

2024

# Annual Security and Fire Safety Report



**TAFTCOLLEGE**

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## 2024 Combined Annual Security Report & Fire Safety Report

### Introduction

This report is provided in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, as amended. It provides students and employees of Taft College ("College") with information on: the College's security arrangements, policies and procedures; programs that provide education on such things as drug and alcohol abuse, awareness of various kinds of sex offenses, and the prevention of crime generally; and procedures the College will take to notify the campus community in the event of an emergency. Its purpose is to provide students and employees with information that will help them make informed decisions relating to their own safety and the safety of others.

### Policy for Preparing the Annual Report

This report is prepared by the Director of Campus Safety and Security in cooperation with local law enforcement authorities and includes information provided by them as well as by the College's campus security authorities and various other elements of the College. Each year an e-mail notification is made to all enrolled students and employees that provides the website link to access this report. Prospective students and employees are also notified of the report's availability. Hard copies of the report may also be obtained at no cost by contacting Campus Safety and Security, 29 Cougar Court, Taft, CA 93268, (661) 769-7872. The College is committed to taking the actions necessary to provide a safe and secure working/learning environment for all students and staff. As a member of the campus community, you can feel safe and comfortable knowing that security procedures are in place that represent best practices in the field and are constantly tested and re-evaluated for their effectiveness.

### General Safety and Security Policies

#### Campus Security Personnel & Relationship with Local Law Enforcement

The Taft College Campus Safety and Security is responsible for campus safety at the College. Taft College Campus Safety Officers receive training pursuant to California Education Code 72330.5. Their goal is to keep Taft College a safe and welcoming environment. Campus Safety Officers can enforce traffic and parking regulations pursuant to California Vehicle Code 21113, but otherwise do not possess law enforcement authority.

While the College does not have any written agreements with local law enforcement agencies, it does maintain a close working relationship with local police.

#### Campus Security Authorities

The College has designated certain officials to serve as campus security authorities. Reports of criminal activity can be made to these officials. They in turn will ensure that the crimes are reported for collection as part of the College's annual report of crime statistics. The campus security authorities to whom the College would prefer that crimes be reported are listed below.

- Campus Safety & Security Officers at (661) 763-7774
- Director, Campus Safety & Security at (661) 763-7872
- Athletic Director at (661) 763-7779

- Dorm Supervisor at (661) 763-7832
- Student Life Coordinator at (661) 763-7887
- Vice President, Human Resources at (661) 763-7809
- Vice President, Student Services at (661) 763-7810

### **Reporting a Crime or Emergency**

The College strongly encourages prompt and accurate reporting of all criminal actions, emergencies, or other incidents occurring on campus, College-owned property, or nearby public property. Reports should be made to the appropriate administrator and police agencies. This applies even if the victim chooses not to report the crime or is unable to do so.

- All crimes occurring on or near College property should be reported immediately to the Campus Safety Office. The number to contact is (661) 763-7774.
  - The Taft Police Department number is (661) 763-3101
- If a crime is in progress or there is some other situation posing imminent danger, local law enforcement can be reached by dialing 911.
- Students, staff, and visitors should also report situations to one of the campus security authorities identified above. Once reported, the individual may also be encouraged to report the situation to the appropriate police agency. If requested, a College staff member will assist in making the report to police.
- Anonymous incident reports can also be made by completing the online Incident Reporting Form at <https://www.taftcollege.edu/student-campus-life/campus-safety/forms/report-an-incident.php>.

### **Confidential Reporting**

The College is committed to protecting the confidentiality of victims. Only individuals with a legitimate need to know the victim's identity for investigation, victim assistance, or perpetrator discipline will be informed.

According to the College's sexual misconduct policy (AP 3434), employees who are not confidential resources but become aware of alleged misconduct (such as dating violence, domestic violence, sexual assault, and stalking) must report this information, including the status of the parties if known, to the Title IX Coordinator.

Victims of other crimes (e.g., aggravated assault, burglary) who do not wish to pursue action through the College disciplinary system or the criminal justice system are encouraged to make a confidential report to a Campus Security Authority. Upon the victim's request, a report can be filed with the College without revealing their identity. This confidential report respects the victim's wishes while enabling the College to take measures to ensure the safety of the victim and others. The College can use this information to maintain accurate records, identify crime patterns, and alert the community to potential dangers. These confidential reports are included in the annual crime statistics for the College.

The College encourages its professional counselors to inform individuals they are counseling about the option to report crimes voluntarily and confidentially for inclusion in the annual crime statistics, when deemed appropriate. The College does not have pastoral counselors.

### **Security of and Access to Campus Facilities**

All academic buildings are secured during evenings, weekends, and holidays. Access is restricted to faculty and staff members, as well as students accompanied by faculty or staff.

Access to the Ash Dorms and the Cougar Dorms is controlled by locked gates, which must be unlocked for each entry. The gates have electronic locks activated by issued key cards. The Center for Independent Living (CIL) dorm rooms are each equipped with electronic locks. Campus Safety Officers patrol the residence areas and the rest of the campus throughout the evening, including vehicle patrols of parking lots and surrounding areas.

Students and employees are reminded to stay alert and adhere to safety practices and procedures:

- Do not prop doors open or allow strangers into secured campus buildings.
- Do not lend keys or access cards to non-students or leave them unattended.
- Do not share access codes or lock combinations with anyone not belonging to the campus community.

Keys or electronic access to offices, laboratories, and classrooms will be issued to employees only as needed and with proper authorization. Each department supervisor is responsible for ensuring their area is secured and locked.

Employee and student identification cards may be used to verify the identity of individuals suspected of being in campus facilities without permission.

### **Security Considerations in the Maintenance of Facilities**

The Campus Safety & Security Department collaborates with the Facilities, Maintenance, and Operations Department to identify and address maintenance issues that may pose safety hazards on campus. Regular safety checks are conducted to identify malfunctioning street or safety lights and to determine if shrubs or other landscaping need trimming. Facilities personnel and Campus Safety personnel routinely inspect to ensure adequate lighting on pathways and that egress lighting is functioning properly in hallways and stairwells.

### **Educational Programs Related to Security Awareness and Prevention of Criminal Activity**

The College aims to enhance campus security and the safety of its community members by periodically presenting educational programs. These programs inform students and employees about campus security procedures and practices, encourage them to take responsibility for their own security and the security of others, and provide crime prevention information.

At the beginning of each academic term, the College disseminates information about its security procedures and practices to students and employees. This information is shared through posters, displays, website articles, and social media posts. It emphasizes the importance of reporting criminal activity, identifies to whom crimes should be reported, and outlines practices for timely warnings and emergency notifications.

Crime prevention programs are presented each semester by Student Services. Additionally, periodic email blasts are sent to students and employees with crime prevention and safety tips. Information on crime prevention is also available in the Campus Safety and Security Office. The Campus Safety and Security Office regularly posts safety tips, crime reporting information, and reminders on campus social media accounts.

## **Monitoring Off Campus Locations of Recognized Student Organizations**

The College does not have any officially recognized student organizations with off-campus locations and, therefore, does not monitor or record criminal conduct occurring at such locations.

## **Disclosure of the Outcome of a Crime of Violence or Non-Forcible Sex Offense**

Upon written request, the College will disclose to the alleged victim of a crime of violence (as defined in section 16 of title 18, United States Code) or a non-forcible sex offense, the results of any disciplinary proceeding conducted by the College against the student accused of such crime or offense. If the alleged victim is deceased as a result of the crime or offense, the next of kin will be treated as the alleged victim for this purpose.

This disclosure procedure does not apply to victims of dating violence, domestic violence, sexual assault, or stalking. Under the Violence Against Women Act, both the accused and the accuser in these cases receive the results automatically without needing to make a written request.

## **Drug and Alcohol Policy**

The College is committed to creating and maintaining an environment free of alcohol abuse. The possession, use, and sale of alcoholic beverages on campus or as part of any College activities are prohibited unless conducted in accordance with applicable College policies. The College also cooperates with law enforcement authorities to enforce state underage drinking laws.

Additionally, the College enforces federal and state drug laws. The possession, sale, manufacture, or distribution of illegal drugs is strictly prohibited on campus or as part of any College activities. Violators of the College's policies or federal and state laws regarding illegal drugs will face disciplinary action and may be subject to criminal prosecution.

### **Federal Drug Laws**

#### **Denial of Federal Benefits (21 U.S.C. § 862):**

A federal drug conviction may result in the loss of federal benefits such as student loans, grants, contracts, and licenses. For drug trafficking convictions, benefits may be denied for up to five years for a first offense, ten years for a second offense, and permanently for a third offense. For possession convictions, benefits may be denied for up to one year for a first offense and up to five years for subsequent offenses, at the court's discretion. Successful completion of a drug treatment program, periodic testing, and community service can be conditions for reinstating benefits.

#### **Forfeiture of Personal Property and Real Estate (21 U.S.C. § 853):**

Anyone convicted of a federal drug offense punishable by more than one year in prison is required to forfeit personal and real property related to the violation. Property may be seized at the time of arrest if charges could lead to forfeiture.

#### **Federal Drug Trafficking Penalties (21 U.S.C. § 841):**

Penalties for federal drug trafficking vary based on the type and quantity of the drug involved. For Schedule I or II substances, penalties include up to 20 years in prison. If the illegal distribution leads to death or serious bodily injury, the offender may face life imprisonment and fines of up to \$10 million. For Schedule III substances, penalties include up to 10 years in prison, or up to 15 years if death or serious injury occurs, with fines up to \$500,000. For

less than 50 kilograms of marijuana, the sentence may be up to five years and fines up to \$250,000.

**Drug Trafficking Near Schools (21 U.S.C. § 860):**

Drug trafficking within 1,000 feet of a school or university results in penalties that are double those of the base offense, with a mandatory minimum of one year in prison, unless the offense involves five grams or less of marijuana.

**Federal Drug Possession Penalties (21 U.S.C. § 844):**

A conviction for possession of a controlled substance can result in up to one year in prison, a mandatory fine of at least \$1,000, or both for a first offense. Subsequent convictions lead to increased prison terms and fines, including up to 90 days to three years in prison for further offenses.

**Drug and Alcohol State Laws**

Category	Summary (California Code)
Possession of Marijuana	<ul style="list-style-type: none"> <li>• For individuals under 18, possessing 28.5 grams or less of cannabis requires 4 hours of drug education and 10 hours of community service for the first offense. A second offense increases this to 6 hours of education and 20 hours of service.</li> <li>• For individuals 18-21 years old, possessing this amount incurs a \$100 fine.</li> <li>• Possession of more than 28.5 grams by someone over 18 can result in up to 6 months imprisonment, a fine of up to \$500, or both.</li> </ul>
Controlled Substances	<p>California statutes cover a wide range of offenses related to the delivery, sale, furnishing, transfer, possession, or manufacture of controlled substances, including those formerly classified as “narcotics” and “restricted dangerous drugs.” See Cal. Health &amp; Safety Code §§ 11350 – 11392. Penalties for these offenses vary depending on the type and amount of the controlled substance, the offender’s prior criminal history, and the intent (e.g., personal use, sale, or manufacturing). See Cal. Health &amp; Safety Code §§ 11350, 11377.</p> <p>Engaging a minor in any drug-related activity—whether using, employing, inducing, or selling to a minor, or operating in locations where minors are present—is a distinct offense and carries enhanced penalties. See Cal. Health &amp; Safety Code §§ 11353 – 11354 and 11380. For instance, first-time possession of opiates (Schedule I substances) without a valid prescription can result in up to 1 year in jail and a fine of at least \$1,000. Possession of gamma-hydroxybutyric acid (GHB or “date rape drug”) with the intent to commit sexual assault is punishable by up to 3 years in prison.</p>
Alcohol and Minors	<p>A minor who purchases or consumes alcohol at an on-sale premises is subject to a fine of \$250 or required to complete 24 to 32 hours of community service. For second or subsequent offenses, the penalty increases to a fine of up to \$500 and 36 to 48 hours of community service.</p>



Category	Summary (California Code)
	<p>See Cal. Bus. &amp; Prof. Code § 25658.</p> <p>Anyone who sells, furnishes, or gives alcohol to a minor is guilty of a misdemeanor, as is a minor who purchases alcohol. Furnishing alcohol to a minor carries a fine of \$1,000 and at least 24 hours of community service. If the minor consumes the alcohol and causes great bodily injury or death to themselves or another person, the individual who provided the alcohol may be imprisoned for 6 months to 1 year and fined \$1,000. See Cal. Bus. &amp; Prof. Code § 25658.</p>
Driving Under the Influence (DUI)	<p>It is illegal to operate a vehicle with a blood alcohol content (BAC) of 0.08 percent or higher. It is also illegal to drive if addicted to the use of any drug. See Cal. Veh. Code § 23152. Violating these provisions constitutes a misdemeanor. See Cal. Veh. Code § 40000.15. For a first offense, the punishment ranges from 96 hours to 6 months imprisonment, with a minimum of 48 continuous hours, and a fine between \$390 and \$1,000. See Cal. Veh. Code § 23536.</p>

### Drug and Alcohol Abuse Prevention Program

The College has a drug and alcohol abuse and prevention program and conducts a biennial review of this program to evaluate its effectiveness. For more information, see below.

- Student alcohol/drug policy: This is covered under [BP 5500](#) (Appendix A) and [BP 3550](#) (Appendix B).
- Employee alcohol/drug policy: [BP 3550](#): Appendix B
- Alcohol/drug web page: <https://www.taftcollege.edu/student-campus-life/student-support/health-wellness-counseling/index.php>

The College also programs alcohol awareness and drug awareness programs at least once per academic year.

### Policies, Procedures, and Programs Related to Dating Violence, Domestic Violence, Sexual Assault, and Stalking

Consistent with applicable laws, the College prohibits dating violence, domestic violence, sexual assault, and stalking. The College's policy used to address complaints of this nature, as well as the procedures for filing, investigating, and resolving complaints, may be found at:

- [AP 3540](#) Sexual and Other Assaults on Campus: Appendix C
- [BP 3540](#) Sexual and Other Assaults on Campus: Appendix D
- [AP 3434](#) Responding to Harassment Based on Sex under Title IX: Appendix E

The following sections outline the College's educational programs aimed at raising awareness of dating violence, domestic violence, sexual assault, and stalking. They also provide guidance for students and employees on the procedures to follow and the services available if they become a victim of one of these offenses. Additionally, these sections detail the disciplinary procedures that will be followed in the event of an allegation of any of these offenses.

**Primary Prevention and Awareness Program:**

The College conducts a Primary Prevention and Awareness Program (PPAP) for all incoming students and new employees. The PPAP advises campus community members that the College prohibits the offenses of dating violence, domestic violence, sexual assault, and stalking. They are also informed of the topics discussed below, including relevant definitions, risk reduction, and bystander intervention.

**Crime Definitions**

Crime Type (California Penal Code)	Definitions
Dating Violence	The institution has determined, based on good-faith research, that California law does not define the term dating violence.
Domestic Violence	<p>"Domestic violence" is abuse perpetrated against any of the following persons: (a) A spouse or former spouse. (b) a cohabitant or former cohabitant, as defined in Section 6209. (c) A person with whom the respondent is having or has had a dating or engagement relationship. (d) A person with whom the respondent has had a child, where the presumption applies that the male parent is the father of the child of the female parent under the Uniform Parentage Act. (e) 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. (f) Any other person related by consanguinity or affinity within the second degree. (Cal Fam. Code. § 6211)</p> <p>California law (Cal. Pen. Code §§ 242 &amp; 243(e)(1)) provides penalties for battery (i.e., any willful and unlawful use of force or violence against another) when it is committed against a spouse, a person with whom the defendant is cohabiting, a person who is the parent of the defendant's child, former spouse, fiancé, or fiancée, or a person with whom the defendant currently has, or has previously had, a dating or engagement relationship.</p> <p>Also, Cal. Pen. Code § 273.5 provides penalties for willful infliction of corporal injury:</p> <ul style="list-style-type: none"> <li>a. Any person who willfully inflicts corporal injury resulting in a traumatic condition upon a victim described in subdivision (b) is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not more than one year, or by a fine of up to six thousand dollars (\$6,000), or by both that fine and imprisonment.</li> <li>b. Subdivision (a) shall apply if the victim is or was one or more of the following:             <ul style="list-style-type: none"> <li>1. The offender's spouse or former spouse.</li> <li>2. The offender's cohabitant or former cohabitant.</li> <li>3. The offender's fiancé or fiancée, or someone with whom</li> </ul> </li> </ul>

<b>Crime Type (California Penal Code)</b>	<b>Definitions</b>
	<p>the offender has, or previously had, an engagement or dating relationship, as defined in paragraph (10) of subdivision (f) of Section 243.</p> <p>4. The mother or father of the offender's child.</p> <p>c. Holding oneself out to be the spouse of the person with whom one is cohabiting is not necessary to constitute cohabitation as the term is used in this section.</p> <p>d. As used in this section, "traumatic condition" means a condition of the body, such as a wound, or external or internal injury, including, but not limited to, injury as a result of strangulation or suffocation, whether of a minor or serious nature, caused by a physical force. For purposes of this section, "strangulation" and "suffocation" include impeding the normal breathing or circulation of the blood of a person by applying pressure on the throat or neck.</p> <p>e. For the purpose of this section, a person shall be considered the father or mother of another person's child if the alleged male parent is presumed the natural father under Sections 7611 and 7612 of the Family Code.</p>
<p>Stalking (Ca. Pen. Code § 646.9)</p>	<ul style="list-style-type: none"> <li>• 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 his or her safety, or the safety of his or her immediate family is guilty of the crime of stalking.</li> <li>• The following definitions apply to the crime of stalking: <ul style="list-style-type: none"> <li>○ "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.</li> <li>○ "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."</li> <li>○ "credible threat" means a verbal or written threat, including that performed through the use of an electronic communication device, or a threat implied by a pattern of conduct or a combination of verbal, written, or electronically communicated statements and conduct, made with the intent to place the person that is the target of the threat in reasonable fear for his or her safety or the safety of his or her family, and made with the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety or the safety of his or her family. It is not necessary to prove</li> </ul> </li> </ul>

Crime Type (California Penal Code)	Definitions
	<p>that the defendant had the intent to actually carry out the threat. The present incarceration of a person making the threat shall not be a bar to prosecution under this section. Constitutionally protected activity is not included within the meaning of "credible threat."</p> <ul style="list-style-type: none"> <li>○ the term "electronic communication device" includes, but is not limited to, telephones, cellular phones, computers, video recorders, fax machines, or pagers. "Electronic communication" has the same meaning as the term defined in Subsection 12 of Section 2510 of Title 18 of the United States Code.</li> </ul>
Sexual Assault	The institution has determined, based on good-faith research, that California law does not define the term sexual assault.
Rape, Fondling, Incest, Statutory Rape	<p>For purposes of the Clery Act, the term "sexual assault" includes the offenses of rape, fondling, incest, and statutory rape. These definitions under California law are as follows:</p> <ul style="list-style-type: none"> <li>• Rape (Cal. Pen. Code § 261): Rape is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances: <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> <li>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 any 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 the sexual penetration served a professional purpose when it served no professional purpose.</li> </ol> </li> </ul>

Crime Type (California Penal Code)	Definitions
	<p>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 intent to induce the belief.</p> <p>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.</p> <p>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.</p> <ul style="list-style-type: none"> <li>• Rape of a spouse (Cal. Pen. Code § 262): Rape of a person who is the spouse of the perpetrator is an act of sexual intercourse accomplished under any of the following circumstances:             <ol style="list-style-type: none"> <li>1) 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.</li> <li>2) 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.</li> <li>3) 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.</li> <li>4) 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.</li> <li>5) Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate,</li> </ol> </li> </ul>

Crime Type (California Penal Code)	Definitions
	<p>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.</p> <ul style="list-style-type: none"> <li>• Fondling: The institution has determined, based on good-faith research, that California law does not define the term fondling.</li> <li>• Incest (Cal. Pen. Code § 285): Persons being within the degrees of consanguinity within which marriages are declared by law to be incestuous and void, who intermarry with each other, or who being 14 years of age or older, commit fornication or adultery with each other, are punishable by imprisonment in the state prison.</li> <li>• Statutory Rape: The institution has determined, based on good-faith research, that California law does not define the term statutory rape.</li> </ul>
Other "sexual assault" crimes	<p>Other crimes under California law that may be classified as a "sexual assault" include the following:</p> <ul style="list-style-type: none"> <li>• Unlawful sexual intercourse with person under 18 (Cal. Pen. Code § 261.5):             <ol style="list-style-type: none"> <li>a. Unlawful sexual intercourse is an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator, if the person is a minor. For the purposes of this section, a "minor" is a person under the age of 18 years and an "adult" is a person who is at least 18 years of age.</li> <li>b. Any person who engages in an act of unlawful sexual intercourse with a minor who is not more than three years older or three years younger than the perpetrator, is guilty of a misdemeanor.</li> <li>c. Any person who engages in an act of unlawful sexual intercourse with a minor who is more than three years younger than the perpetrator is guilty of either a misdemeanor or felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170.</li> <li>d. Any person 21 years of age or older who engages in an act of unlawful sexual intercourse with a minor who is under 16 years of age is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to</li> </ol> </li> </ul>

Crime Type (California Penal Code)	Definitions
	<p>subdivision (h) of Section 1170 for two, three, or four years.</p> <ul style="list-style-type: none"> <li>• Unlawful sexual intercourse, sexual penetration, oral copulation or sodomy; consent procured by false or fraudulent representation with intent to create fear (Cal. Pen. Code § 266c): Every person who induces any other person to engage in sexual intercourse, sexual penetration, oral copulation, or sodomy when his or her consent is procured by false or fraudulent representation or pretense that is made with the intent to create fear, and which does induce fear, and that would cause a reasonable person in like circumstances to act contrary to the person's free will, and does cause the victim to so act, is punishable by imprisonment in a county jail for not more than one year or in the state prison for two, three, or four years. As used in this section, "fear" means the fear of physical injury or death to the person or to any relative of the person or member of the person's family.</li> <li>• Aggravated sexual assault of a child (Cal. Pen. Code § 269): Any person who commits any of the following acts [as defined by state law] upon a child who is under 14 years of age and seven or more years younger than the person is guilty of aggravated sexual assault of a child: (1) Rape; (2) Rape or sexual penetration, in concert; (3) Sodomy; (4) Oral copulation; (5) Sexual penetration.</li> <li>• Sodomy (Cal. Pen. Code § 286): Sodomy is sexual conduct consisting of contact between the penis of one person and the anus of another person. Any sexual penetration, however slight, is sufficient to complete the crime of sodomy.</li> <li>• Oral copulation (Cal. Pen. Code § 287): Oral copulation is the act of copulating the mouth of one person with the sexual organ or anus of another person.</li> <li>• Forcible acts of sexual penetration (Cal. Pen. Code § 289):             <ol style="list-style-type: none"> <li>a. Any person who commits an act of sexual penetration when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for three, six, or eight years.</li> <li>b. Any person who commits an act of sexual penetration upon a child who is under 14 years of age, when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 8, 10, or 12 years.</li> <li>c. Any person who commits an act of sexual penetration upon a minor who is 14 years of age or older, when the act is accomplished against the victim's will by means of force,</li> </ol> </li> </ul>

Crime Type (California Penal Code)	Definitions
	<p>violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 6, 8, or 10 years.</p>
Consent (as it relates to sexual activity)	<ul style="list-style-type: none"> <li>• Cal. Pen. Code § 261.6: In prosecutions under Section 261, 262, 286, 287, or 289, or former Section 288a, 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, or former Section 288a.</li> <li>• Cal. Pen. Code § 261.7: In prosecutions under Section 261, 262, 286, 287, or 289, or former Section 288a, 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.</li> </ul>

College Definition of Consent

The College defines "affirmative consent" in its sexual misconduct policy for determining whether sexual violence, including sexual assault, has occurred:

**Affirmative consent** means a clear, voluntary, and conscious agreement to engage in sexual activity.

- Consent must be given freely, without coercion, force, threats, or intimidation. It requires a positive indication of willingness to participate in a specific sexual act, expressed through free will.
- Consent can be withdrawn or revoked at any time. Consent to one act does not imply consent to other acts, and consent given on one occasion does not apply to future sexual activity. The existence of a dating or sexual relationship does not automatically imply consent. **Once consent is withdrawn or revoked, all sexual activity must stop immediately.**
- Consent cannot be given by someone who is incapacitated, which includes unconsciousness, sleep, or any inability to make informed, rational decisions. Incapacitation can result from alcohol, drugs, or other factors that impair judgment. The degree of intoxication will determine if someone is incapacitated.
- Being under the influence of alcohol or drugs does not absolve an individual of the responsibility to ensure that they have obtained consent from the other party. Factors considered include whether the accused knew, or should have known, that the victim did not or could not consent.



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- Sexual activity with a minor (under 18 years old) is never considered consensual, as the law deems minors incapable of giving legal consent.

### Risk Reduction

If you find yourself in an uncomfortable sexual situation, the following tips may help reduce your risk. These suggestions are meant for general crime prevention and are not intended to place blame on victims. Remember, it is **never** your fault if you are targeted by any crime. These tips are not guarantees but tools to enhance personal safety. The responsibility for crimes lies solely with the perpetrators, not their victims.

- Communicate your boundaries clearly.
- You can withdraw consent at any time. Don't hesitate to say "NO" firmly and loudly.
- If possible, remove yourself from the situation and make it clear you want to leave.
- Seek help from someone nearby if you feel unsafe.
- Be mindful of your alcohol or drug intake, as they can lower inhibitions and increase vulnerability.
- Attend large events with trusted friends and look out for each other.
- Stay alert for any attempts to slip incapacitating drugs like Rohypnol or GHB into your drink.

If you are initiating sexual activity, these tips may help reduce the risk of being accused of sexual misconduct:

- Always show respect for your partner.
- Never assume consent or how far the other person is willing to go.
- Consent to one act does not mean consent to others.
- If your partner withdraws consent, stop immediately.
- Communicate your intentions clearly so your partner can do the same.
- Treat mixed messages as a sign of discomfort; stop and reassess.
- Do not engage with someone who is heavily intoxicated or on drugs, and intervene if you see others trying to take advantage of someone incapacitated.
- Be aware of signs of incapacitation, such as slurred speech, vomiting, or passing out.

It is important to be aware of the warning signs that may indicate an abusive person. These signs can include a history of past abuse, threats of violence, or the destruction of property. Some individuals may use force during arguments or display excessive jealousy and controlling behavior, often seeking to isolate their partner from family and friends. Other indicators include rushing into relationships, having unrealistic expectations, and consistently blaming others for personal problems. An abuser may also show hypersensitivity, become easily offended, or display cruelty to animals or children. They might use force during sexual activity, even framing it as "playful," and exhibit drastic mood swings, switching between kind and cruel behaviors, much like a "Jekyll-and-Hyde" personality.

However, it is important to note that these behaviors alone are only potential warning signs and not definitive indicators of abuse. The presence of one or more of these signs does not necessarily mean that a person is abusive, but when multiple behaviors are present, they may warrant closer attention and concern.

### Bystander Intervention

In addition to reporting incidents to appropriate authorities, below are some ways in which individuals can take safe and positive steps to prevent harm and intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking against another person.

- Look out for those around you.
- Realize that it is important to intervene to help others.
- Treat everyone respectfully. Do not be hostile or an antagonist.
- Be confident when intervening.
- Recruit help from others if necessary.
- Be honest and direct.
- Keep yourself safe.
- If things get out of hand, don't hesitate to contact the police.

#### Other Information Covered by the PPAP

The PPAP also provides information on possible sanctions and protective measures that may be imposed following a determination that an offense of dating violence, domestic violence, sexual assault, or stalking has occurred, an explanation of the disciplinary procedures that will be followed when one of these offenses is alleged, the rights of the parties in such a proceeding, available resources, and other pertinent information. Much of this information is set forth in the upcoming sections of this security report.

#### **Ongoing Prevention and Awareness Campaign:**

The College also conducts an Ongoing Prevention and Awareness Campaign (OPAC) aimed at all students and employees. This campaign covers the same material as provided in the PPAP, but is intended to increase the understanding of students and employees on these topics and to improve their skills for addressing the offenses of dating violence, domestic violence, sexual assault and stalking.

#### **PPAP and OPAC Programming Methods:**

Prevention and awareness programs are carried out in a variety of ways, using a range of strategies, and, as appropriate, targeting specific audiences throughout the College. Methods include, but are not limited to: presentations, online training modules, distribution of written materials, and guest speakers. A summary of this programming is provided below.

- New students receive education on the prevention of dating violence, domestic violence, sexual assault, and stalking through a presentation by the Office of Student Services and the Campus Safety Department during orientation. All new employees are required to complete an online training module on these topics upon hire and are required to retake the online training each year.
- As part of its ongoing campaign, the College uses a variety of strategies, such as in-person presentations by sexual assault organizations, poster campaigns, etc. While programming occurs throughout the year, the College also offers educational sessions and literature in coordination with nationally recognized observances such as Sexual Assault Awareness Month and Domestic Violence Awareness Month.

#### **Procedures to Follow if You are a Victim of Dating Violence, Domestic Violence, Sexual Assault, or Stalking:**

If you are a victim of dating violence, domestic violence, sexual assault, or stalking, go to a safe place and call 911 or the Campus Safety & Security Department at 661-763-7774. You may also contact the College's Title IX Coordinator at 661-763-7809.

Victims will be notified in writing of the procedures to follow, including:

1. To whom and how the alleged offense should be reported (contact the Title IX Coordinator or refer to the other resources listed in this report).
2. The importance of preserving evidence that may be necessary to prove the offense in a criminal proceeding or disciplinary action or to obtain a protective order.
3. The victim's options regarding notification to law enforcement, which are: (a) the option to notify either on-campus or local police; (b) the option to be assisted by campus security authorities in notifying law enforcement if the victim so chooses (the institution is obligated to comply with such a request if it is made); and (c) the option to decline to notify such authorities.
4. Where applicable, the rights of victims and the institution's responsibilities regarding orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.

### Preservation of Evidence & Forensic Examinations

Victims of physical assault are advised to not remove clothing items worn during or following an assault, as they frequently contain valuable fiber, hair, and fluid evidence. Don't bathe or wash, or otherwise clean the environment in which the assault occurred. You can obtain a forensic examination at Mercy Southwest Hospital 400 Old River Road Bakersfield, CA 93311 661-663-6000.

Completing a forensic examination does not require you to file a police report, but having a forensic examination will help preserve evidence in case you decide at a later date to file a police report.

Victims are also advised to retain evidence in electronic formats (e.g., text messages, emails, photos, social media posts, screenshots, etc.). Such evidence is valuable in all situations, and it may be the only type of evidence available in instances of stalking.

### Security/Law Enforcement & How to Make a Police Report

- **Taft College Campus Safety** (661) 763-7774
- **Taft Police Department** (661) 763-3101 — 320 Commerce Way Taft, CA 93268
- To make a police report, a victim should contact the local police agency listed above either by phone or in-person. The victim should provide as much information as possible, including name, address, and when and what occurred, to the best of the victim's ability.

### Information about Legal Protection Orders

*The College does not issue orders of protection, but the College cooperates with local law enforcement and victims in the obtaining and enforcing of such orders. The College issues trespass warnings pursuant to California Penal Code 626 and will issue 'no contact' orders for certain matters occurring between enrolled students.*

Victims may also choose to obtain a protective or restraining order (such as a Domestic Violence restraining order or a civil harassment restraining order). Restraining orders must be obtained from a court in the jurisdiction where the incident occurred. Restraining orders can protect victims who have experienced or are reasonably in fear of physical violence, Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking. The Campus Safety and Security Director can offer assistance with obtaining a protective or restraining order and the Open Door Network is also a great place for advice on restraining orders.

If you need assistance with filing a Domestic Violence Restraining Order (DVRO), the Open Door Network is an excellent resource.

- Open Door Network: (661) 322-9199

Students, faculty, and staff who are protected by a restraining order or other order of protection should provide the Campus Safety and Security Office with a copy of any valid orders to place on file. A valid order is one endorsed (stamped and signed) by the court with good proof of service. It is also advisable to make sure the Taft Police Department has a copy of the order on file.

If an order of protection has been violated, report it to local law enforcement in the jurisdiction where it occurred. The Taft Police Department is the agency with jurisdiction in the majority of College properties. If the violation occurs on campus, or if the violator is a student or employee at the College, also contact the Director of Campus Safety and Security.

- Taft Police Department: (661) 763-3101
- Kern County Sheriff's Office: (661) 861-3110
- Director of Campus Safety and Security: (661) 763-7872

The College will enforce any temporary restraining order or other no contact order against the alleged perpetrator from a criminal, civil, or tribal court. Any student or employee who has a protection order of no contact order should notify the Title IX Coordinator and provide a copy of the restraining order so that it may be kept on file with the institutional and can be enforced on campus, if necessary. Upon learning of any orders, the College will take all reasonable and legal action to implement the order.

#### **Available Victim Services:**

Victims will be provided written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to them, both within the College and in the surrounding community. Those services include:

#### *College Resources*

- A list of resources is available at [this link](#).
  - Students can receive free mental health services here:  
<http://www.taftcollege.edu/student-campus-life/student-support/counseling-center/timelycare.php>.
- Student Financial Aid – Sometimes a victim of a crime may feel the need to take a leave of absence from school. If a student is considering a leave of absence based on the circumstances of a complaint, he/she should understand there may be financial aid implications in taking such leave. This should be discussed with financial aid personnel, and the Title IX Coordinator can assist in facilitating this conversation if desired. The College's financial aid website can be found at:  
<https://www.taftcollege.edu/cost-aid/financial-aid/index.php>.

*State/Local Resources*

- **Mercy Southwest Hospital: (661) 663-6000**
  
- **Kern County Mental Health Department**
  - Mental health support and resources
  - Substance abuse support
  - Disaster support services
  - Events and activities

**Crisis Hotline: 1-800-991-5272**  
**Suicide Prevention Hotline: 9-8-8**

**All other information: (661) 868-6600**

**Website: [Click HERE](#)**
  
- **The Open Door Network (formerly the Alliance Against Family Violence and Sexual Assault)**
  - They offer numerous victim services, for a full list, see this link:  
<https://opendoorhelps.org/domestic-violence-and-sexual-assault/>
  - (661) 322-9199
  
- **Free and low-cost legal aid:**
  - <https://www.lawhelpca.org/>
  
- **California Partnership to End Domestic Violence:**
  - <https://www.cpedv.org>
  
- **ValorUS (Formerly California Coalition Against Sexual Assault):**
  - <https://www.valor.us/>

*National Resources*

- National Domestic Violence Hotline: 1-800-799-7233
- National Sexual Assault Hotline: 1-800-656-4673
- Rape, Abuse and Incest National Network (RAINN):
  - <https://www.rainn.org/>
- US Dept. of Justice Office on Violence Against Women:
  - <https://www.justice.gov/ovw>
- National Coalition Against Domestic Violence:
  - <http://www.ncadv.org/>
- National Sexual Violence Resource Center:
  - <http://www.nsvrc.org/>
- U.S. Citizenship and Immigration Services:
  - <https://www.uscis.gov/>
- Immigration Advocates Network:
  - <https://www.immigrationadvocates.org/>

### **Accommodations and Protective Measures:**

The College will provide written notification to victims regarding the options and available assistance for changing academic, living, transportation, and work situations, or for implementing protective measures. If a victim requests these accommodations or protective measures, and they are reasonably available, the College is obligated to provide them. This is true regardless of whether the victim chooses to report the crime to campus security or local law enforcement.

To request accommodations or protective measures, victims should contact the Title IX Coordinator at (661) 763-7810. The Title IX Coordinator is responsible for determining what accommodations or protective measures will be implemented, if any.

When determining the reasonableness of such a request, the College may consider, among other factors, the following:

- The specific need expressed by the complainant.
- The age of the students involved.
- The severity or pervasiveness of the allegations
- Any continuing effects on the complainant
- Whether the complainant and alleged perpetrator share the same class or job location.
- Whether other judicial measures have been taken to protect the complainant (e.g., civil protection orders).

The College will keep any accommodations or protective measures provided to a victim confidential, as long as doing so does not interfere with the College's ability to offer those services. However, in some cases, certain information may need to be shared with a third party in order to implement the accommodation or protective measure. These decisions will be made based on the specific circumstances, and any disclosure will be limited to only the information necessary to carry out the accommodation or protective measure. If it becomes necessary to disclose information about a victim, the College will notify the victim beforehand, explaining what information will be shared, with whom, and why.

### **Procedures for Disciplinary Action:**

Allegations of domestic violence, dating violence, sexual assault or stalking will be processed through the institution's Sexual Misconduct Policy and the related complaint resolution procedures. The procedures are utilized whenever or wherever a complaint is made, regardless of the status of the complainant and the respondent.

The complaint resolution procedures are invoked once a report is made to one of the following individuals:

#### **Title IX Coordinator**

Emmanuel Campos  
Interim Vice President of Student Services  
(661) 763-7809  
29 Cougar Court  
Email: mcampos@taftcollege.edu

Once a complaint is made, the Title IX Coordinator will begin the investigation process as soon as possible, but no later than seven (7) days after the complaint is filed. The Title IX

Coordinator or a designated investigator will review the complaint and notify the respondent that a complaint has been lodged.

During the investigation, both the complainant and the respondent will have equal opportunities to present their accounts, witnesses, and any supporting evidence. The investigator(s) will review all statements and evidence, and may, depending on the circumstances, interview others with relevant knowledge or review additional materials to gather necessary information.

Once the investigation is complete, the investigator(s) will determine whether the allegations in the complaint are substantiated based on a preponderance of the evidence. An investigation report will then be prepared, outlining the findings and any recommended sanctions or remedial actions if applicable. The parties will be notified of the findings in writing within three (3) days of the decision. The institution aims to complete investigations within sixty (60) calendar days.

Both parties have the right to appeal the outcome by submitting a written appeal to the President within five (5) days of being notified of the decision. The President will resolve the appeal within ten (10) days of receiving it, and may take any actions deemed necessary to ensure a fair and just outcome.

### **Rights of the Parties in an Institutional Proceeding:**

During the course of the process described in the previous section, both the accuser and the individual accused of the offense are entitled to:

1. A prompt, fair and impartial process from the initial investigation to the final result.
  - A prompt, fair and impartial process is one that is:
    - Completed within reasonably prompt timeframes designated by the institution's policy, including a process that allows for the extension of timeframes for good cause, with written notice to the accuser and the accused of the delay and the reason for the delay.
    - Conducted in a manner that:
      - Is consistent with the institution's policies and transparent to the accuser and the accused.
      - Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
      - Provides timely access to the accuser, the accused and appropriate officials to any information that will be used during the informal and formal disciplinary meetings and hearings.
    - Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.
2. Proceedings conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
  - Such training addresses topics such as relevant evidence and how it should be used during a proceeding, proper techniques for questioning witnesses, basic procedural rules for conducting a proceeding, and avoiding actual and perceived conflicts of interest.

- The College Title IX Investigator is a certified Civil Rights Investigator who must regularly re-certify certification through the Association of Title IX Administrators. The recertification process includes a number of required webinars on a wide range of topics such as VAWA offenses, preservation of evidence, rights of LGBTQ persons, best practices in conducting investigations, avoiding conflicts of interest (actual and perceived), and protecting victims.
- Hearing officials receive training via video. The training addresses the following topics:
  - relevant evidence and how it should be used during a proceeding;
  - proper techniques for questioning witnesses;
  - basic procedural rules for conducting a proceeding; and
  - avoiding actual and perceived conflicts of interest.
- 3. The same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. The institution may not limit the choice of advisor, but may establish limits regarding the extent to which that advisor may participate in the proceeding, as long as those limits apply equally to both parties.
- 4. Have the outcome determined using the preponderance of the evidence standard.
- 5. Simultaneous, written notification of the results of the proceeding, any procedures for either party to appeal the result, any change to the result, and when the result becomes final. For this purpose, “result” means “any initial, interim and final decision by an official or entity authorized to resolve disciplinary matters” and must include the rationale for reaching the result and any sanctions imposed.

### **Possible Sanctions or Protective Measures that the College May Impose for Dating Violence, Domestic Violence, Sexual Assault or Stalking Offenses:**

Following a final determination in the institution’s disciplinary proceeding that dating violence, domestic violence, sexual assault, or stalking has been committed, the institution may impose a sanction depending on the mitigating and aggravating circumstances involved. The possible sanctions are:

- Restitution
- Loss of Financial Aid
- Educational and Remedial Sanctions
- Denial of Access to Campus or Persons
- Disciplinary Probation
- Suspension
- Expulsion
- Multiple Sanctions
- Administrative Hold
- Withholding a Degree

For employees, the following sanctions apply (either one or more than one of the following):

- Oral Warning
- Incident Report
- Letter of Warning
- Deduction of Pay



- Adjustment of Personnel Records
- Counseling
- Restitution
- Probation
- Demotion
- Termination

If a suspension is imposed on a student, it may be for part of a semester, a full semester, or an entire academic year. An employee may be suspended for any length of time determined appropriate by the Executive Director of Human Resources. Following a suspension, the individual will be required to meet with the Vice President of Student Services (student) or Vice President of Human Resources (employee) to discuss re-entry and expectations going forward.

In addition, the College can make available to the victim a range of protective measures. They include: forbidding the accused from entering the victim's residence hall and from communicating with the victim, other institutional no-contact orders, security escorts, modifications to academic requirements or class schedules, changes in working situations, etc.

#### **Publicly Available Recordkeeping:**

The College will complete any publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifiable information about victims of dating violence, domestic violence, sexual assault, and stalking who make reports of such to the College to the extent permitted by law.

#### **Victims to Receive Written Notification of Rights:**

When a student or employee reports to the College that he or she has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the College will provide the student or employee a written explanation of his or her rights and options as described in the paragraphs above.

#### **Sex Offender Registration Program:**

The Campus Sex Crimes Prevention Act of 2000 requires institutions of higher education to advise members of the campus community where they can obtain information provided by the state concerning registered sex offenders. It also requires sex offenders to notify the state of each institution of higher education in the state at which they are employed or enrolled or carrying on a vocation. The state is then required to notify the College of any such information it receives. Anyone interested in determining whether such persons are on this campus may do so by contacting the Director of Campus Safety & Security at (661) 763-7872. State registry of sex offender information may be accessed at the following link:

<https://www.meganslaw.ca.gov/>

## **Timely Warnings and Emergency Response**

### *Timely Warnings*

In the event of criminal activity occurring either on campus or off campus that in the judgment of the Director of Campus Safety and Security Vice President of Human Resources constitutes a serious or continuing threat to members of the campus community, a campus-

wide “timely warning” will be issued. Examples of such situations may include a sexual assault or a series of motor vehicle thefts in the area that merit a warning because they present a continuing threat to the campus community. Warnings will be communicated to students and employees via one or more of the methods discussed later in this section. Updates to the warnings will be provided as appropriate.

Anyone with information warranting a timely warning should immediately report the circumstances to:

- Director of Campus Safety and Security, 661-763-7872
- Vice President of Human Resources, (661) 763-7809

The College has communicated with local law enforcement asking them to notify the College if it receives reports or information warranting a timely warning.

### Emergency Response

The College has an emergency management plan designed to ensure there is a timely and effective response in the event of a significant emergency or dangerous situation occurring on campus involving an immediate threat to the health or safety of members of the campus community. Such situations include, but are not limited to: tornadoes, bomb threats, chemical spills, disease outbreaks, fires, active shooters, etc. The College has communicated with local police requesting their cooperation in informing the College about situations reported to them that may warrant an emergency response.

Students, staff and visitors are encouraged to notify the Director of Campus Safety and Security at (661) 763-7872 of any emergency or potentially dangerous situation.

The Vice President of Human Resources, working in conjunction with the Director of Campus Safety and Security, will access available sources of information from campus administrative staff and local authorities to confirm the existence of the danger and will be responsible for initiating the institution’s response and for marshaling the appropriate local emergency response authorities for assistance. Depending on the nature of the emergency, other College departments may be involved in the confirmation process.

The institution 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 to contain, respond to or otherwise mitigate the emergency.

Once the emergency is confirmed and based on its nature, the Director of Campus Safety and Security will consult with other appropriate College officials to determine the appropriate segment or segments of the College community to be notified.

The Director of Campus Safety and Security, in collaboration with other appropriate personnel, will determine who should be notified, and 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 to contain, respond to or otherwise mitigate the emergency.

Depending on the segments of the campus the notification will target, the content of the notification may differ. When appropriate, the content of the notification will be determined

in consultation with local authorities. Also as appropriate, the notification will give guidance as to whether its recipients should shelter in place or evacuate their location.

The Vice President of Human Resources will direct the issuance of emergency notifications, which will be accomplished using one or more of methods discussed later in this section, depending on the nature of the threat and the segment of the campus community being threatened.

At the direction of the Superintendent/President (or designee), the College’s Vice President of Human Resources (or designee) will notify local law enforcement of the emergency if they are not already aware of it and local media outlets in order that the larger community outside the campus will be aware of the emergency.

Methods for Issuing Timely Warnings and Emergency Notifications

The method(s) listed below may be utilized when the College issues a timely warning or emergency notification to the campus community.

Method	Sign Up Instructions
Emergency Alert Portal (phone, text, email)	All students are automatically signed up using the email address they provide to the college. Students can manage their contact information by accessing the portal at <a href="https://www.taftcollege.edu/student-campus-life/campus-safety/emergency-alert-portal.php">https://www.taftcollege.edu/student-campus-life/campus-safety/emergency-alert-portal.php</a>
In-building notifications	Broadcast through phone speakers in classrooms and offices. No sign up necessary.

Testing & Documentation

The College tests its emergency response and evacuation procedures at least once a year. The tests may be announced or unannounced. Also, at various times the Emergency Management Team will meet to train and test and evaluate the College’s emergency response plan.

The Campus Safety and Security Director maintains a record of these tests and training exercises, including a description of them, the dates and times they were held and an indication of whether they were announced or unannounced. In connection with at least one such test, the College will distribute to its students and employees information to remind them of the College’s emergency response and evacuation procedures.

**Missing Student Policy**

If a member of the College community has reason to believe that a student who resides in on-campus housing is missing, that information should be reported immediately to the Dorm Supervisor at (661) 763-7832 or the Vice President of Student Services at (661) 763-7810. Any College employee receiving a missing student report should immediately notify Campus Safety & Security at (661) 763-7774 so that an investigation can be initiated.

Students residing in on-campus housing have the option to identify confidentially an individual to be contacted by the College only in the event the student is determined to be missing for more than 24 hours. If a student has identified such an individual, the College will notify that individual no later than 24 hours after the student is determined to be missing. The option to identify a contact person in the event the student is determined missing is in addition to identifying a general emergency contact person, but they can be the same individual for both purposes. A student's confidential contact information will be accessible only by authorized campus officials, and it will only be disclosed to law enforcement personnel in furtherance of a missing student investigation.

A student who wishes to designate a confidential contact may do so by completing the appropriate portion in the Dorm Contract provided at dorm orientation and submitting it to the Dorm Supervisor.

After investigating a missing person report, if it is determined that the student has been missing for 24 hours, the College will notify local police authorities unless it was local law enforcement that made the determination that the student is missing. If the missing student is under the age of 18 and is not emancipated, the College will also notify that student's custodial parent or legal guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student.

## Reportable Crime Statistics

### Hate Crimes

2023: One vandalism hate crime using derogatory terms for sexual orientation, on campus.

2022: No hate crimes reported.

2021: No hate crimes reported.

### Crimes Unfounded by Law Enforcement

2023: 0 unfounded crimes.

2022: 0 unfounded crimes.

2021: 0 unfounded crimes.

### Data from law enforcement agencies:

- The College was provided with some crime data from law enforcement agencies for which it cannot be determined whether any of the statistics apply to or include the College's Clery Geography.
- Certain law enforcement agencies did not comply with the College's request for crime statistics.

*See the chart on the following page for statistics covering the past three years.*

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Reportable Crime Statistics												
Crime Classification	Campus						Non-Campus			Public Property		
	On Campus Student Housing			On Campus Total			2023	2022	2021	2023	2022	2021
Crime	2023	2022	2021	2023	2022	2021	2023	2022	2021	2023	2022	2021
Murder or non-negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by negligence	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	1	0	0	1	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	1	0	0	0	0	0	0	0
Burglary	0	0	0	1	0	1	1	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	1	6	0	0	0	0	0	1	0
Domestic Violence	0	0	0	0	0	1	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0
Arrest: Liquor Law Violation	0	0	0	0	0	0	0	0	0	0	0	0
Arrest: Drug Abuse Violation	0	0	0	0	0	0	0	0	0	0	0	0
Arrest: Weapon Violation	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referral: Liquor Law Violation	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referral: Drug Abuse Violation	0	0	0	0	2	0	0	0	0	0	0	0
Disciplinary Referral: Weapon Violation	0	0	0	0	0	0	0	0	0	0	0	0

## Annual Fire Safety Report

### Housing Facilities and Fire Safety Systems

The College maintains on-campus housing for its students. Below is a description of fire safety systems and the number of fire drills conducted during the previous calendar year.

Campus: Taft College, 29 Cougar Court, Taft, CA 93268

Facility	Fire Alarm Monitoring Done on Site	Partial Sprinkler System	Full Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of evacuation (fire) drills in previous calendar year
Ash Dorms, 715 Ash Street	X		X	X	X	X	0
Cougar Dorms, 29 Cougar Court				X	X	X	0
Living Classrooms (CIL), 29 Cougar Court	X		X	X	X	X	0

### Policies on Portable Appliances, Smoking and Open Flames

The use of open flames, such as candles, and the burning of such things as incense, and smoking are prohibited in campus housing. Only surge-protected extension cords are permitted. Only the following portable cooking appliances are permitted to be used in campus housing: microwave ovens. Also, tampering with fire safety systems is prohibited and any such tampering may lead to appropriate disciplinary action.

The College reserves the right to make periodic inspections of campus housing to ensure fire safety systems are operational and that the policy on prohibited items is being complied with. Prohibited items, if found, will be confiscated and donated or discarded without reimbursement.

### Fire Evacuation Procedures

In the event of a fire, the College expects that all campus community members will evacuate by the nearest exit, closing doors and activating the fire alarm system (if one is nearby) as they leave. If circumstances permit at the time of the alarm, additional instructions will be given regarding where students and/or staff are to relocate.

### Fire Education and Training Programs

Fire safety education programs for all residents of on-campus student housing and all employees with responsibilities related to that housing are held at the beginning of each academic year. Their purpose is to: familiarize everyone with the fire safety system in each facility, train them on procedures to follow if there is a fire and inform them of the College's fire safety policies. Information distributed includes maps of each facility's evacuation route

and any fire alarms and fire suppression equipment available in the facility. Attendees are advised that participation in fire drills is mandatory and any student with a disability is given the option of having a “buddy” assigned to assist him or her.

### **Reporting Fires**

The College is required to disclose each year statistical data on all fires that occurred in on-campus student housing. When a fire alarm is pulled and/or the fire department responds to a fire, these incidents are captured. If you encounter a fire that presents an emergency situation, ensure your own safety and then please call 911.

There may also be instances when a fire is extinguished quickly and an alarm is not pulled or a response by the fire department was not necessary. It is important that these incidents be recorded as well. Therefore, if you are aware of such a fire, see evidence of one or hear about one, you should contact the Director of Campus Safety and Security at (661) 763-7872. When providing notification of a fire, give as much information as possible about the location, date, time and cause of the fire.

### **Plans for Future Improvements**

The College periodically reviews its fire safety protections and procedures. At this time, it has no plans for future improvements.

**Disclaimer Regarding Attached Board Policies and Academic Procedures**

The Board Policies (BPs) and Academic Procedures (APs) included in the following pages reflect the versions published at the time this report was issued. Since BPs and APs are subject to updates throughout the year, the attached documents may not represent the most current versions approved by the Board of Trustees.



## Appendix A: BP 5500 Standards of Student Conduct

### Reference:

*Education Code Section 66300 and 66301;*

*ACCJC Accreditation Standards I.C.8 and 10 (formerly 11.A.7.b)*

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 following conduct shall constitute good cause for discipline including but not limited to the removal, suspension or expulsion of a student, except for conduct that constitutes sexual harassment under Title IX, which shall be addressed under BP 3433 – Prohibition of Sexual Harassment Under Title IX:

1. Causing, attempting to cause, or threatening to cause physical injury to another person.
2. 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.
3. 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.

4. Committing or attempting to commit robbery or extortion.
5. Causing or attempting to cause damage to District property or to private property on campus.
6. Stealing or attempting to steal District property or private property on campus, or knowingly receiving stolen District property or private property on campus.
7. Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the College or the District.
8. Sexual assault or sexual exploitation regardless of the victim's affiliation with the District.
9. Committing sexual harassment as defined by law or by District policies and procedures.
10. 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.
11. Engaging in intimidation 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, which is bullying conduct engaged in by electronic means.
12. Willful misconduct which results in injury or death to a student or to District personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the District or on campus.
13. Disruptive behavior, willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of or persistent abuse of District personnel.
14. Cheating, plagiarism (including plagiarism in a student publication), or engaging in other academic dishonesty.
15. Dishonesty; forgery; alteration or misuse of District documents, records or identification; or knowingly furnishing false information to the District.
16. Unauthorized entry upon or use of District facilities.
17. Defeating any campus security measure, including tampering with locks, propping open locked doors or gates, or preventing a locked door or gate from securely closing.

18. Lewd, indecent or obscene conduct on District-owned or controlled property, or at District-sponsored or supervised functions.
19. 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 District premises, or the violation of lawful District administrative procedures, or the substantial disruption of the orderly operation of the District.
20. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.
21. 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 District policy or administrative procedure.
22. Violations of District regulations or procedures concerning the use of District technology resources, District regulations concerning student organizations, and/or the use of District facilities.
23. Failure to comply with directions of District officials acting in the performance of their duties, or failure to identify oneself for just cause when requested to do so by District officials acting in the performance of their duties.

***See Administrative Procedures AP 5500***

## **Appendix B: BP 3550 Drug Free Environment and Drug Prevention Program**

### **Reference:**

*Drug Free Schools and Communities Act, 20 U.S.C. Section 1145g;*

*34 Code of Federal Regulations Sections 86.1 et seq.;*

*Drug Free Workplace Act of 1988, 41 U.S. Code Section 702*

The District shall be free from all drugs and from the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees.

The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in all facilities under the control and use of the District.

Any student or employee who violates this policy will be subject to disciplinary action (consistent with local, state, or federal law), which may include referral to an appropriate rehabilitation program, suspension, demotion, expulsion or dismissal.

### **Health Risks**

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life-threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver. mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

The legal term for illegal drugs is "controlled substances." There are drugs which may not be used without proper medical authorization. The adverse effects of controlled substances are as follows:

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Category	Types of Drugs/Trade Names Included in Category	Possible Effects
Narcotics	Opium, Morphine, Heroin	Drowsiness, Constricted Pupils, Nausea, Convulsions, Coma, Possible Death
Depressants	Barbiturates, Valium, Quaaludes	Slurred Speech, Disorientation, Dilated Pupils, Weak and Rapid Pulse, Possible Death
Stimulants	Cocaine, Amphetamines, Ritalin	Increased Pulse Rate and Blood Pressure, Insomnia, Loss of Appetite, Hallucinations, Convulsions, Possible Death
Hallucinogens	LSD, Mescaline, PCP	Illusions, Poor Perception of Time and Distance, Psychosis, Possible Death
Cannabis	Marijuana, THC, Hashish	Relaxed Inhibitions, Increased Appetite, Disoriented Behavior, Fatigue, Paranoia

The Superintendent/President shall assure that the District distributes annually to each student and employee the information required by the Drug-Free Schools and Communities Act Amendments of 1989 and complies with other requirements of the Act.

The District retains the right to test any employee for cause and/or reasonable suspicion.

## Appendix C: AP 3540 Sexual and Other Assaults on Campus

### References:

*Education Code Sections 67385, 67385.7, and 67386;*

*20 U.S. Code Section 1092 subdivision(f);*

*34 Code of Federal Regulations Section 668.46 subdivision (b)(11)*

Any sexual assault or physical abuse, including, but not limited to, rape, domestic violence, dating violence, sexual assault, or stalking, as defined by California law, whether committed by an employee, student, or member of the public, occurring on District property, in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District's facilities or at another location, or on an off-campus site or facility maintained by the District, or on grounds or facilities maintained by a student organization, is a violation of District policies and regulations, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. (See also AP 5500 titled Standards of Student Conduct.)

"Sexual assault"

"Dating violence"

"Domestic violence"

"Stalking" are defined in Administrative Procedure 3434 - Responding to Harassment Based on Sex under Title IX.

It is the responsibility of each person involved in sexual activity to ensure that he/she/they has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest 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. (For physical assaults/violence, see also AP 3435 Discrimination and Harassment Complaints and Investigations, AP 3500 Campus Safety, AP 3510 Workplace Violence Plan, and AP 3515 Reporting of Crimes.)

All students, faculty members or staff members who allege they are the victims of domestic violence, dating violence, sexual assault or stalking on District property shall be provided with information regarding options and assistance available to them. Information shall be available from the Office of the Vice President of Student Services, which shall maintain the identity and other information about alleged sexual assault victims as confidential unless and until the Vice President of Student Services is authorized to release such information.

The Vice President of Student Services shall provide all alleged victims of domestic violence, dating violence, sexual assault, or stalking with the following:

1. A copy of the District's policy and procedure regarding domestic violence, dating violence, sexual assault or stalking.
2. A list of personnel on campus who should be notified and procedures for such notification, if the alleged victim consents.
  - A. Campus Security Officer and Advisor
  - B. Security Supervisor
  - C. Vice President of Student Services
  - D. Assistant to the Vice President of Student Services
3. Information about the importance of preserving evidence and the identification and location of witnesses.
4. A description of available services, and the persons on campus available to provide those services if requested. Services and those responsible for providing or arranging them include:
  - A. Transportation to a hospital, if necessary from the Office of the Vice President of Student Services.
  - B. Counseling by Academic Counselors at the Taft College Counseling Center or referral to a counseling center.
  - C. A list of other available campus resources or appropriate off-campus resources at the Office of the Vice President of Student Services.
5. The victim's option to:
  - A. Notify proper law enforcement authorities, including on-campus and local police.

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- B. Be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses.
  - C. Decline to notify such authorities.
6. The rights of victims and the institution's responsibilities regarding orders of protection, no contact orders, or similar lawful orders issued by a court.
  7. Information about how the district will protect the confidentiality of victims.
  8. Written notification of victims about options for, and available assistance in, changing academic, living, 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.
  9. A description of each of the following procedures:
    - A. Criminal prosecution.
    - B. Civil prosecution (i.e., lawsuit).
    - C. District disciplinary procedures, both student and employee.
    - D. Modification of class schedules.
    - E. Tutoring, if necessary.

The Vice President of Student Services and Vice President of Human Resources should be available to provide assistance to District Safety and Security 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 Harassment Based on Sex 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 Office of the Vice President of Student Services of any ongoing investigation. Information shall include the status of any student or employee disciplinary proceedings or appeal; alleged victims of domestic violence, dating violence, sexual assault, or stalking are required to maintain any such information in confidence, unless the alleged assailant has waived rights to confidentiality consistent with state and federal law.



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

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

1. The accused's belief in affirmative consent arose from the intoxication or recklessness of the accused.
2. 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:

1. The Complainant was asleep or unconscious.
2. 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.
3. 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 Office of the Vice President of Student Services, which shall work with the Office of the President 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 in any district proceeding arising from such a report. The statement must include the following:

1. 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.
2. 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.
3. 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.
4. Information about how the District will protect the confidentiality of victims.
5. Information for students about existing on- and off-campus counseling, mental health, victim advocacy, legal assistance or other services for victims.
6. Written notification of victims about options for, and available assistance in, changing academic, living, 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.
7. Procedures for campus disciplinary action in cases of an alleged domestic violence, dating violence, sexual assault, or stalking including a clear statement that:
  - A. Such proceedings shall provide a prompt, fair, and impartial resolution.
  - B. 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.
  - C. The accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding.

- D. Both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding resulting from an alleged domestic violence, dating violence, sexual assault or stalking, the procedures for the accused and victim to appeal the results of the disciplinary proceeding, of any chances to the results that occurs 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 accused.
8. 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.

### **Education and Prevention Information**

The Vice President of Student Services shall:

1. 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.
2. Post sexual violence prevention and education information on the campus internet website regarding domestic violence, dating violence, sexual assault and stalking.

## **Appendix D: BP 3540 Sexual and Other Assaults on Campus**

### **Reference:**

*Education Code Sections 67382, 67385, and 67386;*  
*20 U.S. Code Section 1092(f);*  
*34 Code of Federal Regulations Section 668.46(b)(11)*

Any sexual assault or physical abuse, including, but not limited to, rape, as defined by California law, whether committed by an employee, student, or member of the public, that occurs on District property, is a violation of District policies and procedures, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures consistent with state and federal law. Students, faculty, and staff who may be victims of sexual and other assaults shall be treated with dignity and provided comprehensive assistance. The Superintendent/President or designee shall establish administrative procedures that ensure that students, faculty, and staff who are victims of sexual and other assaults receive appropriate information and treatment, and that educational information about preventing sexual violence is provided and publicized as required by law. The procedures shall meet the criteria contained in Education Code Sections 67385, 67385.7, and 67386 and 34 Code of Federal Regulations Section 668.46.

*See Administrative Procedures 3540*

## Appendix E: AP 3434 Responding to Harassment Based on Sex under Title IX

### Reference:

20 U.S. Code Sections 1681 et seq.;  
34 Code of Federal Regulations Parts 106.1 et seq. Education Code Section 67380 et seq.

### Introduction

The District encourages members of the District community to report sexual harassment. 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 and sexual misconduct that falls outside that definition and outside the jurisdiction of the Title IX federal regulations using California law and applicable District policies and procedures. In implementing these procedures discussed below, the District will also provide supportive measures, training, and resources in compliance with California law, unless they are preempted by the Title IX regulations.

### Title IX Coordinator

Questions concerning Title IX may be referred to the appropriate District Title IX Coordinator whose contact information is below.

The District's Title IX Coordinators are listed below with the Title and contact information:

#### Students Title IX Coordinator<sup>1</sup>

Dr. Damon Bell  
Vice President of Student Services  
Taft College Student Services  
29 Cougar Ct.  
Taft, CA 93268

(661) 763-7810  
dbell@taftcollege.edu

#### Employee Title IX Coordinator

Heather del Rosario  
Vice President of Human Resources  
Taft College Human Resources  
29 Cougar Ct.  
Taft, CA 93268

(661) 763-7809  
hdelrosario@taftcollege.edu

The Title IX Coordinators are required to respond to reports of sexual harassment or misconduct. The Title IX Coordinators 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 Coordinators may need to address public safety concerns on campus, comply with state and federal legal requirements, or share information to implement supportive measures.

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<sup>1</sup> The policy language included reflects the currently published version. However, the Title IX Coordinator for students is currently Interim Vice President of Student Services, Emmanuel V. Campos ([mcampos@taftcollege.edu](mailto:mcampos@taftcollege.edu), (661) 763-7810).

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

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

These Title IX sexual harassment procedures and the related policy protect students, employees, applicants for employment, and applicants for admission.

The investigation and adjudication of alleged sexual harassment under this procedure is not an adversarial process between the Complainant, the Respondent, and the witnesses, but rather a process for the District to comply with its obligations under existing law. The Complainant does not have the burden to prove, nor does the Respondent have the burden to disprove, the underlying allegation or allegations of misconduct.

### **Jurisdictional Requirements - Application of Procedures**

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

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

### **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 Complaint process if he/she/they wishes to do so. An attorney may serve as an advisor.

**Complainant:** A Complainant is an individual who alleges he/she/they is the victim of 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 he/she/they has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest, lack of resistance, or silence does not indicate consent. Affirmative consent must be ongoing throughout a sexual activity and one can revoke his/her/their consent at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, is not an indicator of consent.

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

The Respondent's belief arose from the Respondent's own intoxication or recklessness;

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

**Decision-Maker:** The person or persons designated by the Superintendent/President who will oversee the live hearing and make a determination of responsibility. The Decision-Maker cannot be the Title IX Coordinator or the investigator.

**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, he/she/they will not become a Party to the complaint.

**Parties:** As used in this procedure, this means the Complainant and Respondent.  
**Respondent:** A Respondent is an individual reported to be the perpetrator of conduct that could constitute sexual harassment.

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

- A District employee conditions the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct (quid pro quo harassment);
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity;

- Sexual assault, including the following:
  - **Sex Offenses.** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
  - **Rape** (except Statutory Rape). The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their temporary or permanent mental or physical incapacity. There is carnal knowledge if there is the slightest penetration of the genital or anal opening of the body of another person.
  - **Sodomy.** Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity.
  - **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, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything the offender uses other than the offender's genitalia, e.g., a finger, bottle, handgun, stick.
  - **Fondling.** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity.
  - **Sex Offenses, Non-Forcible Unlawful, Non-Forcible Sexual Intercourse.**
    - **Incest.** Non-Forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
    - **Statutory Rape - Non-Forcible.** Sexual intercourse with a person who is under the statutory age of consent. There is no force or coercion used in Statutory Rape; the act is not an attack.
  - **Dating violence.** Violence against a person who is or has been in a social relationship of a romantic or intimate nature with the victim. 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 his/her/their safety or the safety of others or suffer substantial emotional distress.

### **Reporting Options**

Any individual may report sexual harassment to the District's Title IX Coordinator.

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

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

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

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

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

District Officials with Authority are not confidential resources and are required to

report allegations of sexual harassment to the Title IX Coordinator promptly. All other employees are encouraged to report allegations to the Title IX Coordinator but are not required to do so.

The District has designated the following employees as Officials with Authority:

- Superintendent/President
- Vice President, Administrative Services
- Vice President of Instruction
- Vice President of Student Services
- Vice President of Human Resources
- Executive Director, Research & Planning
- Executive Director, Marketing & Community Relations
- Executive Director, Foundation and Institutional Advancement
- Exec. Director of Information Services
- Director, Campus Safety and Security
- Director, Financial Aid & Scholarships
- Distance Learning Coordinator
- Executive Director, Fiscal Services
- Budget and Fiscal Analyst
- Director, Distance Education
- Supervisor, Residence Hall
- Coordinator, Student Life
- TIL Direct Support Facilitator
- Food Services Manager
- Coordinator, P.E. Facility/ Athletic Trainer
- Dean of Instruction and CTE
- Director, Children's Center
- Director, Adult Education
- Director, Dental Hygiene
- Director, TIL
- Dean of Student Success
- Manager, Bookstore
- Director of Admissions & Records
- Director of Facilities & Planning
- TIL Career Education Facilitator
- Senior Research Assistant
- Executive Asst., VP of Instruction
- Human Resources Specialist
- Human Resources Assistant
- Development Associate
- Administrative Services Exec Assistant
- Senior Human Resources Generalist
- Administrative Specialist
- Student Services Assistant
- Executive Assistant to the Superintendent/President

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

## **Intake and Processing of Report**

### **Receipt of Report**

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

### **Timeframe for Reporting**

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

### **Supportive Measures**

Supportive measures are non-disciplinary, non-punitive individualized services offered free of charge to the Complainant or the Respondent regardless of whether a

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

When requested by a Complainant or otherwise determined to be appropriate, the District shall issue a no-contact directive prohibiting the Respondent from contacting the Complainant during the pendency of the investigation. The District shall not issue mutual no-contact directive automatically, but instead shall consider the specific circumstances of each report of sexual harassment 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 an 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.

### **Sexual Assault and Domestic Violence Counselors**

For further information about services provided by sexual assault and domestic violence counselors on campus, see AP 3540 Sexual and Other Assaults on Campus and in Campus Programs.

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

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

### **Emergency Removal**

The District may remove a non-employee Respondent from the District's education program or activity on an emergency basis after it conducts an individualized safety and risk analysis and determines that an immediate threat to the physical health or

safety of any student or other individual arising from the allegations of sexual harassment justifies removal.

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

The District's appropriate Title IX Coordinator or designee will conduct the individualized safety and risk analysis.

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

### **Administrative Leave**

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

### **Formal Complaint Grievance Process**

#### **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;
- 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.

### **Dismissal of Formal Complaint**

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

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

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

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

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

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

### **Consolidation of Formal Complaints**

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

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

The District's determination of responsibility is a neutral, fact-finding process. The

District will treat Complainants and Respondents equitably. The procedures will apply equally to both Parties. The District will not discipline a Respondent unless it determines the Respondent was responsible for sexual harassment at the conclusion of the grievance process.

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

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

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

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

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

### **Timeline for Completion**

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

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

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

grant a student Party's reasonable request for an extension of a deadline related to a Complaint during periods of examinations or school closures.

### **Role of Advisor**

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

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

A Party does not have a right to self-representation at the hearing; an Advisor must conduct any cross-examination. The District must provide an Advisor of its choice, free of charge to any Party without an Advisor 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.

### **Confidentiality Agreements**

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

### **Use of Privileged Information**

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

### **Student Complainant Requests for Confidentiality**

If a student 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 students, including for the Complainant. The District shall normally grant the request when possible. In determining whether to disclose a 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 student-Complainant's request for confidentiality, it shall still take reasonable steps to respond to the Complainant, 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 student-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.

### **Investigations**

The Title IX Coordinator is responsible to oversee 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 described in this section.

### **Trained Investigators**

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.



### **Burden of Gathering Evidence**

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

Student Complainants should be aware that any evidence available but not disclosed during the investigation might not be considered at a subsequent hearing, if a hearing is required under this procedure. Written evidence submitted by a Party is limited to 20 pages or 10,000 words.

### **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 Complainant's prior sexual history unless such questions or evidence is offered to prove that someone other than the Respondent committed the alleged conduct; or
- The investigator or Decision-Maker shall not consider the Complainant's prior sexual behavior unless the questions or evidence concern specific incidents of the Complaint's prior sexual behavior with respect to the Respondent and are offered to prove consent.
  - 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 pursuant to this circumstance, 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.

### **Notice of Investigative Interview**

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

### **Evidence Review**

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

Prior to the investigator preparing an investigative report, the District will make available to each Party and the Party's Advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The Parties will have at least ten days to submit a written response. The investigator must consider this written response prior to completing the investigative report.

### **Investigative Report**

The results of the investigation of a formal complaint will be set forth in a written report that will include at least all 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 the investigator interviewed;
- An analysis of relevant evidence collected during the investigation, including a list of relevant documents;
- A specific finding as to whether the allegations occurred using a preponderance of the evidence standard;
- A table of contents if the report exceeds ten pages; and
- Any other information deemed appropriate by the District.

The investigator will not 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 he/she/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.

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

### **Hearing**

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

### **Notice**

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

### **Hearing Format**

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

The District will make the information reviewed during the Evidence Review available at the hearing for reference and consultation. The District will not restrict the ability of either Party to discuss the allegations under investigation or to gather and present relevant evidence.

The District will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the Parties for inspection and review. 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 witnesses absence from the live hearing or refusal to submit to cross-examination or to answer any questions.

The Decision-Maker may also ask an 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**

When the Decision-Maker makes a determination of responsibility or non-

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

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

The written determination will include:

- Identification of the allegations potentially constituting Title IX sexual harassment as defined in these procedures;
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including who conducted the investigation and gave notifications to the Parties. The determination will also state when, where, and the date the investigator interviewed the Parties and witnesses, conducted site visits, the methods used to gather other evidence. The procedural section should also discuss the dates and how the Parties were provided the opportunity to review and inspect evidence and the date of any hearings held and who attended the hearing;
- Findings of fact supporting 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;
- 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 him/her/them as part of the written determination. The District can inform the Respondent that it will provide remedies to the Complainant. However, the District will inform the Complainant of the sanctions against the Respondent;
- The District's procedures and permissible bases for the Complainant and Respondent to appeal.

The District will provide the written determination to the Parties simultaneously. The determination regarding responsibility becomes final either on the date that the District provides the Parties with the written determination of the result of the

appeal, if the Parties file an appeal, or if the Parties do not file an appeal, the date on which an appeal would no longer be timely.

### **Disciplinary Sanctions and Remedies**

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

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

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

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

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

A Complainant or Respondent may appeal the District's determination regarding responsibility or the dismissal of a formal complaint or any allegations. A Complainant or Respondent must submit a written appeal within 10 business days from the date of the notice of determination regarding responsibility or from the date of the District's notice of dismissal of a formal complaint or any allegations.

### **Grounds for Appeal**

The Superintendent/President or designee will serve as the Decision-Maker on

Appeal. In filing an appeal of the District's determination regarding responsibility or the District's dismissal of a formal complaint, the Party must state the grounds for appeal and a statement of facts supporting those grounds. The grounds for appeal are as follows:

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

### **Appeal Procedure**

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

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

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

The Decision-Maker on appeal may extend or otherwise modify the deadlines provided above. Either Party may seek an extension by submitting a written request to the appeal Decision-Maker explaining the need for the extension and the proposed length of the extension. The Decision-Maker will respond to the request within 48 hours in writing and will inform the Parties simultaneously whether the extension is granted.

### **Informal Resolution**

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

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

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

The informal resolution process is not available to resolve allegations that an employee sexually harassed a student or any allegations of sexual assault.

### **Retaliation Prohibited**

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

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

The District will provide its policy and procedures related to Title IX on its website and in each handbook or catalog provided to applicants for admission and employment, students, employees, and all unions or professional organizations holding collective bargaining with the District. The District will also provide its policy and procedures related to Title IX to all volunteers who will regularly interact with students and each individual or entity under contract with the District to perform any service involving regular interaction with students.

When hired, employees are required to sign acknowledging that they have received the policy and procedures. The District will place the signed acknowledgment of receipt in each employee's personnel file.

### **Training**

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



harassment and sexual assault in the educational setting based on their race, sexual orientation, disability, gender, and gender identity.

The District shall ensure that resident life student and nonstudent staff, or their equivalent, annually receive training on how to handle, in a trauma-informed manner, reports made to them of sexual harassment and situations in which they are aware of sexual harassment in student residential facilities.

The District will provide Officials with Authority with training regarding his/her/their obligation to report sexual harassment and instruction on how to report sexual harassment to the Title IX Coordinator.

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

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