion of the live hearing.

The 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 Decision-Maker will decide whether it is more likely than not that sexual harassment, as defined within this policy, 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, and 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 the 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. The District will inform the Complainant of the sanctions against 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'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 any appeal if a Party files an appeal, or, if no Party appeals, the date on which an appeal would no longer be considered timely.

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

A Complainant or Respondent may appeal the District's dismissal of a Formal Complaint or any allegations, or the determination regarding responsibility

Grounds for Appeal

A Party may appeal based on the following grounds:

- 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

- A Party may submit a written appeal no later than five (5) business days from the date of the District's notice of dismissal of a Formal Complaint or any allegations or from the date of the notice of determination regarding responsibility. The Party appealing must state the grounds for appeal and a statement of facts supporting those grounds.
- The District will appoint an Appeal Decision-Maker who has the appropriate training and expertise to serve in the role, and who has otherwise not been involved in resolution of a matter.
- If the District receives an appeal, the District will notify the other Party in writing within five (5) business days of receiving a Party's appeal.
- The non-appealing Party may submit a written statement in support of, or challenging, the District's decision to dismiss the Formal Complaint or allegations or the District's decision in the determination regarding responsibility. The District will allow the non-appealing Party at least five (5) business days from the date of receipt of the appeal to submit the written statement.
- The appeal Decision-Maker will issue a written decision on whether to grant or deny the appeal, and the rationale for the decision, within 15 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 Title IX Coordinator may extend or otherwise modify the deadlines provided above. Either Party may seek an extension by submitting a written request to the Title IX Coordinator, explaining the need for the extension and the proposed length of the extension. The Title IX Coordinator will respond to the request within 2 business days in writing and will inform the Parties simultaneously whether the extension is granted.

Disciplinary Sanctions and Remedies

Following a determination that sexual harassment occurred, the District may impose disciplinary sanctions on the Respondent. 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 may include written or verbal reprimand, required training or counseling, reduction in pay, demotion, suspension, or discharge.

The District may also issue a no-contact directive against the Respondent.

The District may also provide remedies to the Complainant, which may 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.

Within 5 (five) business days of a decision of disciplinary action against a respondent in response to a Formal Complaint of sexual harassment, the District will provide a notification of the disciplinary action to the Respondent and Complainant.

Retaliation Prohibited

The District prohibits any intimidation, threats, coercion, or discrimination against any individual who made a report or Formal 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 Formal Complaint using the Formal Complaint process described above.

Training

The District will ensure that its Title IX Coordinator(s), investigators, Decision-Makers, facilitators of an informal resolution process, and other persons who are responsible for implementing the District's grievance procedures or have the authority to modify or terminate supportive measures have training on topics required by Title IX regulations and State law and regulations including training regarding his/her/their obligation to report sexual harassment and instruction on how to report sexual harassment to the Title IX Coordinator.

The District will ensure its students receive annual training on sexual violence and sexual harassment including related topics required by State law.

File Retention

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

- The original report or Formal Complaint;
- Any actions taken in response to the Formal 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.

Complaint Reporting

The Superintendent shall provide the Board of Trustees, upon request, a report of Formal Complaints filed pursuant to this procedure. This report must disaggregate the Formal Complaints by complaint type (Student Complainant and Student Respondent, Student Complainant and Employee Respondent, Employee Complainant and Student Respondent, Employee Respondent and Employee Respondent, etc.). This report must also disaggregate the Formal Complaints by the Complainant's race, age, gender, religion, or any other characteristic identified by the Board.

The Superintendent shall prepare and submit to the Board of Trustees a report on the activities undertaken by the District to ensure campus programs and activities are free from sex discrimination including sexual harassment. The report shall

include information required by law. The District shall post the annual report on its internet website and shall present each report during a public meeting of the governing board. The Board of Trustees will submit this report to the Chancellor of the California Community Colleges by September 1 of each year.

Privacy and Confidentiality: Understanding the Differences

The College is committed to protecting the privacy of all individuals involved in the investigation and solution of reports. The College is also committed to assisting students, employees, and third parties in making informed decisions. The College will make reasonable efforts to protect the privacy of participants in accordance with applicable state and federal law while balancing the need to gather information to take steps to eliminate prohibited conduct, prevent its recurrence, and remedy its effects.

College employees who are involved in the College's Title IX response receive specific instruction about respecting and safeguarding private information and ensuring that the victim's personally identifying information will not be included in any publicly available recordkeeping, including Clery Act reporting and disclosures such as the Annual Fire Safety and Security report and Daily Crime Log. Personally identifying information is defined in Section 40002(a) of the Violence Against Women Act of 1994 as "individually identifying information for or about an individual, including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking..." It includes a person's first and last name; a home or other physical address; contact information; a social security number, driver's license number, passport number or student ID number; and any other information, including date of birth, racial or ethnic background, or religious affiliation that serve to identify any individual.

Privacy

Privacy generally means that information related to a report of prohibited conduct will only be shared with a limited circle of individuals who "need to know" to assist in the assessment, investigation, or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.

The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act (FERPA), as outlined in the College's FERPA policy: <https://pasadena.edu/admissions-and-aid/admissions-and-records/records-transcripts/privacy.php>. The privacy of an individual's medical-related records may be protected by the Health Insurance Portability and Accountability Act (HIPPA), except health records protected by PFERPA and by the California Confidentiality of Medical Information Act (CMIA). Access to an employee's personal records may be restricted by applicable California and federal law.

While there are certain limitations on privacy, the College

generally will not release the names of Complainant or Respondent to the general public without express written consent or absent another exception consistent with the law. The release of names will be guided by applicable law, including FERPA and the Clery Act.

Confidentiality

Confidentiality generally means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without the express permission of the individual, except as otherwise provided by law. The confidential information shared by an individual with designated campus or community professionals generally is governed by California law, including California Evidence Code restrictions on disclosure of information by mental health providers, ordained clergy, rape crisis counselors, and attorneys, all of whom have legally protected confidentiality. These individuals are prohibited from breaking confidentiality unless there is an imminent threat of harm to themselves or others.

An individual who seeks confidential assistance may do so by speaking with professionals who have legally protected confidentiality. Note, however, that these confidential resources are required by state law to notify child protective services and/or local law enforcement of any report that involves suspected abuse of a minor under the age of 18.

Requests for Confidentiality

A student complainant may report prohibited conduct to the College but wish to maintain confidentiality, especially in cases involving sexual misconduct or gender-based violence. If a student complainant requests confidentiality, which could preclude a meaningful investigation or potential discipline of the potential respondent, or that no investigation or disciplinary action be pursued to address alleged sexual harassment, the College shall take the request seriously. At the same time, the College will consider its responsibility to provide a safe and nondiscriminatory environment for all students, including for the complainant. Generally, the College shall grant the request.

In determining whether to disclose a complainant's identity or proceed to an investigation over the objection of the complainant, the institution may consider whether any of the following apply:

1. There are multiple or prior reports of sexual misconduct against the respondent.
2. The respondent reportedly used a weapon, physical restraints, or engaged in battery.
3. The respondent is a faculty or staff member with oversight of students.

4. There is a power imbalance between the complainant and the respondent.
5. The complainant believes that the complainant will be less safe if the complainant's name is disclosed or an investigation is conducted.
6. The institution is able to conduct a thorough investigation and obtain relevant evidence in the absence of the complainant's cooperation

If the institution determines that it can honor the student's request for confidentiality, it shall still take reasonable steps to respond to the complaint, consistent with the request, to limit the effects of the alleged sexual harassment and prevent its recurrence without initiating formal action against the alleged perpetrator or revealing the identity of the complainant. These steps may include increased monitoring, supervision, or security at locations or activities where the alleged misconduct occurred; providing additional training and education materials for students and employees; or conducting climate surveys regarding sexual violence. The institution shall also take immediate steps to provide for the safety of the complainant while keeping the complainant's identity confidential as appropriate. These steps may include adjusting living arrangements, course schedules, assignments, or tests. The complainant shall be notified that the steps the institution will take to respond to the complaint will be limited by the request for confidentiality.

If the institution determines that it must disclose the complainant's identity to the respondent or proceed with an investigation, it shall inform the complainant prior to making this disclosure or initiating the investigation. The institution shall also take immediate steps to provide for the safety of the complainant where appropriate. In the event the complainant requests that the institution inform the respondent that the student asked the institution not to investigate or seek discipline, the institution shall honor this request.

Where the College is unable to take action consistent with the request of the Complainant, the Title IX Coordinator will inform the Complainant about the chosen course of action, which may include the College seeking disciplinary action against a Respondent. Alternatively, the course of action may also include steps to limit the effects of the alleged harassment and prevent its recurrence.

Disciplinary Procedures for Sexual Assault, Dating Violence, Domestic Violence, and Stalking

What happens after a report is made?

Upon receipt of a report to the Title IX Office or Campus Police from students or employees, which alleges that a student or employee has been a victim of domestic violence, dating violence, stalking, or sexual assault, the Title IX Office and/or Campus Police will reach out to the student or employee Complainant to:

- Address any immediate physical safety and emotional well-being needs or concerns
- Notify the Complainant in writing of:
 - Their non-confidential reporting rights and options, and assistance with initiating any of the following Complaint processes:
 - File a Complaint with Law Enforcement
 - File a Complaint with PCC's Title IX Office
 - File a Complaint with both or neither of the above entities
 - The importance of evidence preservation and information about seeking medical treatment
 - Confidential resources available on and off-campus (counseling, victim advocacy, legal assistance, visa and immigration assistance, etc.)
 - The full range of protective and supportive measures available (e.g., no-contact order, academic schedule modifications, etc.), regardless of their decision to report, and how to request supportive measures

Regardless of whether the incident occurred on or off campus, the Complainant will be provided with this information in writing.

Supportive Measures

The district will offer and implement appropriate and reasonable supportive measures to the Parties upon notice of alleged domestic violence, dating violence, sexual assault, or stalking. Supportive measures are non-disciplinary, non-punitive individualized services, offered as appropriate, as reasonably available, and without fee or charge to the Parties, which are intended to restore or preserve equal access to the district's education program or activity, and to protect the safety of all Parties or the

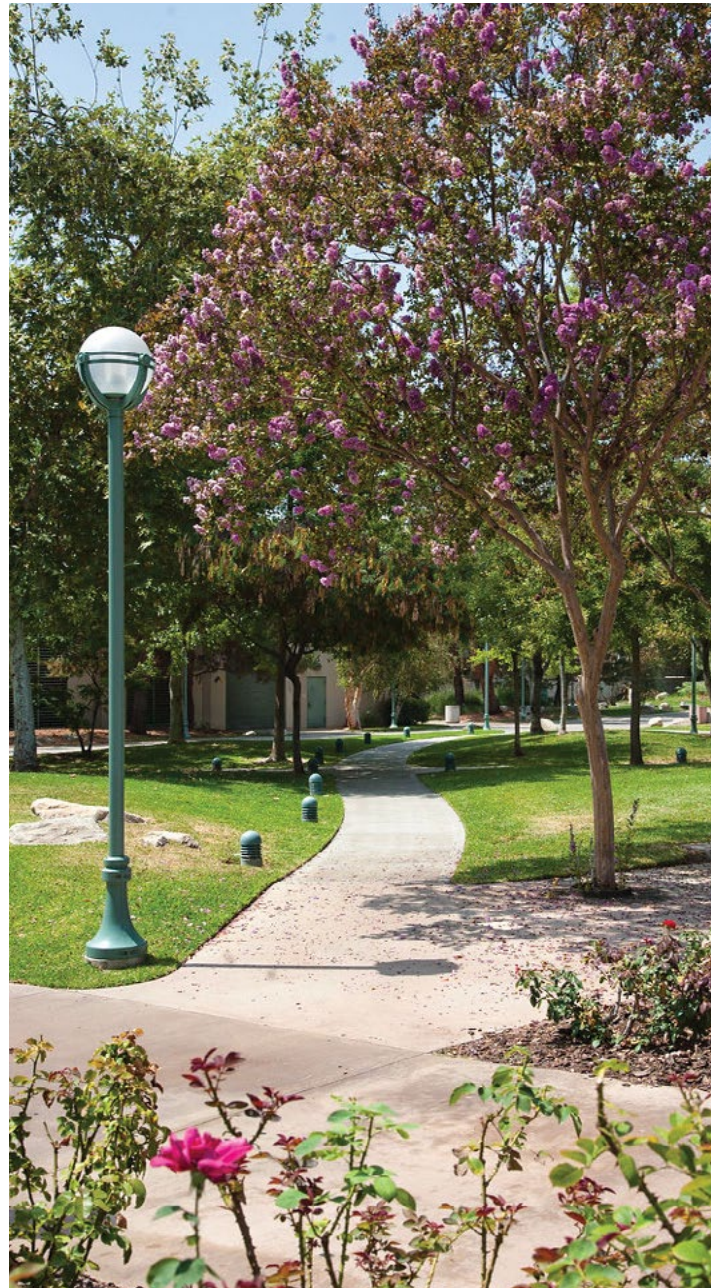
District's educational environment. Supportive measures are available regardless of whether a Complainant files a formal complaint with Law Enforcement, Campus Police, or the Title IX Office.

The Title IX Office will promptly make supportive measures available to the Parties upon receiving notice of a complaint and will coordinate the effective implementation of such measures. In addition, the Title IX Office will communicate in writing the available rights and options and the institution's disciplinary procedures for sexual harassment, dating violence, domestic violence, stalking, and sexual assault. At the time that supportive measures are offered, the district will inform the Complainant, in writing, that they may file a formal complaint with the Campus Police Department or local law enforcement if applicable, either at that time or in the future, if they have not done so already.

The district will maintain as confidential any accommodations or protective measures provided to the victim, provided that confidentiality does not impair the district's ability to provide the supportive measures. The district will act to ensure as minimal an academic/occupational impact on the Parties as possible. The district will implement measures in a way that does not unreasonably burden the other party. Available supportive measures may include, but are not limited to:

- Counseling and referral to medical and/or other healthcare services
- Referral to the Employee Assistance Program (employees only)
- Referral to community-based service providers
- Student financial aid counseling
- Altered work arrangements for employees or student-employees
- Safety planning
- Campus safety escorts
- Implementing mutual contact limitations (no contact orders) between the Parties. (Violations of no-contact orders will be referred to appropriate student or employee conduct processes for enforcement)
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Trespass orders
- Class or work schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator

To request available supportive measures, contact the Title IX Office at titleix@pasadena.edu or 626-585-7375.





8

Additional Board Policies and Administrative Procedures Relating to Conduct on Campus

Board Policy 3410: Nondiscrimination

The District is committed to equal opportunity in educational programs, employment, and all access to institutional programs and activities.

The District, and each individual who represents the District, shall provide access to its services, classes, and programs without regard to national origin, religion, age, gender, gender identity, gender expression, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, military or veteran status, or because he/she is perceived to have one or more of the foregoing characteristics, or based on their association with a person or group with one or more of these actual or perceived characteristics.

The Superintendent/President shall establish administrative procedures to assure equal opportunity.

The Superintendent/President shall establish administrative procedures that ensure all members of the college community can present complaints regarding alleged violations of this policy and have their complaints heard in accordance with the Title 5 regulations and those of other agencies that administer state and federal laws regarding nondiscrimination.

No District funds shall ever be used for membership, or for any participation involving financial payment or contribution on behalf of the District or any individual employed by or associated with it, to any private organization whose membership practices are discriminatory on the basis of national origin, religion, age, gender, gender identity, gender expression, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, military or veteran status, or because they are perceived to have one or more of the foregoing characteristics, or based on their association with a person or group with one or more of these actual or perceived characteristics.

Discrimination on the basis of disability against an applicant or an employee who is a qualified individual with a disability, by a supervisor, management employee, or co-worker, is not condoned and will not be tolerated. This policy applies to the job application process and to all terms and conditions of employment including, but not limited to, hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, compensation, and training.

Disciplinary action up to and including termination may be instituted for behavior described in the definition of discrimination on the basis of disability set forth in the Complaint Procedure. Any retaliation against a person for filing a discrimination charge or making a discrimination complaint is prohibited.

AP 3410: Nondiscrimination

1. Introduction

- a. These are the written procedures for filing and processing complaints of unlawful discrimination and harassment that arise in connection with academic, educational, extracurricular, athletic or other programs of the District, whether those programs take place in the facilities of the Pasadena Area Community College District, in a District vehicle, or at events sponsored by the District at another location. These procedures incorporate the legal principles contained in nondiscrimination provisions of Title 5, California Code of Regulations, sections 59300, et seq., as well as other state and federal substantive and procedural requirements.
- b. The District's prohibitions on unlawful discrimination and unlawful harassment (including sexual harassment) are set out in Board Policies 3410 - Unlawful Discrimination and 3430 - Prohibition of Harassment.
- c. The District will conduct an investigation if it is discovered that unlawful discrimination or harassment is, or may be occurring, with or without the cooperation of the alleged victim(s) and regardless of whether a complaint is filed.

2. Consequences of Unlawful Discrimination

Employees or other persons acting on behalf of the District who engage in unlawful discrimination or harassment, as defined in the District's policies and procedures, or by state or federal law, may be subject to discipline, up to and including discharge, expulsion, or termination of contract. Employees should be aware that if they engage in unlawful harassment, such acts are outside the course and scope of their employment and may result in personal liability.

3. Definitions Applicable to Unlawful Discrimination

- a. "Complaint" means a written and signed statement meeting the requirements of Title 5, California Code of

Regulations, section 59328 that alleges unlawful discrimination in violation of the nondiscrimination regulations adopted by the Board of Governors of the California Community Colleges, as set forth at Title 5, California Code of Regulations, section 59300, et seq. If otherwise valid, the District will address the merits of a written and signed complaint submitted in a different format, such as a letter, an e-mail, even though it may be procedurally defective under Title 5.

- b. "Confidentiality" means reasonable efforts will be made to keep a complaint and the results of any investigation confidential. Witnesses shall be informed of the confidential nature of the matter and shall be informed that it would be a violation of this procedure to disclose the complaint or the nature of the investigation to others.
- c. "Days" means calendar days.
- d. "District" means the Pasadena Area Community College District or any District program or activity that is funded directly by the federal or state government or receives financial assistance from the federal or state government. This includes any organization associated with the District or its college(s) that receives federal or state funding or financial assistance through the District.
- e. "Gender" means sex, and includes a person's gender identity.
- f. "Gender expression" means a person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.
- g. "Mental disability" includes, but is not limited to, all of the following:
 - i. Having any mental or psychological disorder or condition, such as intellectual disability, organic brain syndrome, emotional or mental illness, or specific learning disabilities, that limits a major life activity. For purposes of this procedure: "Limits" shall be determined without regard to mitigating measures, such as medications, assistive devices, or reasonable accommodations, unless the mitigating measure itself limits a major life activity. A mental or psychological disorder or condition limits a major life activity if it makes the achievement of the major life activity difficult. "Major life activities" shall be broadly construed and shall include physical, mental, and social activities, learning, and working.
 - ii. Any other mental or psychological disorder or condition not described in paragraph (i) that requires specialized supportive services.
 - iii. Having a record or history of a mental or psychological disorder or condition described in paragraph (i) or (ii), which is known to the District.
 - iv. Being regarded or treated by the District as having, or having had, any mental condition that makes the achievement of a major life activity difficult.
 - v. Being regarded or treated by the District as having, or having had, mental or psychological disorder or condition that has no present disabling effect, but that may become a mental disability as described in paragraph (i) or (ii)."Mental disability" does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.
- h. "Physical disability" includes, but is not limited to, all of the following:
 - i. Having any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that does both of the following:
 - A. Affects one or more of the following body systems: neurological, immunological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.
 - B. Limits a major life activity. For purposes of this procedure: "Limits" shall be determined without regard to mitigating measures such as medications, assistive devices, prosthetics, or reasonable accommodations, unless the mitigating measure itself limits a major life activity. A physiological disease, disorder, condition, cosmetic disfigurement or anatomical loss limits a major life activity if it makes the achievement of the major life activity difficult. "Major life activities" shall be broadly construed and includes physical, mental, and social activities, learning, and working.
 - ii. Any other health impairment not described in paragraph (i) that requires specialized supportive services.

- iii. Having a record or history of a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment described in paragraph (i) or (ii), which is known to the District.
- iv. Being regarded or treated by the District as having, or having had, any physical condition that makes the achievement of a major life activity difficult.
- v. Being regarded or treated by the District as having, or having had, a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment that has no present disabling effect but may become a physical disability as described in paragraph (i) or (ii).

“Physical disability” does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

- i. “Race or ethnicity” includes ancestry, color, ethnic group identification, and ethnic background.
- j. “Religion” means all aspects of religious observance, practice, and belief, including duties of the clergy or elders, and includes agnosticism and atheism. A belief is religious if sincerely held and, in the scheme of the believer, holds a place analogous to that filled by the deity of those people whose religion may be more orthodox or more widely accepted.
- k. “Responsible District Officer” means the officer identified by the District to the State Chancellor’s Office as the person responsible for receiving complaints filed pursuant to Title 5, California Code of Regulations, section 59328, and coordinating their investigation. The actual investigation of complaints may be assigned to staff or to outside persons or organizations under contract to the District.

The Assistant Superintendent/Vice President of Human Resources is designated as the Responsible District Office. The Vice President’s office is located at 1570 E. Colorado Blvd., Room C-204, Pasadena, CA 91106-2033, and telephone number is (626) 585-7389.

- l. “Sexual harassment” is unlawful discrimination in the form of unwelcome conduct of a sexual nature, including but not limited to unwelcome sexual advances; requests for sexual favors; or other verbal, visual, or physical conduct of a sexual nature that is sufficiently severe, persistent, or pervasive as to create an intimidating, hostile, abusive, or otherwise offensive environment, made by someone from or in the workplace or in the educational setting. Sexual harassment, and harassment generally, is further defined and described in Administrative Procedure 3430, Prohibition of Harassment.
- m. “Unlawful discrimination” means any discrimination based on a category protected under Title 5, California Code of Regulations, section 59300, and includes unlawful harassment based on sex or any other protected category and unlawful retaliation.

4. Students and Employees Notice, Training, and Education

- a. The District’s Responsible District Officer shall make arrangements for or provide training to employees on the District’s unlawful discrimination policy and procedures. Faculty members, members of the administrative staff, and members of the support staff will be provided with a copy of the District’s written policy on unlawful discrimination at the beginning of the first semester of the college year after the policy is adopted.
- b. All District employees will receive this training and a copy of the unlawful discrimination policies and procedures during the first six months of their employment. Because of their special responsibilities under the law, supervisors will undergo mandatory training every two years. All new supervisory employees shall be provided with sexual harassment training within six months of assuming a supervisory position. In years in which a substantive policy or procedural change has occurred, all District employees will attend a training update and/or receive a copy of the revised policies and procedures.
- c. A training program or informational services will be made available to all students at least once annually. The student training or informational services should include an explanation of the policy, how it works, and how to file a complaint. In addition, a copy of the District’s written policy on unlawful discrimination, as it pertains to students, will be provided as part of any orientation program conducted for new students at the beginning of each semester, academic year, or summer session, as applicable.

5. Retaliation

The District prohibits retaliatory behavior or action against any person who files an unlawful discrimination complaint, who refers a matter for investigation or complaint, who participates in an investigation of a complaint, who represents or serves as an advocate for an alleged victim or alleged offender, or who otherwise furthers the principles of this unlawful discrimination administrative procedure.

6. Intake and Initial Processing of a Complaint

- a. Any employee who receives a complaint of discrimination shall notify the Responsible District Officer in the Human Resources Office or the designee.
- b. When a person brings charges of unlawful discrimination to the attention of the District, the Responsible District Officer or designee will:
 - i. Undertake efforts to informally resolve the charges, including but not limited to mediation, rearrangement of work/academic schedules; obtaining apologies; providing informal counseling and/or training, etc.
 - ii. Advise the complainant that he or she need not participate in informal resolution and has the right to end the informal resolution process at any time. Mediation is not appropriate for resolving incidents involving sexual violence.
 - iii. Notify the complainant of his or her right to file a formal complaint and explain the procedure for doing so;
 - iv. Assure the complainant that he or she will not be required to confront or work out problems with the person accused of unlawful discrimination;
 - v. Advise the student complainant that he or she may file a nonemployment-based complaint with the Office for Civil Rights of the U.S. Department of Education (OCR) where such a complaint is within that agency's jurisdiction;
 - vi. Advise the employee complainant that he or she may file an employment-based complaint with the U.S. Equal Employment Opportunity Commission (EEOC) and/or the California Department of Fair Employment and Housing (DFEH) where such a complaint is within the jurisdiction of those agencies.
 - vii. Ensure the complainant is made aware of available resources, such as counseling, health, and mental health services.
 - viii. As circumstances warrant, 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 Responsible District Officer or designee should notify the complainant of his/her options to avoid contact with the accused individual and allow students to change academic situations as appropriate. For instance, the District may prohibit the accused individual from having any contact with the complainant pending the results of the investigation. When taking steps to separate the complainant and accused individual, the District shall minimize the burden on the complainant. For example, it is not appropriate to remove complainants from classes or housing while allowing accused individuals to remain.
- c. The District must process complaints of unlawful discrimination even if the complainant files a complaint with local law enforcement.

7. Informal Resolution

- a. The purpose of the informal resolution process is to allow an individual who believes he or she has been unlawfully discriminated against to resolve the issue informally rather than using a formal complaint process. Typically, the informal process will be invoked when there is a simple misunderstanding, or the complainant does not wish to file a formal complaint.
- b. If the complainant declares his or her preference for the informal process, the Responsible District Officer or designee shall provide a written description of both the informal and formal processes applicable to the basics of the complainant's allegations of unlawful discrimination. This document will clearly indicate that the complainant opted for the informal resolution process and should be signed and dated by the complainant. The informal resolution process will not be made a predicate to the process and investigation of a formal complaint.
- c. Efforts at informal resolution need not include any investigation unless the Responsible District Officer or designee determines that an investigation is warranted by the seriousness of the charges.

- d. Selecting an informal resolution process does not extend the time limitations for filing a formal complaint.
- e. Efforts at informal resolution may continue after the filing of a formal written complaint, but after a complaint is filed, an investigation is required to be conducted pursuant to Title 5, California Code of Regulations, section 59334, and must be completed within the time required unless the matter is informally resolved and the complainant dismisses the formal complaint; or the complainant files with the DFEH or the EEOC and the State Chancellor elects not to require further investigation pursuant to Title 5, California Code of Regulations, section 59328(f)(2). Even if the complainant does dismiss the complaint, the Responsible District Officer or designee may require the investigation to continue if he or she determines the allegations are serious enough to warrant an investigation. Any efforts at informal resolution after the filing of a written complaint will not exceed the 90-day period for rendering the Administrative Determination pursuant to Title 5, California Code of Regulations, section 59336.
- f. The District will provide representation where required by law and may allow representation for the accused and complainant in other circumstances on a case-by-case basis.
- g. Allegations of unlawful discrimination made by parties who have not personally suffered unlawful discrimination, and thus are not complainants under the description set out in Title 5, section 59328(a), are not covered by Title 5. However, the District may process and investigate such allegations under the informal or formal complaint processes. When such a complaint is processed under the formal process, described below, the complainant's appeal right shall be the first-level appeal to the Board of Trustees. All complainants shall be advised of their right to file complaints with the OCR (for non-employment matters) and with EEOC or DFEH (for employment matters).

8. Formal (Written) Complaint Procedure

- a. If a complainant decides to file a formal written unlawful discrimination complaint, he or she may do so by filing the complaint with either the District or the Chancellor's Office. The forms are available from the Office of the Responsible District Officer and on the District's website at:

Students: https://cm.maxient.com/reportingform.php?PasadenaCityCollege&layout_id=6

Employees: https://cm.maxient.com/reportingform.php?PasadenaCityCollege&layout_id=6

A complaint form can also be obtained through the California Community Colleges Chancellor's Office website at:

<https://www.cccco.edu/-/media/CCCCO-Website/docs/form/unlawful-discrimination-form.pdf>

The completed form must be filed with the Responsible District Officer or mailed directly to the State Chancellor's Office.

- b. If a complaint of unlawful discrimination is presented in another written format, such as a letter, the District may request that the complainant complete the form. If there is a delay in obtaining a completed form, or the complainant refuses to transfer the information or otherwise complete the form but wishes to pursue the formal complaint process, the District may attach the letter to the form and open a formal investigation. While a complaint filed in an improper form is still procedurally defective under Title 5 standards, the merits of the complaint itself may still be valid and must be addressed. The timelines set out by Title 5 and this procedure for filing complaints (Title 5, sections 59328(d) and (e)) shall be calculated based on the initial complaint regardless of the form in which it is filed.
- c. Once a complaint is filed, the individual(s) accused of engaging in prohibited discriminatory conduct will be advised of that filing and the general nature of the complaint. This should occur as soon as possible and appropriate under the circumstances. The District will also advise the accused that an assessment of the accuracy of the allegations has not yet been made, that the complaint will be investigated, that the accused will be provided an opportunity to present his/her side of the matter, and that any conduct that could be viewed as retaliatory against the complainant or any witnesses must be avoided. The accused individual(s) do not have a right to a copy of the actual complaint.
- d. When a formal written complaint is filed it will be reviewed to determine if the complaint meets the following requirements:
 - i. The complaint must be filed on a form prescribed by the District or State Chancellor's Office.

- ii. The complaint must allege unlawful discrimination prohibited under Title 5, California Code of Regulations, section 59300.
 - iii. The complaint must be filed by one who alleges that they have personally suffered unlawful discrimination or by one who has learned of such unlawful discrimination in their official capacity as a faculty member or administrator. The exception to this general rule is addressed in the “Informal Resolution” section above.
 - iv. In any complaint not involving employment, the complaint must be filed within one year of the date of the alleged unlawful discrimination or within one year of the date on which the complainant knew or should have known of the facts underlying the specific incident or incidents of alleged unlawful discrimination.
 - v. In any complaint alleging discrimination in employment, the complaint shall be filed within 180 days of the date the alleged unlawful discrimination occurred, except that this period will be extended by no more than 90 days following the expiration of that 180 days if the complainant first obtained knowledge of the facts of the alleged violation after the expiration of 180 days.
- e. If a complaint does meet the requirements listed above, it will be immediately returned to the complainant, and the District will immediately notify the complainant and the State Chancellor’s Office that the complaint does not meet the requirements of Title 5, California Code of Regulations, section 59328 and shall specify in what requirement the complaint is defective, and give the complainant an opportunity to repair the deficiency.
- f. For any complaint alleging discrimination in employment, the District will:
- i. Advise the complainant that he or she may file the complaint with the EEOC and/or the DFEH where the complaint is within the jurisdiction of those agencies; and
 - ii. Forward a copy of any filing by the complainant with the DFEH or the EEOC to the State Chancellor’s Office for a determination of whether the issues presented requires an independent investigation.
- g. Notice to State Chancellor or District
- i. A copy of all formal complaints filed in accordance with these procedures and Title 5, California Code of Regulations, section 59328, will be forwarded to the State Chancellor’s Office immediately upon receipt.
 - ii. Similarly, when the State Chancellor’s Office receives a complaint, a copy will be immediately forwarded to the District Responsible Officer who will respond pursuant to Title 5, California Code of Regulations, section 59332, or initiate the investigation required by Title 5, California Code of Regulations, section 59334.
 - iii. In employment-related cases, the District will forward a copy of any filing by the complainant with the DFEH or the EEOC to the State Chancellor’s Office for a determination of whether the issues presented requires a separate independent investigation. Unless the State Chancellor’s Office determines that a separate investigation is required, the District will discontinue its investigation under these procedures, and the matter will be resolved through the DFEH or the EEOC.
- h. District Investigation of Formal Complaint
- i. Upon receiving a formal complaint that is properly filed in accordance with these procedures, the District will commence an impartial fact-finding investigation of that complaint and notify the complainant and State Chancellor’s Office that it is doing so. The District also will notify the respondent of the investigation, including the nature of the allegations under investigation.
 - ii. During the course of the investigation, involved persons (including complainant(s), respondent(s), and witness(es)) shall be interviewed and relevant documents collected and reviewed, as applicable. All interviewed persons shall be advised of the prohibition against retaliation.
 - iii. The District may retain the services of an outside investigator whenever the Responsible District Officer or designee determines such services are necessary or beneficial to the investigation and resolution of the complaint.
 - iv. Cooperation: 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.
 - v. The results of the investigation shall be set forth in a written report that shall include at least all of the

following:

- A. A description of the circumstances giving rise to the complaint;
- B. A summary of the testimony provided by each witness, including the complainant and any viable witnesses identified by the complainant and respondent;
- C. An analysis of any relevant data or other evidence collected during the course of the investigation;
- D. A specific finding as to whether there is probable cause to believe that discrimination occurred with respect to each allegation in the complaint; and
- E. Any other information deemed appropriate by the District.

- vi. The determination of whether there is probable cause to believe that discrimination has occurred will be based on a preponderance of the evidence, meaning that it is more likely than not that the accused has violated the District's Board Policies 3410 - Unlawful Discrimination, or 3430 - Prohibition of Harassment.

i. Confidentiality of the Process

- i. Investigative processes can best be conducted within a confidential climate. The District does not reveal information about such matters except as necessary to fulfill its legal obligations. However, potential complainants are sometimes reluctant to pursue a complaint if their names will be revealed.
- ii. The inability to reveal the name of a complainant or facts that are likely to reveal the identity of the complainant can severely limit the ability of the District to investigate and respond to complaints. Complainants must recognize that persons who are accused of wrongdoing have a right to present their side of the matter, and this right may be jeopardized if the District is prohibited from revealing the name of the complainant or facts that are likely to disclose the identity of the complainant.
- iii. If a complainant insists that their name not be revealed, the Responsible District Officer or designee will take all reasonable steps to investigate and respond to the complaint consistent with the complainant's request for privacy to the extent possible without jeopardizing the rights of other students or employees or impeding the District's ability to investigate and respond effectively to the complaint.
- iv. When determining whether to release confidential information, the District may weigh the request for confidentiality against the following factors: the seriousness of the alleged harassment; the complainant's age; whether there have been other harassment complaints about the same individual; and the accused individual's rights to receive information about the allegations if the information is maintained by the District as an "education record" under the Family Educational Rights and Privacy Act (FERPA), 20 U.S. Code Section 1232g; 34 Code Federal Regulations Part 99.15.
- v. It is also important that complainants and witnesses understand the possibility that they may be charged with allegations of defamation if they circulate the charges outside of the District's process. In general, persons who are participating in a District investigative or disciplinary process that is related to a charge of discrimination are protected from tort claims such as defamation. However, persons who make allegations outside of these processes or who discuss their claims with persons outside of the process may expose themselves to such claims.
- vi. Where an investigation reveals the need for disciplinary action, the complainant may wish to have information about what disciplinary actions the District took. However, the privacy rights of the persons involved often prevent the District from providing such information. However, in student disciplinary actions for sexual assault or physical abuse charges, including rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or threat of sexual assault, or any conduct that threatens the health and safety of the alleged victim, Education Code section 76234 provides that the alleged victim shall be informed within three days of the results of any disciplinary action and the results of any appeal. The alleged victim must keep the results of that disciplinary action and appeal confidential. Disciplinary actions taken against employees are generally considered confidential.

j. Administrative Determination

- i. In any case not involving employment discrimination, within 90 days of receiving a formal complaint filed in accordance with these procedures, the District shall complete its investigation and forward a copy of the

investigative report required pursuant to Title 5, California Code of Regulations, section 59334, a summary of the report to the complainant, and written notice setting forth all of the following to the complainant and the State Chancellor's Office:

- A. The determination of the Responsible District Officer or designee as to whether there is probable cause to believe discrimination occurred with respect to each allegation in the complaint;
 - B. A description of actions taken, if any, to prevent similar problems from occurring in the future;
 - C. The proposed resolution of the complaint; and
 - D. The complainant's right to appeal to the District's Board of Trustees and the State Chancellor, pursuant to Title 5, California Code of Regulations, sections 59338 and 59339.
- ii. In any case, involving employment discrimination, within 90 days of receiving a formal complaint filed in accordance with these procedures, the District shall complete its investigation and forward a copy or summary of the report to the complainant, and written notice setting forth all the following to the complainant:
- A. The determination of the Responsible District Officer or designee as to whether there is probable cause to believe discrimination occurred with respect to each allegation in the complaint;
 - B. A description of actions taken, if any, to prevent similar problems from occurring in the future;
 - C. The proposed resolution of the complaint; and
 - D. The complainant's right to appeal to the District's Board of Trustees and to file a complaint with the DFEH.
- iii. When the District completes an investigation of a formal complaint of unlawful discrimination, the respondent employee or student also will be provided with a copy or summary of the report, written notice of the Administrative Determination and respondent's right to appeal to the District's Board of Trustees.
- iv. The District recognizes the importance of and is therefore committed to, completing investigations and resolving complaints as quickly as possible, consistent with the requirements for a thorough investigation.

9. Discipline and Corrective Action

- a. If it is determined that unlawful harassment, discrimination and/or retaliation occurred in violation of Board Policies 3410 - Unlawful Discrimination, or 3430 - Prohibition of Harassment, the District shall take disciplinary or corrective 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.
- b. Disciplinary actions against faculty, staff, and students (up to and including discharge, expulsion, or termination of contract) will conform to all relevant statutes, regulations, personnel policies and procedures, including the provisions of any applicable collective bargaining agreement.
- c. If discipline is imposed, 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.
- d. The District shall also take reasonable steps to protect the complainant from further harassment and/or discrimination, and to protect the complainant and witnesses from retaliation as a result of communicating with the investigator and/or assisting in the investigation. Remedies for the complainant might include, but are not limited to:
 - i. providing an escort to ensure that the complainant can move safely between classes and activities;
 - ii. ensuring that the complainant and alleged perpetrator do not attend the same classes or work in the same work area;
 - iii. preventing offending third parties from entering campus;
 - iv. providing counseling services;
 - v. providing medical services;
 - vi. providing academic support services, such as tutoring;
 - vii. arranging for a student-complainant to re-take a course or withdraw from a class

- viii. without penalty, ensuring that any changes do not adversely affect the complainant's academic record; and
- ix. 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 being disciplined.

10. Appeal Rights

- a. If the complainant is not satisfied with the results of the District's Administrative Determination, he or she may exercise the following appeal rights.
 - i. First level of appeal:
 - A. The complainant has the right to file an appeal to the District's Board of Trustees within 15 days from the date of the Administrative Determination.
 - B. The District's Board of Trustees will review the original complaint, the investigative report, the administrative determination, and the appeal. The District's Board of Trustees will issue a final District decision in the matter within 45 days after receiving the appeal.
 - C. Alternatively, the District's Board of Trustees may elect to take no action within 45 days, in which case the original decision in the Administrative Determination will be deemed to be affirmed and shall become the final District decision in the matter.
 - D. In any case not involving employment discrimination, the District will promptly forward to the complainant and to the State Chancellor's Office a copy of the final District decision that includes notice of the complainant's right to appeal the District's decision to the State Chancellor's Office.
 - E. In any case, involving employment discrimination, the District will promptly forward to the complainant a copy of the final District decision that includes notice of the complainant's right to file a complaint with the DFEH, where the case is within the jurisdiction of that agency.
 - ii. Second level of appeal:
 - A. In any case not involving employment discrimination, the complainant shall have the right to file a written appeal with the State Chancellor's Office within 30 days from the date that the District's Board of Trustees issues the final District decision or permits the Administrative Determination to become the final District decision, or from the date of the notice provided pursuant to Title 5, California Code of Regulations, section 59338, whichever is later. The appeal must be accompanied by a copy of the final District decision of the District's Board of Trustees or evidence showing the date on which the complainant filed an appeal with the District's Board of Trustees and a statement under penalty of perjury that no response was received from the District's Board of Trustees within forty-five (45) days from that date.
 - B. In any case, involving employment discrimination, the complainant may, at any time before or after the final District decision is rendered, file a complaint with the DFEH where the complaint is within the jurisdiction of that agency.
 - C. A decision by the State Chancellor is subject to judicial review by the District, as provided by section 1094.5 of the Code of Civil Procedure. (See Title 5 California Code of Regulations section 59362.)
 - D. Complainants must submit all appeals in writing.
 - iii. The Title 5 process, which is set out in this Administrative Procedure, provides no corresponding appeal rights to other parties aside from the complainants. However, if the respondent is not satisfied with the results of the District's Administrative Determination, he or she may appeal to the Board of Trustees using the procedure specified in Section 10.a.i., above.
 - iv. If the District imposes discipline against a student or employee as a result of the Administrative Determination, the student or employee (respondent/accused) may appeal the decision using the procedure for appealing the disciplinary decision.
- b. Submittal to the State Chancellor's Office
 - i. Within 150 days of receiving a complaint that does not involve employment discrimination, the District will either:

A. Forward the following to the Chancellor:

1. A copy of the final District decision rendered by the District's Board of Trustees or a statement indicating the date on which the Administrative Determination became final as a result of taking no action on the appeal within 45 days;
2. A copy of the notice of appeal rights the District sent to the complainant;
3. A copy of the complainant's appeal of the District's Administrative Determination; and
4. Such other information as the Chancellor may require; or

B. Notify the Chancellor that the complainant has not filed an appeal with the District's Board of Trustees and that the District has closed its file.

- ii. For a period of at least three years after closing a case, including a case involving employment discrimination, the District will retain and make available to the State Chancellor's Office upon request the original complaint, the documents referenced in Title 5, California Code of Regulations, sections 59336 and 59338, and the documents identified in the preceding paragraph.

c. Extension of Procedural Timelines

- i. If for reasons beyond its control, the District is unable to comply with the 90-day or 150-day deadlines specified above for submission of materials to the complainant and the State Chancellor's Office, the District may file a written request that the State Chancellor grant an extension of the deadline, regardless of whether or not the case involves employment discrimination. The request will be submitted no later than 10 days prior to the expiration of the 90- or 150-day deadlines (established by Title 5, California Code of Regulations, sections 59336 and/or 59340) and will set forth the reasons for the request and the date by which the District expects to be able to submit the required materials.
- ii. A copy of the request for an extension will be sent to the complainant, who may file written objections with the State Chancellor within five (5) days of receipt.
- iii. The State Chancellor may grant the request unless delay would be prejudicial to the investigation. If an extension of the 90-day deadline is granted by the State Chancellor, the 150-day deadline is automatically extended by an equal amount.

11. Record Retention

Records regarding unlawful discrimination that are part of an employee's employment records may be classified as Class-1 Permanent records and retained indefinitely or microfilmed in accordance with Title 5, California Code of Regulations, section 59022. Unlawful discrimination records of a student for which preservation is necessary, but which are not classified as Class-1 Permanent, may be classified as Class-2 Optional records or as Class-3 Disposable records, to be retained for a period of three years.

Board Policy 3430: Prohibition of Harassment

All forms of harassment are contrary to basic standards of conduct between individuals and are prohibited by state and federal law, as well as this policy, and will not be tolerated. The district is committed to providing an academic and work environment that respects the dignity of individuals and groups. The district shall be free of sexual harassment and all forms of sexual intimidation and exploitation, including acts of sexual violence. The district prohibits sexual harassment and sexual violence against employees, students, interns, and volunteers in the educational and workplace settings by an employee, student, or third party. The district shall also be free of other unlawful harassment, including that which is based on any of the following statuses: national origin, religion, age, sex, gender, gender identity, gender expression, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, military or veteran status, or because he or she is perceived to have one or more of the foregoing characteristics, or based on his/her association with a person or group with one or more of these actual or perceived characteristics.

The district seeks to foster an environment in which all employees, students, interns, and volunteers feel free to report incidents of unlawful harassment without fear of retaliation or reprisal. Therefore, the District also strictly prohibits retaliation against any individual for filing a complaint of unlawful harassment, testifying, or for participating in a harassment complaint, investigation, or grievance process. An intentional breach of a complainant's confidentiality may be considered a violation of this policy and/or a retaliatory act. Such retaliatory conduct is illegal and constitutes a violation of this policy. All allegations of retaliation will be promptly and thoroughly investigated. If the District determines that retaliation has occurred, it will take all reasonable steps within its power to stop such conduct. Individuals who engage in retaliatory conduct are subject to disciplinary action, up to and including termination or expulsion.

Any student, employee, intern, or volunteer who believes that he/she has been harassed or retaliated against in violation of this policy should immediately report such incidents by following the procedures described in AP 3430, Prohibition of Harassment.

Supervisors are mandated to report all incidents of harassment and retaliation that come to their attention.

This policy applies to all aspects of the academic environment, including but not limited to classroom conditions, grades, academic standing, employment opportunities, scholarships, recommendations, disciplinary actions, and participation in any community college activity. In addition, this policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, training opportunities, and compensation.

The Superintendent–President shall ensure that the institution undertakes education and training activities to counter unlawful harassment and to prevent, minimize, and/or eliminate any hostile environment that impairs access to equal education opportunity or impacts the terms and conditions of employment.

The Superintendent–President shall establish procedures that define harassment on campus. The Superintendent–President shall further establish procedures for employees, students, interns, volunteers, and other members of the campus community that provide for the investigation and resolution of complaints regarding unlawful harassment and discrimination. All participants are protected from retaliatory acts by the district, its employees, students, and agents.

This policy and related written procedures (including the procedure for making complaints) shall be widely published and publicized to administrators, faculty, staff, and students, particularly when they are new to the institution.

Employees who violate this policy and related procedures may be subject to disciplinary action up to and including termination. Students who violate this policy and related procedures may be subject to disciplinary measures up to and including expulsion.

AP 3430: Prohibition of Harassment

The District is committed to providing an academic and business environment free of unlawful harassment. This procedure 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 within the District.

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

1. Definition of General Unlawful Harassment

- a. Harassment based on race, religion or religious creed, color, national origin, ethnic group identification ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, or sexual orientation of any person, military and veteran status, or the perception that a person has one or more of these characteristics, or a person's association with a person or group with one or more of these actual or perceived characteristics, is illegal and violates District policy. Unlawful harassment shall be found where, in aggregate, the incidents are sufficiently pervasive, persistent, or severe that 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 or her ability to participate in or to realize the intended benefits of an institutional activity, employment, or resource.
- b. 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.
- c. Unlawful 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:
 - i. 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 of a sexual nature; or sexist, patronizing, or ridiculing statements that convey derogatory attitudes based on national origin, religion, age, sex, gender, gender identity, gender expression, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, military or veteran status, or because he or she is perceived to have one or more of the foregoing characteristics, or based on his/her association with a person or group with one or more of these actual or perceived characteristics.
 - ii. 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.
 - iii. Visual or Written: The display or circulation of sexually oriented or 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.

- iv. Environmental: A hostile academic or work environment exists 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 or her 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.

2. Definition of Sexual Harassment

- a. In addition to the above definitions and descriptions, sexual harassment, under both federal and state law, is defined as unwelcome sexual advances, requests for sexual favors, and other unwelcome visual, verbal, nonverbal, or physical conduct of a sexual nature. This definition includes numerous forms of offensive behavior and includes gender-based harassment of a person of the same or different sex as the harasser.
- b. Sexual harassment is generally divided into two types of conduct:
 - i. Quid pro quo conduct, which occurs when submission to sexual conduct is made a condition for receiving educational or employment benefits or avoiding negative outcomes or consequences, including hiring, advancement, or discipline, or relates to employment or educational decisions affecting the employee or student. Quid pro quo sexual harassment also 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.
 - ii. Hostile environment sexual harassment
 - 1. "Hostile work environment" sexual harassment is unwelcome sexual conduct sufficiently severe, persistent, or pervasive so as to affect an employee's performance negatively and/or alter the conditions of employment by creating an intimidating, hostile, abusive, or otherwise offensive environment;
 - 2. "Hostile learning environment" sexual harassment is harassing conduct (which can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, visual, or physical conduct of a sexual nature) by an employee, by another student, or by a third party that is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in or benefit from an education program or activity or to create an intimidating, hostile, abusive, or otherwise offensive learning environment.
 - 3. A "third party" includes someone who is connected to the District for educational, business, or extracurricular purposes. For example, a third party may include a vendor; volunteer; coach; or other person who is on District grounds during the hours of operation or who is present in the educational setting.
 - iii. Guidelines regarding hostile environment involving sexual harassment:
 - 1. Conduct or words between two or more persons, but witnessed by someone not directly involved in the conduct or words, can constitute sexual harassment of the indirect recipient.
 - 2. Conduct can come from someone who is not an employee (e.g., vendor, customer, or client).
 - 3. Conduct does not have to be intended as sexual harassment to be offensive or unwelcome.
 - 4. 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.
 - 5. A single or isolated incident of sexual harassment may be sufficient to create a hostile environment if it is severe, e.g., a sexual assault.
 - 6. Further definitions and procedures applicable to sexual assaults are specified in Administrative Procedure 3540, Sexual Assaults and Other Assaults on Campus.

- iv. Examples of the type of conduct which can constitute sexual harassment include, but are not limited to, the following:
1. Unwanted sexual advances.
 2. Continuing to express sexual interest after being informed that the interest is unwelcome.
 3. Making reprisals, threats of reprisal, or implied threats of reprisal following a rebuff of harassing behavior. The following are examples of conduct in an academic environment that might be found to be sexual harassment: implying or actually withholding grades earned or deserved; suggesting a poor performance evaluation will be prepared; or suggesting a scholarship recommendation or college application will be denied.
 4. Engaging in explicit or implicit coercive sexual behavior within the work environment which is used to control, influence, or affect the employee's career, salary, and/or work environment.
 5. Engaging in explicit or implicit coercive sexual behavior within the educational environment that is used to control, influence, or affect the educational opportunities, grades, and/or learning environment of students.
 6. Offering favors or educational or employment benefits, such as grades or promotions, favorable performance evaluations, favorable assignments, favorable duties or shifts, recommendations, reclassifications, etc., in exchange for sexual favors.
 7. Visual conduct (e.g., leering, sexual flirtations, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons, or posters).
 8. Verbal sexual advances or propositions.
 9. Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes, or invitations.
 10. Physical conduct (i.e., touching, assault, impeding, or blocking movements).
 11. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions.
 12. Unwelcome or demeaning conduct or comments of a sexual nature directed at or about an individual related to actual or perceived gender, gender identity and gender expression, sex, sexual behavior, sexual orientation, or other related personal characteristics.
 13. Sexual violence, including, but not limited to, sexual assault, sexual battery, or sexual coercion. Sexual violence refers to physical sexual acts perpetrated against a person's will or when a person is incapable of giving consent due to the victim's use of drugs or alcohol or due to an intellectual or other disability. Sexual violence includes rape, sexual assault, sexual battery, and sexual coercion.
 14. Dating violence, stalking, and relationship abuse.
 15. Explicitly or implicitly making submission to the conduct a term or a condition of an individual's employment, academic status, or progress.
 16. Using submission to, or rejection of, the conduct as the basis of employment or academic decisions.
 17. Conduct that has, as its the purpose or effect, a negative impact upon an individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment.
 18. Using submission to, or rejection of, the conduct as the basis for any decision regarding benefits and services, honors, programs, or activities available at or through the educational institution.
- v. For purposes of assessing consent to engage in a sexual activity, the District reviews whether there has been affirmative consent. "Affirmative consent" means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in sexual activity to ensure that he or she has 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.

3. Academic Freedom and Harassment Issues in the Learning Environment

- a. The District is committed to creating an environment where there is the full and free discussion of ideas and where students are free from a hostile learning environment. The District believes that these are mutually supporting, not conflicting goals.
- b. No provision of this Administrative Procedure shall be interpreted to prohibit conduct that is legitimately related to the course content 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 not limitless, however, and this Administrative Procedure will not protect speech or expressive conduct that violates state or federal laws.
- c. In general, works of art and literature, readings and other written, auditory, or visual course materials, including lectures and discussions, which are used in a learning context or which are a part of academic or cultural programs, would not violate the prohibition against creating a hostile learning environment for students.

For example, a hostile learning environment generally is not created by a detailed discussion of Shakespeare's Othello in a literature class, despite the sexual content of some of its language, which might prove offensive to some. Similarly, the use of photographs of female or male genitalia in a human anatomy class text generally would also not create a hostile learning environment for students. On the other hand, the use of explicit photographs from sexually explicit magazines in the same human anatomy class generally would violate the prohibitions of this policy against creating a hostile learning environment for students.

- d. In all circumstances, sexual intimidation and unlawful harassment of individuals are inconsistent with the maintenance of academic freedom.

4. Reporting Complaints of Harassment

- a. If a student or employee believes any comments, gestures, or actions of an employee, supervisor, student, or any other person to be harassing, he/she may, but is not required to, let the offending person know immediately and firmly that the conduct or behavior is unwelcome, offensive, in poor taste, or inappropriate. However, failure to do so does not prevent the student or employee from filing a complaint nor does it imply exoneration of any harasser.
- b. The administration of the District is readily available and receptive to allegations of unlawful harassment. If a student or employee feels that he/she is being unlawfully harassed by an employee, by a student, or by a third party, he/she should immediately report the facts of the incident or incidents and the name(s) of the individual(s) involved to the immediate supervisor (if the complainant is a student worker or other employee) or to the Office of Student Services (if the complainant is a student). If the complaining student or employee does not feel that the matter can be discussed with the immediate supervisor or the Office of Student Services, he/she should contact Human Resources to arrange for a meeting to discuss the complaint. All informal complaints of unlawful harassment will be promptly reviewed and appropriate action taken in accordance with the procedures in Administrative Procedure 3410 Unlawful Discrimination.
- c. District employees who receive information about alleged unlawful harassment are required to notify the District's Responsible District Officer (identified as the Vice President, Human Resources or designee) promptly after receiving the information.
- d. A formal complaint of unlawful harassment may be filed in writing with the District's Responsible District Officer, pursuant to Administrative Procedure 3410 Unlawful Discrimination. All formal complaints of unlawful harassment which are reported to the District will be investigated promptly, thoroughly, objectively, completely, and as confidentially as possible, in accordance with Administrative Procedure 3410 Unlawful Discrimination.
- e. Notification of unlawful harassment allegations to the District is essential. The District assures that there will be no penalty from the District for reporting an unlawful harassment allegation. It is unlawful to retaliate against persons who oppose harassment prohibited by state and federal law, or who file complaints, or otherwise participate in an investigation, proceeding, or hearing conducted by the Department of Fair Employment and Housing, the Fair Employment and Housing Commission, the Equal Employment Opportunity Commission, or the Office of Civil Rights. Similarly, the District will not tolerate any employees or students who interfere with its own internal investigations and its own internal complaint procedures. Retaliation against persons who oppose harassment prohibited by state and federal law or by District policies and procedures, or who file complaints, or otherwise

participate in an investigation, proceeding, or hearing conducted by the District is prohibited.

- f. Employees and students are reminded that the District protects employees and students from unlawful harassment by nonemployees or nonstudents (e.g., vendors, clients). Any employee or student who is the victim of any unlawful harassment by a nonemployee or nonstudent or observes this conduct toward another District employee or student should report such harassment to his or her immediate supervisor (if the complainant is a student worker or other employee), or to Student and Learning Services (if the complainant is a student), and appropriate action will be taken.

5. Seriousness of Unlawful Harassment Allegations

While the District vigorously defends its employees' and students' right to work in an environment free of unlawful harassment, it also recognizes that false accusations of unlawful harassment can have serious consequences. Accordingly, any individual who is found, through the District's investigation, to have falsely accused another person of unlawful harassment will be subject to appropriate disciplinary action, up to and including discharge or expulsion.

6. Title IX Requirements

- a. Any person may make a complaint of sexual harassment (discrimination) in particular by contacting the Title IX Coordinator directly. The District's Title IX Coordinator is the Vice President, Human Resources.
- b. The Title IX Coordinator or designee who receives information about a complaint of sexual harassment (discrimination) will receive all relevant details about the alleged sex-based discrimination reported to the District responsible employee in order to determine what occurred and how to resolve the situation. This includes the names of alleged victim and alleged perpetrator (if known), and the date, time, and location of the alleged sexual misconduct.
- c. The Title IX Coordinator, or designee, will make an immediate assessment concerning the health and safety of the victim and campus community as a whole. The District will provide the victim with immediate, interim measures necessary to protect his or her health and safety. Where the District determines that there is a substantial threat to the campus community, it will issue a timely warning according to District Administrative Procedures. The District will not disclose the victim's name or other identifying information when issuing the warning.
- d. The complaint and investigation will be processed under Administrative Regulation 3410.
 - i. The District will normally complete its sexual misconduct investigation within 90 days of receiving the complaint, unless extended for good cause. The Title IX Coordinator will notify the victim and accused in writing of the reason for the extension and the projected new timeline.
 - ii. The victim and accused will have equal opportunity to present relevant witnesses and other evidence to the District investigator. The District will provide the same opportunities to the victim and accused.
 - iii. The allegations in a complaint will be decided using a preponderance of the evidence standard (i.e., it is more likely than not that sex-based discrimination occurred). Issues of consent will be decided using an affirmative consent standard, as described by Education Code section 67386.
 - iv. The Title IX Coordinator, or designee, will not use mediation or any similar process to informally resolve a sexual misconduct complaint.
 - v. The results of the fact-finding investigation will be set out in a formal investigative report which will include the requirements required by law and a credibility determination of the victim, accused, and witnesses, as appropriate.
 - vi. The Title IX Coordinator or designee will notify the State Chancellor's Office of any sex-based discrimination complaint. Upon completing the investigation, the District shall forward to the State Chancellor's Office a copy of the investigative report and administrative determination and to the complainant a copy or summary of the investigative report and administrative determination.
- e. Where the victim has filed a criminal complaint with local law enforcement, the District will consider what information the District is able to share, pursuant to state and federal law, to ensure that victims are not unnecessarily required to give multiple statements about a traumatic event. The District will continue to conduct its own thorough, reliable, prompt, and impartial investigation.

7. Consensual Relationships

- a. The perceived potential for conflicts of interest created by consensual relationships is of serious concern to the District. These relationships may lead to charges of sexual harassment that violate District policy. Consensual relationships may lead to an abuse of power, coercion, exploitation, or unfair treatment of others because there is an inherent imbalance of power and potential for exploitation in such relationships. A conflict of interest may arise if the administrator, faculty, or staff member must evaluate the 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. Romantic or sexual relationships between supervisors and employees are discouraged. 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 faculty member 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.
- b. Definition of Consensual Relationship
 - i. A consensual relationship, for purposes of this Administrative Procedure, is defined as one in which two individuals are involved by mutual consent in a romantic, physically intimate, and/or sexual relationship. A consensual relationship that might be appropriate in other circumstances is inappropriate when it occurs between members of the District community if one individual has power or authority over the other.
 - ii. The District recognizes that a consensual relationship may exist prior to the time an individual is assigned to a supervisor. An individual shall not accept direct authority over someone with whom she/he has a consensual relationship. However, an individual may accept direct authority over someone with whom he/she had (but no longer has) a consensual relationship preceding the assignment, provided appropriate actions are taken to mitigate the potential conflict of interest, including obtaining the agreement of the individual's supervisor and the agreement of the other person involved in the relationship.
- c. Prohibited Relationships Between Students and Members of the District Community

In addition to the concern over the potential for conflicts of interest arising out of consensual relationships, the District has a special responsibility towards students as members of the District community. The academic success of students is central to the District's mission. The unequal institutional power inherent between students and particular members of the District community must be protected from influences or activities that can interfere with learning consistent with the goals and ideals of the District. Accordingly, relationships of the following nature are strictly prohibited:

- i. Between an academic manager and any student with whom the manager is required to interact in an official capacity.
- ii. Between an instructor, coach, counselor, or individual in any other position of instructive, evaluative, or advisory authority over students and any student for whom the instructor, coach, counselor, or individual has direct instructive, evaluative, or advisory authority.
- iii. Between a direct supervisor and a student.

Exceptions to the above restrictions may be approved by the College President, in consultation with the President of the Academic Senate, Classified Senate, or Management Association, as appropriate, in extraordinary circumstances.

- d. Types of Consensual Relationships Subject to this Policy. Examples of consensual relationships subject to this policy include, but are not limited to, the following types of relationships:
 - i. Between supervisor and supervisee;
 - ii. Between faculty and students; and
 - iii. Between academic managers and faculty.

8. Failure to Comply with this Policy

Students or employees who engage in unlawful harassment or retaliation in violation of this policy may be subject to disciplinary action, up to and including termination from employment or expulsion, as applicable. Violations of this policy

may be addressed through existing District policies or negotiated agreements for complaint resolution and/or disciplinary procedures as appropriate for faculty, staff, management individuals and students.

9. Employee Training

- a. The District shall provide sexual harassment prevention training and education to each employee once every two years. All new employees must be provided with the training and education within six months of their assumption of a position. 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. The training and education shall also include practical examples aimed at instructing employees 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. Employee harassment training must also address potential exposure and liability for employers and individuals, supervisor's and employees obligation to report sexual harassment, discrimination, and retaliation when they become aware of it, appropriate remedial measures to correct harassing behavior, and a review of "abusive conduct."
- b. The District will maintain appropriate records of the training provided, including the names of the 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 names of the training provider. The District will retain these records for at least three years.

10. Education

In order to take proactive measures to prevent unlawful harassment and violence toward students, the District will provide preventive education programs and make victim resources, including comprehensive victim services, available. The District will include such programs in their orientation programs for new students, and in training for student athletes and coaches. These programs will include discussion of what constitutes sexual harassment and sexual violence, the District's policies and disciplinary procedures, and the consequences of violating these policies. A training program and/or informational services will be made available to all students at least once annually. The education programs will also include information aimed at encouraging students to report incidents of sexual violence to the appropriate District and law enforcement authorities. Since victims or third parties may be deterred from reporting incidents if alcohol, drugs, or other violations of District or campus rules were involved, the District will inform students that the primary concern is for student safety and that use of alcohol or drugs never makes the victim at fault for sexual violence. If other rules are violated, the District will address such violations separately from an allegation of sexual violence.

10. Dissemination of Policy and Procedures

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

12. Summary

The District entrusts all employees and students with the responsibility for maintaining a positive working and learning environment free of unlawful harassment. The District encourages employees and students to raise questions regarding unlawful harassment with the immediate supervisor, the department/division head, Student and Learning Services, or Human Resources.

Board Policy 3540: Sexual and Other Assaults on Campus and in Campus Programs

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. Students, faculty, and staff who may be victims or accused of sexual assaults and other assaults shall be treated with dignity, respect, and provided comprehensive assistance.

The Superintendent–President shall establish administrative procedures that ensure that students, faculty, and staff who are victims of sexual assaults 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 Education Code Sections 67385, 67385.7, and 67386, and 34 Code of Federal Regulations Section 668.46.

AP 3540: Sexual and Other Assaults on Campus and in Campus Programs

Assaults or Physical Abuse

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. (Also see AP 3433 Prohibition of Sexual Harassment under Title IX, AP 3434 Responding to Sexual Harassment under Title IX, and AP 5500 Standards of Student Conduct.) “Sexual assault,” “dating violence,” “domestic violence,” and “stalking” are defined in AP 3433.

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.

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

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 Title IX office, which shall maintain the identity and other information about alleged sexual assault victims as confidential unless and until the Title IX Coordinator is authorized to release such information.

The Title IX Coordinator or designee shall provide all alleged 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 on campus who should be notified and procedures for such notification, if the alleged victim consents;

- 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. Services and those responsible for provided or arranging them include:
 - transportation to a hospital, if necessary;
 - on-campus counseling; and
 - a list of other available campus resources or appropriate off-campus resources.
- The victim's option to:
 - notify proper law enforcement authorities, including on-campus and local police;
 - be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and
 - decline to notify such authorities;
- Information about the participation of victim advocates and other supporting people;
- The rights of victims and the District'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; and
- 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 campus police or local law enforcement.
- A description of each of the following options:
 - counselors and support services for victims;
 - 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; and
 - academic assistance alternatives.

The Title IX Coordinator should be available to provide assistance to District law enforcement unit employees regarding how to respond appropriately to reports of sexual violence.

The District will investigate all complaints alleging sexual assault under the procedures for sexual harassment investigations described in AP 3434 Responding to Sexual Harassment 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 Title IX Office 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 related violations of the District's Standards for Student Conduct 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 allege lack of affirmative consent that the Respondent believed that the Complainant consented to the sexual activity under either of the following circumstances:

- The Respondent's belief in affirmative consent arose from the intoxication or recklessness of the Respondent.

- The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively consented.

In the evaluation of complaints in the disciplinary process, it shall not be a valid excuse that the Respondent believed that the Complainant affirmatively consented to the sexual activity if the Respondent 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 a 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 assaults, or stalking on District property shall be referred to the District's Marketing Director, who shall work with the Title IX Office to assure that all confidentiality rights are maintained consistent with state and federal law.

Additionally, the Annual Security Report will include a statement regarding the District's programs to prevent sexual assault, domestic violence, dating violence, and stalking and procedures that should be followed after an incident of domestic violence, dating violence, sexual assault, or stalking has been reported, including a statement of the standard of evidence that will be used during any district proceeding arising from such a report. The statement must include the following:

- A description of educational programs to promote the awareness of rape, acquaintance rape, other forcible and non-forcible sex offenses, domestic violence, dating violence, or stalking;
- Procedures to follow if a domestic violence, dating violence, sex offense, or stalking occurs, including who should be contacted, the importance of preserving evidence to prove a criminal offense, and to whom the alleged offense should be reported;
- Information on a student's right to notify appropriate law enforcement authorities, including on-campus and local police, and a statement that campus personnel will assist the student in notifying these authorities, if the student so requests, and the right to decline to notify these authorities;
- Information about how the District will protect the confidentiality of victims;
- Information for students about existing on- and off-campus counseling, mental health, victim advocacy, legal assistance, or other services for 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 campus police or local law enforcement;
- Procedures for campus disciplinary action in cases of an alleged domestic violence, dating violence, sexual assault, or stalking including a clear statement that:
 - Such proceedings shall provide a prompt, fair, and impartial resolution;
 - Such proceedings shall be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;
 - The Complainant and the Respondent are entitled to the same opportunities to have others present during a disciplinary proceeding; and
 - Both the Complainant and the Respondent must be informed of the outcome of any District disciplinary proceeding resulting from alleged domestic violence, dating violence, sexual assault, or stalking, the procedures for the Respondent and victim to appeal the results of the disciplinary proceeding, of any changes to the results that occur prior to the time that such results become final, and when such results become final. Compliance with this paragraph does not violate the Family Educational Rights and Privacy Act. For the purposes of this paragraph, the outcome of a disciplinary proceeding means the final determination with respect to the alleged

domestic violence, dating violence, sex offense, or stalking and any sanction that is imposed against the Respondent.

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

Sexual Assault and Domestic Violence Counselors

Sexual assault and domestic violence counselors shall be independent from the Title IX office, and shall, at a minimum, meet the qualifications defined in Sections 1035.2 and 1037.1 of the Evidence Code, respectively.

Services provided by sexual assault and domestic violence counselors, including, but not limited to, securing alternative housing assignments and academic assistance alternatives, shall not be contingent on a victim's decision to report to the Title IX office or law enforcement.

A sexual assault or domestic violence counselor shall obtain specific permission from the victim before disclosing the identity of the victim, or any information that could reasonably be expected to reveal the identity of the victim, to the university or any other authority, including law enforcement, unless otherwise required to do so by applicable state or federal law.

Education and Prevention Information

The Title IX office 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, all of 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.

Board Policy 5500: Standards of Student Conduct

The District seeks to maintain a safe, orderly, and constructive campus environment in which there is freedom to learn and respect for the dignity of all members of the College community. Students are expected to be responsible, honest, and non-violent in exercising their rights to free inquiry and free speech.

The District shall establish procedures which describe expected student conduct, penalties for misconduct, and a student discipline process.

The Superintendent/President shall establish procedures for the imposition of discipline on students in accordance with the requirements for due process of the federal and state law and regulations.

The procedures shall clearly define the conduct that is subject to discipline, and shall identify potential disciplinary actions, including but not limited to the removal, suspension or expulsion of a student.

The Board of Trustees shall consider any recommendation from the Superintendent/President for expulsion. The Board shall consider an expulsion recommendation in closed session unless the student requests that the matter be considered in a public meeting. Final action by the Board on the expulsion shall be taken at a public meeting.

The procedures shall be made widely available to students through the college catalog and other means.

The Student Conduct Code identifies conduct that is prohibited by College policy. Students who violate the Student Conduct Code will be subject to disciplinary action under the Student Discipline Process Procedures (AP 5520). Disciplinary sanctions depend on the nature of the offense, the past pattern of behavior of the student, and other relevant factors. Examples of possible disciplinary sanctions are listed below. In addition, student drug or alcohol offenses or other criminal acts, may be referred to law enforcement officials.

1. The following conduct shall constitute good cause for discipline, including but not limited to the removal, suspension or expulsion of a student. These types of conduct are prohibited at all times on College owned or controlled property and at any off-campus function sponsored or supervised by the College.
 - Causing, attempting to cause, or threatening to cause physical injury to another person.
 - Possession, sale or otherwise furnishing any firearm, knife, explosive or other dangerous object, including but not limited to any facsimile firearm, knife, or explosive, unless, in the case of possession of any object of this type, the student has obtained written permission to possess the item from a District employee, which is concurred in by the college president.
 - Unlawful possession, use, sale, offer to sell, or furnishing, or being under the influence of, any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the California Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind; or unlawful possession of, or offering, arranging or negotiating the sale of any drug paraphernalia, as defined in California Health and Safety Code Section 11014.5.
 - Committing or attempting to commit robbery or extortion.
 - Causing or attempting to cause damage to district property or to private property on campus.
 - Stealing or attempting to steal District property or private property on campus, or knowingly receiving stolen District property or private property on campus.
 - Attempted or actual theft or intentional damage to property of the College or any member of the College community or visitors. This includes theft of textbooks or sale of textbooks other than one's own and intentional damage to library resources.
 - Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the college or the District.
 - Committing sexual harassment as defined by law or by District policies and procedures.
 - Engaging in harassing or discriminatory behavior based on disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other status protected by law.
 - Engaging in intimidating conduct or bullying against another student through words or actions, including direct physical contact; verbal assaults, such as teasing or name-calling; social isolation or manipulation; and cyberbullying;

- Willful misconduct which results in injury or death to a student or to college personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the District or on campus.
- Sexual assault, defined as actual or attempted sexual contact with another person without that person's consent, regardless of the victim's affiliation with the community college, including, but not limited to, any of the following:
- Intentional touching of another person's intimate parts without that person's consent or other intentional sexual contact with another person without that person's consent.
- Coercing, forcing, or attempting to coerce or force a person to touch another person's intimate parts without that person's consent.
- Rape, which includes penetration, no matter how slight, without the person's consent, of either of the following:
 - a. The vagina or anus of a person by any body part of another person or by an object.
 - b. The mouth of a person by a sex organ of another person. Sexual exploitation, defined as a person taking sexual advantage of another person for the benefit of anyone other than that person without that person's consent, regardless of the victim's affiliation with the community college, including, but not limited to, any of the following:
- (1) Prostituting another person.
- (2) Recording images, including video or photograph, or audio of another person's sexual activity, intimate body parts, or nakedness without that person's consent.
- (3) Distributing images, including video or photograph, or audio of another person's sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to the disclosure and objected to the disclosure.
- (4) Viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent, and for the purpose of arousing or gratifying sexual desire.
- Disruptive behavior, willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, college personnel.
- Cheating, plagiarism (including plagiarism in a student publication), or engaging in other academic dishonesty.
- Dishonesty, forgery, alteration or misuse of college documents, records or identification; or knowingly furnishing false information to the District.
- Unauthorized entry upon or use of college facilities.
- Lewd, indecent, or obscene conduct on District-owned or controlled property or at District-sponsored or supervised functions.
- Engaging in expression which is obscene; libelous, or slanderous; or which so incites students as to create a clear and present danger of the commission of unlawful acts on college premises, or the violation of lawful District administrative procedures, or the substantial disruption of the orderly operation of the District.
- Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.
- Unauthorized preparation, giving, selling, transfer, distribution, or publication, for any commercial purpose, of any contemporaneous recording of an academic presentation in a classroom or equivalent site of instruction, including but not limited to handwritten or typewritten class notes, except as permitted by any Board policy or administrative procedure.
- Failure to comply with directions of College personnel acting in the performance of their duties, including failure to present the Pasadena City College ID card or current class schedule upon request.
- Misrepresentation of oneself or of an organization to be an agent of the College.
- Violation of rules and/or regulations governing student organization chartering, official activity approval, funds handling and management, and/or participation in such activities.
- Unauthorized use of computers and telecommunication resources, including but not limited to:
 - i. Unauthorized entry into a file to use, read, or change the contents, or for any other purpose;

- ii. Unauthorized transfer of a file;
 - iii. Unauthorized use of another individual's identification and password;
 - iv. Use of computing facilities to interfere with the work of another student, faculty member or College official;
 - v. Use of computing and telecommunications resources to send obscene or abusive messages.
 - vi. Use of any audio, video or other listening, recording or transmitting device in any classroom, service area or College activity without the prior consent of the instructor, College service provider or activity advisor except as necessary to provide reasonable auxiliary aids and academic adjustments to students with disabilities or as provided by regulation or law.
2. All students are required to adhere to any and all health and safety protocol set forth by the Pasadena Area Community College District deemed appropriate and necessary to protect the general safety, health and well-being of the overall college community and its members.

Failure to comply with any direction by a District employee, related to a health and safety protocol or directive, may be considered a violation of the Pasadena City College Standards of Student Conduct (BP 5500 & AP 5520)

- Failure to comply with directions of College personnel acting in the performance of their duties, including failure to present the Pasadena City College ID card or current class schedule upon request.
- Disruptive behavior, willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, college personnel.
- Other misconduct that disrupts the College, its mission or campus life.
- Violation of other College policies, procedures or regulations.

AP 5500: Standards of Student Conduct code

1. Student Conduct Code

The Student Conduct Code identifies conduct that is prohibited by College policy. Students who violate the Student Conduct Code will be subject to disciplinary action under the Student Discipline Process Procedures. Disciplinary sanctions depend on the nature of the offense, the past pattern of behavior of the student, and other relevant factors. Examples of possible disciplinary sanctions are listed below. In addition, student drug or alcohol offenses or other criminal acts, may be referred to law enforcement officials.

2. Types of Conduct Subject to Discipline

The following are some of the types of conduct for which students may be subject to disciplinary sanctions. These types of conduct are prohibited at all times on College owned or controlled property and at any off-campus function sponsored or supervised by the College.

- a. Dishonesty, such as cheating, plagiarism, fabrication, or knowingly furnishing false information to the College or its officials; intentionally or knowingly helping or attempting to help another commit an act of dishonesty.
- b. Failure to comply with directions of College personnel acting in the performance of their duties, including failure to present the Pasadena City College ID card or current class schedule upon request.
- c. Unlawful use, possession, sale or presence on campus while under the influence of alcohol, narcotics, or other controlled illegal substances.
- d. Forgery, alteration or misuse of College documents, records, or identification.
- e. Misrepresentation of oneself or of an organization to be an agent of the College.
- f. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other College sponsored or supervised activities including public-service functions on or off campus, or authorized non-College activities on College premises.

- g. Assault, battery, any threat of force or violence, physical or verbal abuse, intimidation, harassment, coercion, stalking, hazing and/or other such conduct involving any member of the College community or visitors.
 - h. Attempted or actual theft or intentional damage to property of the College or any member of the College community or visitors. This includes theft of textbooks or sale of textbooks other than one's own and intentional damage to library resources.
 - i. Violation of applicable College policies, procedures or regulations, State or local laws on College premises or at College sponsored or supervised activities.
 - j. Violation of rules and/or regulations governing student organization chartering, official activity approval, funds handling and management, and/or participation in such activities
 - k. Violation of College policies, procedures, and/or regulations on the time, place and manner of free speech and distribution of literature, including those addressing use of the free speech area, use of amplified sound, disruption of the educational processes of Pasadena City College, student body election activities, student and student organization activities and non-student organization activities.
 - l. Willful or persistent smoking in any area where smoking has been prohibited by lawful authority.
 - m. Disorderly conduct or lewd, indecent, or obscene conduct or expression.
 - n. Illegal or unauthorized possession, use, or sale of explosives, firearms, or other dangerous objects or substances which might inflict bodily harm or be used to threaten the health or safety of anyone.
 - o. Continual, disruptive, behavior, continued willful disobedience, or the open and persistent defiance of the authority of, or persistent abuse of College personnel.
 - p. Unauthorized use of computers and telecommunication resources, including but not limited to:
 - (1) Unauthorized entry into a file to use, read, or change the contents, or for any other purpose;
 - (2) Unauthorized transfer of a file;
 - (3) Unauthorized use of another individual's identification and password;
 - (4) Use of computing facilities to interfere with the work of another student, faculty member or College official;
 - (5) Use of computing and telecommunications resources to send obscene or abusive messages.

(As used above, unauthorized means permission has not been given by an appropriate college office. See District Policy 5350, Privacy, Security, and Acceptable use of Electronic Resources.)
 - q. Any form of unlawful discrimination or harassment, including sexual harassment, gender-based harassment and/or sexual assault of any person as defined by state or federal law. See College policy and procedures on discrimination, sexual harassment and/or sexual assault.
 - r. Obstruction of the free flow of pedestrian or vehicular traffic on College premises or at College-sponsored or supervised functions such as speeding on campus property, failing to stop at stop signs and occupied pedestrian crossings and parking illegally.
 - s. Parking in violation of areas reserved for people with disabilities or persons providing transportation to such employees, students and/or visitors.
 - t. Use of any audio, video or other listening, recording or transmitting device in any classroom, service area or College activity without the prior consent of the instructor, College service provider or activity advisor except as necessary to provide reasonable auxiliary aids and academic adjustments to students with disabilities or as provided by regulation or law. Students who require such devices or other accommodations should inform their instructor(s) by the first day of class or their first day of attendance, whichever comes first.
 - u. All students are required to adhere to any and all health and safety protocol set forth by the Pasadena Area Community College District deemed appropriate and necessary to protect the general safety, health and well-being of the overall college community and its members.
- Failure to comply with any direction by a District employee, related to a health and safety protocol or directive, may be considered a violation of the Pasadena City College Standards of Student Conduct (BP 5500 & AP 5520)
- v. Other misconduct that disrupts the College, its mission or campus life.

Misconduct Penalties

1. Disciplinary Actions for Violation of Conduct Code

Violation of a Student Conduct Code is subject to the following types of disciplinary action that will be administered by appropriate College personnel:

- a. **Warning** - A verbal admonition to the student that a College regulation has been violated. This action may be initiated by a college faculty member or manager and, if deemed necessary, sent in writing to the Office of Student and Learning Services to determine if further disciplinary action should be imposed.
- b. **Temporary Class Removal** - Removal of a student from a class by the instructor when the student's behavior has interfered with the teaching/learning process within the classroom/laboratory environment. A student may also be removed from the instructional setting if the instructor determines that the student's actions are unsafe and/or dangerous to self or others. In either case, the duration shall not exceed the day of the removal and the next class meeting. Temporary class removal may be undertaken only after the instructor has warned the student and given the student a chance to improve, except in cases where the violation is so flagrant that immediate removal from the class, clinic, or laboratory is in order. The instructor shall notify the Division Dean of the temporary class removal.
- c. **Reprimand** - A written reprimand to the student at the discretion of the Vice President of Student and Learning Services or designee. A copy of the letter may be placed in the student's disciplinary file. The student will be notified of this action and given an opportunity to submit a written response.
- d. **Disciplinary Probation** - A written reprimand accompanied by probation for a designated period of time. Probation includes probability of more severe disciplinary sanction if the student is found to have violated College regulations during the probationary period.
- e. **Loss of Privileges** - Denial of specified privileges for a designated period of time including exclusion from extra-curricular activities of the College community and restricted use of College facilities and services.
- f. **Restitution** - Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
- g. **Discretionary Sanctions** - Work assignments, service to the College or community or other related discretionary assignments. Such assignments must be approved by the Vice President of Student and Learning Services or designee.
- h. **Administrative Class and/or Program Drop** - Drop of a student from a class and/or program by the Vice President of Student and Learning Services or designee. An instructor may initiate this drop process for one or more of the reasons given under the Student Discipline Process. (See section 1.b., Administrative Class and/or Program Drop Procedures.)
- i. **Interim Suspension** – Removal, in certain circumstances, of a student from the College prior to completion of due process proceedings in order to insure the student's own physical or emotional safety and well-being or to insure the safety and well-being of members of the College community or for the preservation of College property. The student shall be given prompt notice of the charges and a reasonable opportunity for a hearing within 10 class days (class days are the days that classes are in session, excluding weekends) of the imposition of the interim suspension.
- j. **Suspension** - Exclusion of the student from the College for a definite period of time, after which the student may be eligible to re-enroll. Conditions for readmission may be specified. This action is initiated by the Superintendent-President of the College or designee. Any suspension shall be accompanied by a hearing or the opportunity for a hearing.
- k. **Expulsion** - Removal of a student from the College by the governing board of the College (Board of Trustees) for good cause when other means of correction have failed to bring about proper conduct or when the presence of the student causes a continuing danger to the physical safety of the student or others. An expulsion is considered a permanent exclusion of the individual from being a student of the District. Re-admittance to the College requires governing board approval. Expulsion shall be accompanied by a hearing or the opportunity for a hearing.

2. More than one of the sanctions above may be imposed for a single violation.

3. In regard to Health & Safety violations, students may face possible sanctions including verbal warning, removal from classroom of campus space in which alleged violation occurred for up to two (2) days (California Ed Code 66300, 71222 and 76030), being dropped from classes, or registration holds until student is in compliance with College health and safety regulations. Additional sanctions, up to and including expulsion, may be applied through the College's formal student conduct process
4. Other than expulsion, disciplinary sanctions shall not be part of the student's permanent academic record, but shall become part of the student's confidential record.
5. Violation of parking laws, ordinances or regulations shall not be grounds for class removal, suspension or expulsion

AP 5520: Student Disciplinary Procedures

Student Discipline Procedures

The purpose of this administrative procedure is to provide a prompt and equitable means to address violations of the Standards of Student Conduct, 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.

DEFINITIONS

College District - Pasadena Area Community College District (PACCD)

Student - Any person who has applied, is currently enrolled as a student or in participating any program offered by the College District.

Instructor - Any academic employee of the College District in whose class a student subject to sanction is enrolled, or counselor who is providing or has provided services to the student, or other academic employee who has responsibility for the student's educational program.

Complainant - A person who submits a charge alleging that a student has violated the College's Student Code of Conduct.

Accused Student/Respondent - A student who has been accused of violating the Student Code of Conduct by a College District employee, student, or visitor.

Business Days - Unless otherwise provided, a business day shall mean a day during which the College District is in session and regular classes are held, excluding Saturdays, Sundays, and public holidays.

College District Property - Property under the control of the Pasadena Area Community College District or any place that is the site of a College District approved activity or function.

JURISDICTION OF THE COLLEGE

Sanctions for violations of the Student Conduct Code may be imposed for conduct which occurs on the College premises, in or out of the classroom setting, while using College technology, at off-campus instructional sites, during off-campus College-sponsored events and for off-campus conduct which materially and substantially interferes with the College's operational and educational programs.

FILING A COMPLAINT

Any person may allege a violation of the Student Conduct Code by completing a Student Conduct Incident Report Form and submitting it to the Office of Student Life or on-line. The College reserves the right to initiate a student conduct

process based on available information, even if a formal complaint has not been received. The complaint shall describe the conduct in question and, if known, the name of the person or persons alleged to have engaged in that conduct. The filing of a complaint assumes that the complainant desires to initiate the inquiry that may result in official disciplinary action against the alleged violator. The complainant should file a complaint within a reasonable amount of time not to exceed 30 days from the date of the incident.

OVERVIEW OF THE STUDENT CONDUCT PROCESS

- Each student is responsible for reading and complying with the Standards of Conduct & Academic Honesty which is made available on the Pasadena City College website on the Office of Student Life page or in the Office of Student Life, Campus Center 105 and the College Catalog.
- Any member of the college community can initiate an accusation of an alleged violation.
- If a student is accused of an alleged violation, he or she will receive written notice of the conduct warranting discipline. The notice may include a request for a review meeting and will include :
 - a. The specific code violations;
 - b. A short statement of the facts supporting the accusation;
 - c. The right of the student to meet with the Dean of Student Life/Student Conduct Administrator or designee;
 - d. Reference to the Student Conduct Code process and rights of students as indicated in the Code.
 - e. The nature of the sanctions being considered.
- Time Limits - The notice must be provided to the student within thirty (30) business days of the date on which the conduct allegedly took place; in the case of continuous, repeated or ongoing conduct, the notice must be provided within ten (10) business days of the date on which conduct occurred which led to the decision to take disciplinary action.
- Meeting - If the student chooses to meet, or is requested to meet, with the Dean of Student Life or designee, the meeting must occur no sooner than five (5) business days after the notice is provided. At the meeting, the student must again be told the facts leading to the accusation, and must be given an opportunity to respond verbally or in writing to the accusation.
- Upon completion of the review meeting the student, if necessary, shall have the right to the following:
 - a. Be provided a list of findings by the Dean of Student Life/Student Conduct Administrator or designee;
 - b. Accept or deny responsibility.
 - c. Have sanctions imposed, if found in violation of the Student Conduct Code;
 - d. Request a hearing of the Student Conduct Hearing Panel should the student disagree with the finding(s) and sanction(s) of the Dean of Student Life/Student Conduct Administrator or designee (if sanction includes suspension, removal from a class or expulsion);
 - e. Be informed of the appropriate Policy & Procedure;
 - f. Be informed of his/her right to request a copy of their student conduct file.
- Students should be aware that the student conduct process is different from criminal and civil court proceedings. Procedures and rights in student conduct proceedings are conducted with fairness to all, but do not include the same protections of due process afforded by the courts. The standard used to determine whether a violation of the Student Conduct Code has occurred will be a preponderance of evidence (more likely than not). Due process within these procedures, assures timely written notice, a hearing before an objective decision-maker or panel (should one be requested) and a process for appeal.
- Students continue to be subject to city, state and federal laws while at Pasadena City College (PCC) and allegations, charges or violations of those laws may also constitute violations of the Student Conduct Code. In such instances, PCC may proceed with disciplinary action under the Student Conduct Code independently of any criminal proceeding involving the same conduct. The College may impose sanctions for violation of the Student Conduct Code even if such criminal proceeding is not yet resolved or is resolved in the student's favor.
- No student will be found in violation of PCC policy without information showing by preponderance of the evidence

that a policy violation has occurred. In PCC's sole discretion, sanctions will be proportionate to the severity of the violation(s).

- If a student is found responsible for one or more violations of the Student Conduct Code, the student's prior conduct record will be taken into consideration and may result in progressive sanctions because of a pattern of behavior.
- Within five (5) business days after meeting with the Dean of Student Life/Student Conduct Administrator as described above, the Dean of Student Life/ Student Conduct Administrator or designee shall decide whether to impose expulsion, suspension, short-term suspension, whether to impose some lesser sanction, or whether to end the matter. Written notice of the Dean's or designee's decision shall be provided to the student. The notice will include the length of time of the suspension, or the nature of the lesser sanction.

DETERMINATION OF SANCTIONS

The following factors may be considered in determining what sanctions are appropriate in a particular case. While sanctions are applied equitably and fairly, it is done so with consideration for the uniqueness of each individual case.

- The nature of the violation(s).
- Prior violations and disciplinary history.
- Mitigating circumstances surrounding the violation.
- The student's motive or purpose for engaging in the behavior.
- Sanctions which have been imposed in similar cases in the past.
- The developmental and educational impact on the student.

POSSIBLE SANCTIONS

Multiple sanctions may be imposed including but not limited to:

A. Sanctions for Academic Dishonesty

Students found to be responsible for academic dishonesty may incur any of the below sanctions as well as the following:

- The instructor may assign a failing grade to the examination or assignment in which the alleged cheating or plagiarism occurred.
- The instructor may dismiss the student from the class or activity for the present and/or following class session(s) (total of 2 class sessions).
- The instructor or the Division administrator may require a meeting with the instructor and/or the Administrator.
- The instructor shall complete a Student Conduct Incident Report and forward a copy to the Division Administrator and the Dean of Student Life/Student Conduct Administrator.

B. Other Sanctions

Written or Verbal Reprimand - An admonition to the student to cease and desist from conduct determined to violate the College District's Student Code of Conduct. Written reprimands may become part of a student's permanent record at the College District. A record of the fact that a verbal reprimand has been given may become part of a student's record at the College District for a period of up to one (1) calendar year.

Educational sanctions- including work assignments, essays, community service, behavioral contract, administrative referral or other related educational assignment;

Disciplinary Probation- Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be in violation of any institutional regulations during the probationary period. It may include restriction from contact with specified individuals, college activities, services, offices, or designated areas. Probation shall not be imposed for a period longer than a year.

Restitution-a payment to compensate an injured party for financial harm, in cases involving misconduct such as theft, destruction of property or deception.

Removal from Class/Facility/College District Entity – Any instructor/responsible manager may remove a

student from the class, activity, office, department etc. for the day of the incident and one additional day. The instructor/responsible manager shall immediately report the removal to the Dean of Student Life/ Student Conduct Administrator or designee and his/her Dean or responsible administrator. The student shall not be returned to the class during the period of the removal without the concurrence of the instructor.

Withdrawal of Consent to Remain On Campus – The Dean of Student Life or designee and/or the College District's Campus Police Department, 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, he/she must promptly leave or be escorted off campus. If consent is withdrawn a written report must be promptly made to the Superintendent-President or designee.

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 ten (10) business days from the date of the receipt of the request. The hearing will be conducted in accordance with the provisions of this administrative procedure relating to interim suspensions.

Any person for whom 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)

No Contact Order- a written issuance that there should be no personal or interpersonal contact or communication between involved parties. This includes verbal and non-verbal;

Short-Term Suspension - Exclusion of the student by the Dean of Student Life/Student Conduct Administrator or designee for good cause from one or more classes or from all activities of the College District for a period of up to ten (10) consecutive days of instruction.

The Dean of Student Life or designee's decision on a short-term suspension shall be final.

Long-Term Suspension - Exclusion of the student by the Dean of Student Life or designee for good cause from one or more classes or from all classes and activities of the College District for one or more terms, not to exceed two years.

Within ten (10) business days after the meeting described above, the Dean of Student Life/Student Conduct Administrator or designee shall decide whether to impose a long-term suspension. Written notice of the decision shall be provided to the student. The notice will include the right of the student to request a formal hearing before a long-term suspension is imposed, as well as a copy of this policy describing the procedures for a hearing. The student shall not allowed on-campus until the rendering of a decision by a Student Conduct Hearing Panel. Students may permitted on-campus to conduct student business, but must receive permission from the Office of Student Life prior to coming to campus and must check in with the College's Campus Police Department to obtain a police escort while on-campus.

IMMEDIATE INTERIM SUSPENSION (Education Code Section 66017)-The Dean of Student Life/Student Conduct Administrator or designee may order immediate interim suspension of a student where he/she concludes the following:

- To ensure the safety and well-being of members of the College community or preservation of College property;
- To ensure the student's own physical or emotional safety and well-being;
- If the student poses an immediate threat or disruption of or interference with the normal operations of the College.
- Student has been accused of a severe violation and cannot be located and/or does not participate in the conduct process.

In cases where an interim suspension has been ordered, the time limits contained in this administrative procedure will not apply. All hearing rights, including the right to a formal hearing where a long-term suspension or expulsion is recommended, will be afforded to the student within ten (10) business days of the decision to impose an interim suspension.

Expulsion

Expulsion is the permanent separation of a student from the Pasadena Area Community College District by action of the Board of Trustees for good cause when other means of correction fail to bring about appropriate conduct, or when the presence of the student causes a continuing danger to the physical safety of the student or others. The student is prohibited from College property, functions, events and activities. Permanent notification will appear on student's Pasadena City College transcript.

Within ten (10) business days after meeting with the accused student above, the Dean of Student Life/Student Conduct Administrator shall decide whether to recommend expulsion to the Board of Trustees. Written notice of the Dean's or designee's decision shall be provided to the student. The notice will include the right of the student to request a formal hearing before expulsion is imposed, and a copy of this policy describing the procedures for a hearing.

HEARING PROCEDURES

Request for Hearing

Within five (5) business days after the receipt of the Dean of Student Life/Student Conduct Administrator or designee's decision regarding a long-term suspension or expulsion, the student may request a formal hearing of the Student Conduct Hearing Panel. The request must be made in writing to the Dean of Student Life or designee.

Schedule of Hearing

The formal hearing shall be held within fifteen (15) business days after a request for hearing of the Hearing Panel is received.

At least five (5) business days prior to the hearing date, the Dean of Student Life/Student Conduct Administrator or designee will inform the student of the hearing date and time by certified mail, e-mail to his/her PCC e-mail address, with delivery notification, and/or in person with signature verification of receipt. The notice will enclose a description of the procedures to be followed at the hearing.

The student and the College have a right to receive copies of all documents that are to be presented to the Student Conduct Hearing Panel as well as any witnesses who may provide statements.

The Hearing Chair shall provide the student copies of all documents and witnesses to be presented to the panel. The chair shall make such documents available to the student as soon as practical before the hearing but not less than 2 business days before the hearing.

If the student intends to present any documents or witnesses with contact information to the Student Conduct Hearing Panel he/she shall provide copies of the same to the Hearing Chair no less than 2 days before the hearing.

If a student who has been given notice does not appear for the hearing, the information in support of the alleged violation(s) will be presented and considered in the student's absence. A student will be considered absent 15 minutes after the time the hearing was scheduled to convene.

Hearing Panel

The Hearing Panel shall consist of the Vice President of Student Affairs or designee as the Hearing Chair, and one representative from each of the following groups, Academic Senate, Classified Senate, the Associated Students, and College Management and the Dean of Student Life or designee as an ex-officio member and a witness for the District.

An affirmative vote of three members of the Hearing Panel shall be required to determine responsibility and sanctions.

The Superintendent/President or designee, the president of the Academic Senate or designee, the Classified Senate or designee, College Management the Associated Students Organization (ASPCC) president or designee shall each, at the beginning of the academic year, establish a list of at least five (5) persons who will serve on the Student Conduct Hearing panels. The Superintendent/President or designee shall appoint the hearing panel from the names on these lists. However, no administrator, faculty or staff 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.

Hearing Panel Chair

The decision of the hearing panel chair shall be final on all matters relating to the conduct of the hearing unless there is a majority vote by other members of the panel to the contrary.

CONDUCT OF THE HEARING

All hearings shall be held in closed session and are confidential, they are not open to the public.

- The members of the hearing panel shall be provided with a copy of the complaint(s) against the student and any written response provided by the student before the hearing begins.
- The facts supporting the accusation shall be presented by a college representative who shall be the Dean of Student Life/Student Conduct Administrator or designee.
- The college representative and the student may call witnesses and introduce oral and written testimony relevant to the issues of the matter.
- Formal rules of evidence shall not apply. The standard of proof for Student Conduct Hearings will be a preponderance of evidence.
- Unless the hearing panel determines to proceed otherwise, the College representative and the student shall each be permitted to make an opening statement. Thereafter, the College representative shall make the first presentation, followed by the student. The College representative may present rebuttal evidence after the student completes his or her evidence. The burden shall be on the College representative to prove by preponderance of evidence that the facts alleged are true.
- The student has the right to be assisted in the hearing by an advisor. The advisor may provide counsel or support to the student but is not permitted to speak to the panel or participate directly in the hearing. Advisors who do not observe this restriction can be removed from the hearing by the Hearing Chair.
- If the student is a minor, the student's parent(s) or legal guardian must accompany him/her to the hearing and may act on his/her behalf.
- Witnesses shall not be present at the hearing when not testifying.
- The student and the Dean of Student Life/Student Conduct Administrator may arrange for witnesses to present pertinent information to the Panel. Witnesses will provide information to and answer questions from the Panel. All questions and responses are to be directed to the Panel, preferably the Chair, not between witnesses, complainant and accused student.
- If either the complainant or accused student/respondent is unable to attend the hearing, his/her written statement will stand as his/her testimony.
- The student and his/her advisor, if any, will be allowed to attend the entire portion of the hearing at which information is received, excluding deliberations of responsibility or sanctioning.
- Should a student wish to have an attorney present to advise him/her, the student must notify the Dean of Student Life/Student Conduct Administrator not less than 5 days prior to the hearing that he/she intends to bring an attorney.
- In hearings involving more than one student in the same situation, the Dean of Student Life/Student Conduct Administrator may permit the hearings concerning each student to be conducted jointly.
- Supporting documentation, including pertinent records, exhibits and written statements may be accepted as information for consideration at the discretion of the Chair. Prior student conduct violations may be considered in a hearing and for determination of sanctions.
- Questions of whether potential information will be accepted will be resolved at the discretion of the Chair. All procedural questions are subject to the final decision of the Chair.
- The Panel will determine whether the student is responsible for violating each section of the Student Conduct Code which the student is accused of violating. The Panel's determination will be made on the basis of whether it is more likely than not (preponderance of evidence) that the student violated the Student Conduct Code. The Panel will then determine what sanctions they deem appropriate for such violations.
- Hearings (excluding deliberations) will be audio-recorded and made a part of the students conduct file.
- The Chair will prepare a written report detailing the finding, the information cited by the Panel in support of its findings and any information the Panel excluded and why, concluding with any recommended sanctions. The Chair will forward this document to the Dean of Student Life/Student Conduct Administrator within 5 days upon conclusion of the hearing.

- In a matter in which the recommended sanction is expulsion from the College, the Chair will forward such report to the Vice President of Student Affairs for further consideration and possible action.

Special Provisions for Sexual Misconduct Violations

Sexual Misconduct includes but is not limited to:

- a. Sexual Harassment.
- b. Non-consensual Sexual Contact (or attempts to commit the same)
- c. Sexual Exploitation

Other misconduct offenses when it is sex or gender-based:

- a. Threatening or causing physical harm, verbal abuse;
- b. Discrimination
- c. Intimidation
- d. Bullying
- e. Violence between those in intimate/dating relationships to each other;
- f. Stalking

The following procedures apply when the Title IX Officer, or the Dean of Student Life or designee have determined that sexual misconduct has occurred.

The person accused and found responsible of a sexual offense through a Pasadena City College investigation shall be subject to disciplinary action in accordance with established procedures, which procedures shall provide at minimum that:

- Accusers have the opportunity to request prompt proceedings. The complainant and the accused are entitled to the same opportunities to have a support person or advisor of their choice present during a campus student conduct proceeding; if the advisor is an attorney, notifications regarding attorney involvement apply.
- Both the complainant and the accused shall be informed simultaneously of the outcome of any campus student conduct proceeding brought alleging a sexual offense within five (5) business days following of the end of the proceedings.

Additionally:

- Complainants are to be notified when written notice of the allegation/hearing is delivered to the accused student.
- All parties to an allegation have a right not to face questions or discussion of their sexual history or character unless the Chair determines that such information is highly relevant to determining whether the policy has been violated.
- Evidence of a prior consensual dating or sexual relationship between the parties does not imply consent or preclude a finding of sexual misconduct.
- Each party has the right to be present for all testimony and questioning. However, if requested the Panel must make arrangements so that the complainant and accused are not in the same room at the same time.
- The College must not require a complainant to be present as a prerequisite for the hearing to proceed, or sanctions imposed.
- Neither party is allowed to cross-examine each other or witnesses. All questions must be submitted to the Hearing Chair.
- Both parties have the right to appeal the decision of the panel.

The hearing shall be recorded by the College District by tape recording, and shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony. In the event the recording is by tape recording, the hearing panel chair shall, at the beginning of the hearing, ask each person present to identify themselves by name, and thereafter shall ask witnesses to identify themselves by name. Tape recording shall remain in the custody of the College District at all times, unless released to a professional transcribing service. The student may request a copy of the tape recording.

Notice of Decision

The Dean of Student Life shall provide the student written notice of the final resolution of charged violation(s). The written notice shall be sent to the student by certified mail, return receipt requested, or receipted-for personal delivery or via PCC e-mail with delivery notification, within (five) 5 business days of the written findings and decision of the Student Conduct Hearing Panel. In cases alleging gender-based or sexual misconduct, the complainant will also receive comparable notice of the relevant findings and sanctions.

The written notice to the student shall include:

- The specific provision of the Student Conduct Code that was violated;
- The sanction(s) imposed and the date(s) on or periods for which they are in effect;
- A statement of the student's right to appeal in writing to the Vice President of Student Affairs;
- A statement informing that the failure to file a request for such an appeal within the time provided shall be deemed a waiver of the right to an appeal.

APPEALS TO THE VICE PRESIDENT OF STUDENT SERVICES

A student may appeal the decision of the Student Conduct Hearing panel to the Vice President of Student Services only on the following grounds:

1. Proper procedures were not followed. Specific citations required.
2. There is new relevant evidence not reasonably available at the time of the hearing or the imposition of the sanction(s).
3. The evidence does not clearly support the finding(s).
4. The sanctions are inappropriate relative to the violation.

In cases alleging a violation of gender-based or sexual misconduct, both the accused student and the complainant have the right to appeal the findings of responsibility and/or sanctions based on the above criteria.

An appeal must be submitted in writing to the Vice President of Student Services within 5 days of receiving written notification of the hearing decision. The Vice President will review the appeal and the hearing findings and may make a decision to uphold, reverse, revise or modify the decision and sanctions imposed on the student.

The Vice President will notify the student in writing by certified mail, registered receipt, via e-mail within 10 business days following receipt of the request for appeal of his/her decision.

The decision of the Vice President of Student Services shall be final except in the case of expulsion.

PROCEDURES FOR EXPULSION

The Board of Trustees is authorized to expel a student for good cause when other means of correction fail to bring about proper conduct, or when the presence of the student causes a continuing danger to the physical safety of the student or others. The notice of expulsion will be sent to the student with copies to the student file, Dean of Student Life/Student Conduct Administrator, Vice President of Student Services, Director of Admissions & Records, the College President-Superintendent, and Campus Police.

In the event the Vice President has determined that he/she will seek a student's expulsion, the following procedures will follow:

Recommendation for Expulsion: If the Vice President of Student Services determines that the student should be expelled, he/she shall deliver a written recommendation for the student's expulsion to the President. A copy of the Vice President of Student Services' recommendation shall be provided to the student or if the student is a minor to his/her parent or guardian. The Vice President's recommendation for expulsion shall contain a statement of the charges against the student that provide the basis for his/her request that the student be expelled, including a factual description of the conduct upon which the charges are based, the action(s) taken by the Dean of Student Life/Student Conduct Administrator and the recommendation of the Student Conduct Hearing Panel.

The Board of Trustees shall consider any recommendation from the Superintendent-President for expulsion at the next regularly scheduled meeting of the Board after receipt of the recommended decision.

The Board shall consider any 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 Section 72122).

The student shall be notified in writing, via PCC e-mail, by registered or certified mail or by personal service, at least five (5) days prior to the Board meeting, of the date, time, and place of the Board of Trustees' meeting. The student may, within forty-eight hours (48) after receipt of the notice, request that the hearing portion regarding the expulsion 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 or employee other than the student requesting the public meeting in a closed session.

The Board may accept, modify or reject the findings, decisions and recommendations of the Superintendent-President and/or the hearing panel. If the Board modifies or rejects the decision, the Board shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the Board shall be final. The final action of the Board on the expulsion shall be taken at a public meeting, and the result of the action shall be a public record of the District.

The Superintendent-President or designee shall notify the student in writing within five (5) business days of the of the Board of Trustees' decision. The decision of the Board of Trustees shall be final.

GENERAL PROVISIONS

Failure of Student to Participate- Student conduct procedures under this administrative procedure may proceed or continue notwithstanding the failure or refusal of a student to respond, attend, or otherwise participate, after having been properly notified of the proceeding.

Technical Departures From This Procedure- Technical departures from this administrative procedure shall not be grounds to void the District's right to take disciplinary action against a student; unless the technical departure or error prevented a fair determination of the issue.

Time Limits - Any times specified in this administrative procedure may be shortened or lengthened if there is mutual concurrence by all parties.

CAMPUS POLICE



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Important Contact Information

Pasadena City College

President's Office:

Location: C-235
1570 E. Colorado Blvd.
Pasadena, CA 91106
Phone: (626) 585-7201
Email: pccprez@pasadena.edu

Campus Police and Safety Services:

Location: B-210
1570 E. Colorado Blvd.
Pasadena, CA 91106
Phone: (626)-585-7484
Email: Police@pasadena.edu
Lost and Found
Location: B-210
Email: Lostandfoundproperty@pasadena.edu

Office of Student Life:

Location: CC-105
1570 E. Colorado Blvd.
Pasadena, CA 91106
Phone: (626) 585-7384
pccstudentlife@pasadena.edu

Title IX Office:

Location: C-221
1570 E. Colorado Blvd.
Pasadena, CA 91106
Phone: (626) 585-7375
Email: titleix@pasadena.edu

Facilities Services:

Location: FS Building
1570 E. Colorado Blvd.
Pasadena, CA 91106
Phone: (626) 585-7277 (Main)
Email: facilities@pasadena.edu.

Personal Counseling:

Location: D-203
1570 E. Colorado Blvd.
Pasadena, CA 91106
Phone: (626) 585-7273
Email: mentalhealth@pasadena.edu

Afterhours Mental Health Crisis

Dial 626-585-7273 and press 9
to be connected to a clinician

Pasadena Police Department:

Location: 207 Garfield Ave.
Pasadena CA 91101
Phone: (626)- 744-4501

Temple City Sheriffs:

Location: 8838 E. Las Tunas Dr.
Temple City CA 91780
(626)-285-7171

Community Resources

Asian/Pacific Family Center
9353 E. Valley Blvd.
Rosemead, CA 91770
(626) 287-2988

Private, non-profit agency affiliated with Pacific Clinics: mediation evaluation; outpatient care; low to moderate fees of Medi-Cal; specializing in services to Asian-speaking adults and children; no emergency services. Staff: bilingual and bicultural mental health professionals.

Center for Pacific Asian Families
3424 Wilshire Blvd Ste #818,
Los Angeles, CA 90010
(1-800) 339-3940

CPAF is a confidential hotline, available 24 hours a day, 7 days a week. They serve survivors of domestic violence and sexual assault. The CPAF responds to crisis-line calls in over 30 Asian Pacific Islander languages and dialects. Hotline counselors will provide immediate crisis intervention and emotional support, referral, and community resources—which include safety planning, counseling, and assistance to receive needed medical, legal, and other services to both men and women who experience sexual or domestic abuse.

Foothill Family Service
118 S. Oak Knoll Ave.
Pasadena, CA 91101
(626) 795-6907

Private, non-profit, United Way-funded center for counseling of individual, marital, or family problems: no medication or emergency services; moderate fees and insurance accepted. Staff: licensed clinical social workers and graduate interns in social work and marriage and family therapy.

Haven House – (Shelter & Counseling for Family Violence) Can not disclose address located in San Gabriel Valley
(323) 681-2626

The Haven House services high-risk cases in the San Gabriel Valley. Their primary purpose is to provide safe shelter, food, counseling, and support for battered women and their children. They also provide follow-up support, and education about domestic violence so that when they leave Haven House, they have the tools and knowledge to live their lives free of violence. Maximum stay is 30 days; services are totally free of charge. *If there is no availability or if they are full, they will do an intake over the phone and continue with a referral process.

Pacific Clinics
1020 South Arroyo Parkway
Pasadena, CA 91105
(877) 722-2737

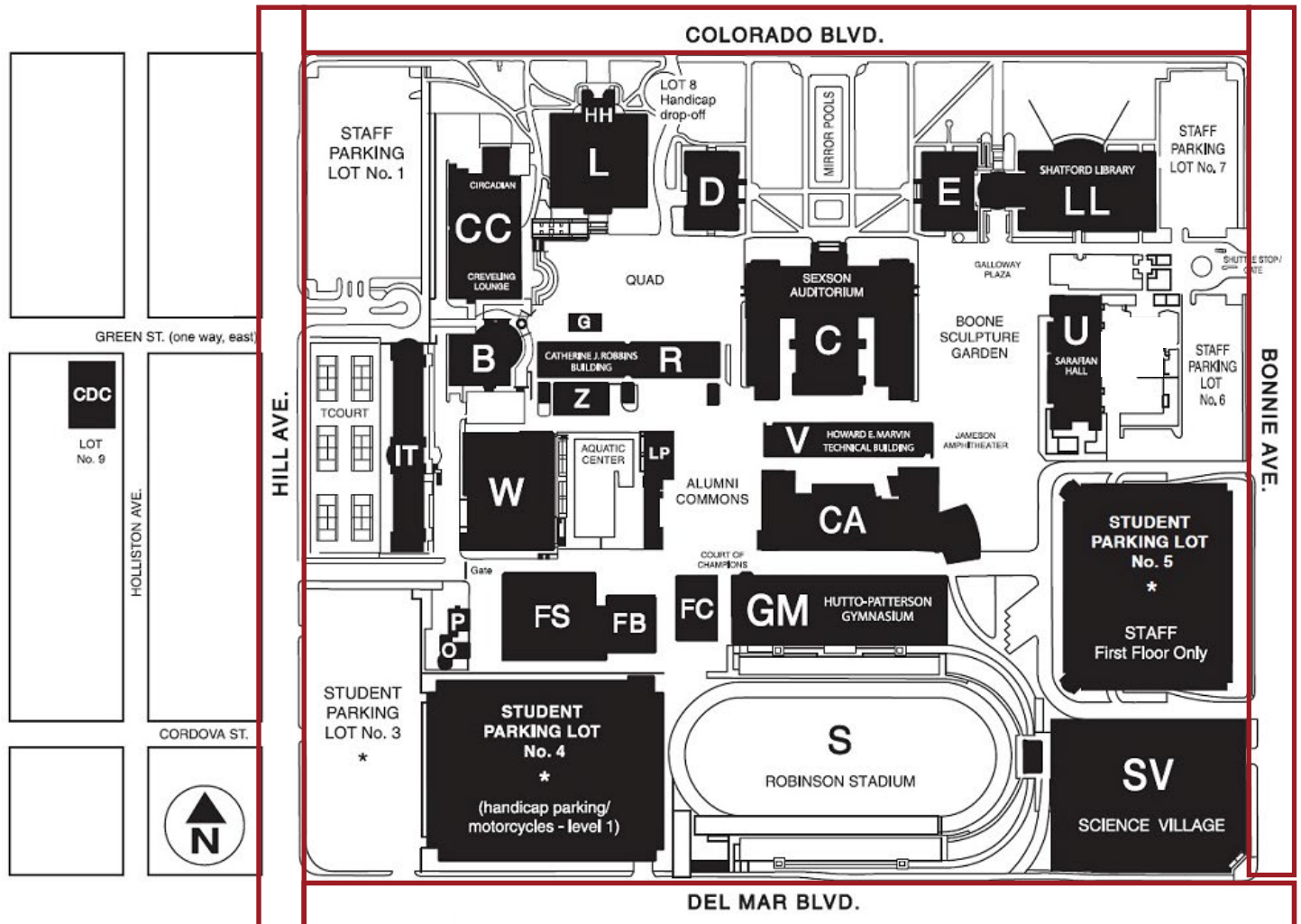
Private, non-profit psychiatric service: medication evaluation and outpatient mental health care; low to moderate fees or Medi-Cal; services to adults, children, and geriatric patients; for residents of Pasadena, Altadena, South Pasadena, and San Marino; no emergency services. Staff: psychologists, psychiatrists, social workers, and graduate interns in psychology. Monrovia office (Pacific Clinics – East) serves central and east San Gabriel Valley communities

PCC Main Campus:

(Colorado Campus)

1570 E. Colorado Blvd. Pasadena, CA 91106

Phone: (626)585-7123



*RED LINES INDICATE PUBLIC PROPERTY



Satellite Campuses:

Community Education Center

(Foothill Campus)

3035 E. Foothill Blvd. Pasadena, CA 91770

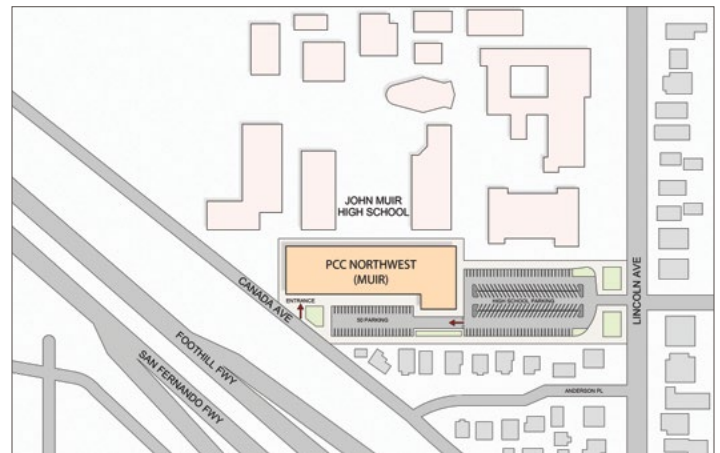
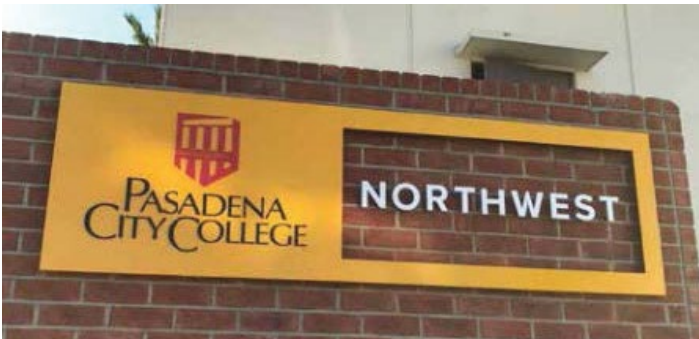
Phone: (626)585-3000



PCC Northwest

1905 N. Lincoln Ave, Building D, Pasadena, CA 91103

Phone: (626) 585-3346



Non-Campus Location:

Jefferson Training Center

1500 E Villa St, Pasadena CA 91106

In collaboration with the City of Pasadena and the Pasadena Fire Department, the Jefferson Training Center offers essential community programs, including the Emergency Medical Technician and Fire Technology programs.





10

California Codes: Penal Code and
Education Code

California Definitions: Penal Code and Education Code

The following excerpts are only partially explanatory of specific California laws pertaining to sexual and interpersonal misconduct. These excerpts are not intended to be an exhaustive description or list of California laws pertaining to sexual misconduct, inappropriate or criminal sexual behavior, or interpersonal misconduct. These definitions will be included within the content of prevention programs.

Excerpts from Sections 11165.1 and 261 of the California Penal Code:

Sexual Assault includes rape, statutory rape, rape in concert, incest, sodomy, lewd or lascivious acts upon a child, oral copulation, sexual penetration, child molestation, and the following:

- Penetration, however slight, of the vagina or anal opening of one person by the penis of another person, whether or not there is emission of semen.
- Sexual contact between the genitals or anal opening of one person and the mouth or tongue of another person.
- Intrusion by one person into the genitals or anal opening of another person, including the use of an object for this purpose, except that it does not include acts performed for a valid medical purpose.
- The intentional touching of the genitals or intimate parts, including the breasts, genital area, groin, inner thighs and buttocks or the clothing covering them, of a child, or of the perpetrator by a child, for purposes of sexual arousal or gratification, except that it does not include acts which may reasonably be construed to be normal caretaker responsibilities; interactions with, or demonstrations of affection for, the child; or acts performed for a valid medical purpose.
- The intentional masturbation of the perpetrator's genitals in the presence of a child.

Rape is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances:

1. Where a person is incapable, because of a mental disorder or developmental or physical disability, of giving legal Consent, and this is known or reasonably should be known to the person committing the act.
2. Where it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.
3. Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused.
4. Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, "unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions:
 - a. Was unconscious or asleep.
 - b. Was not aware, knowing, perceiving, or cognizant that the act occurred.
 - c. Was not aware, knowing, perceiving or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.
 - d. Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that sexual penetration served a professional purpose when it served no professional purpose.
5. Where a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with the intent to induce the belief.
6. Where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison or to inflict extreme pain, serious bodily injury or death.
7. Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a

public official. As used in this paragraph, “public official” means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official. For purposes of this section, the following definitions apply:

- a. “Duress” means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim and the victim’s relationship to the defendant, are factors to consider in appraising the existence of duress.
- b. “Menace” means any threat, declaration, or act that shows an intention to inflict an injury upon another.

California law also states that “The essential guilt of rape consists in the outrage to the person and feelings of the victim of the rape. Any sexual penetration, however slight, is sufficient to complete the crime” (Penal Code section 263). California law further defines both marital rape (Penal Code section 262) and “statutory rape” (Penal Code section 261.–5). Though laws vary from state to state, intercourse in which Consent was not obtained or was obtained under coercive conditions will usually be considered rape.

Excerpts from Section 261.6 and 261.7 of the California Penal Code:

In prosecutions under Section 261, 262, 286, 287 or 289, in which Consent is at issue, “Consent” shall be defined to mean positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved. A current or previous dating or marital relationship shall not be sufficient to constitute Consent where Consent is at issue in a prosecution under Section 261, 262, 286, 287, or 289. Nothing in this section shall affect the admissibility of evidence or the burden of proof on the issue of Consent. In prosecutions under Section 261, 262, 286, 287 or 289, in which Consent is at issue, evidence that the victim suggested, requested or otherwise communicated to the defendant that the defendant use a condom or other birth control device, without additional evidence of Consent, is not sufficient to constitute Consent.

Excerpts from Section 646.9 of the California Penal Code:

Any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for their safety, or the safety of their immediate family is guilty of the crime of Stalking, punishable by:

1. Imprisonment in a county jail for not more than one year, or
2. By a fine of not more than \$1,000, or
3. By both that fine and imprisonment, or by imprisonment in the state prison. For the purposes of this section, “harasses” means engages in a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, torments or terrorizes the person, and that serves no legitimate purpose. For the purposes of this section, “course of conduct” means two or more acts occurring over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning or “course of conduct.”

Excerpts from Section 13700 of the California Penal Code and 6211 of the California Family Code:

“Domestic Violence” means abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant or person with whom the suspect has had a child or is having or has had a dating or engagement relationship, a child of a party or a child who is the subject of an action under the Uniform Parentage Act, where the presumption applies that the male parent is the father of the child to be protected or any other person related by consanguinity or affinity within the second degree.

For purposes of this subdivision, “cohabitant” means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to: terrorizing the person, and that serves no legitimate purpose. For the purposes of this section, “course of conduct” means two or more acts occurring over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of “course of conduct.”

Excerpt from Section 67386 of the California Education Code:

The governing boards of independent postsecondary institutions shall adopt a policy concerning Sexual Assault, Domestic Violence, Dating Violence, and Stalking, as defined in the federal Higher Education Act of 1965, involving

a Student, both on– and off–campus. This policy shall include an affirmative Consent standard and the following provisions in the determination of whether Consent was given by both parties to sexual activity.

“Affirmative Consent”

Affirmative Consent means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the 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. In the evaluation of complaints in any disciplinary process, 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.
- The accused did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain whether the complainant affirmatively consented.

In the evaluation of complaints in the disciplinary process, 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 a mental or physical condition.

