2018 ANNUAL SECURITY REPORT
(Information for 2018–2019 Academic Year)
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Message from the Chief

This annual security report is prepared and compiled by the Irvine Valley College Police Department. Our Mission Statement is: The Irvine Valley College Police Department provides a safe learning environment through professional police services. This Mission Statement is meant to serve as a daily reminder of our commitment to the safety and security of everyone on the Irvine Valley College campus.

The Irvine Police Department (for the IVC campus) and the Tustin Police Department (for the ATEP campus) provide statistical information for criminal incidents that occur off campus. For purposes of making timely warning reports and the annual statistical disclosure required under Clery, the campus community should report all campus crimes to the Irvine Valley College Police Department. The campus Police Department and the Office of the Vice President for Student Services collect information on all incidents occurring on campus. All district policies contained in this report apply to both the Irvine Valley College campus and the ATEP campus equally.

It is our hope that you will find valuable information in this report and find that Irvine Valley College is a safe environment to facilitate the educational growth for our students and a collaborative environment for our staff and faculty.

We expect the contents of this report will answer any questions you may have about the safety of the college and the programs and personnel here, in order to provide an environment and atmosphere to further your academic or vocational goals. I appreciate the time you are taking to review this report and welcome any feedback you may have.

Respectfully,

John Meyer

Chief of Police
Law Enforcement Partnership

Pursuant to California Education Code Section 67381, the Irvine Valley College Police Department and the Irvine and Tustin Police Departments have adopted and signed written Memoranda of Understanding that clarify operational responsibilities for the investigation of violent and non-violent crimes occurring on college property, both on the IVC campus and at ATEP in Tustin. Due to the sophisticated investigative resources required to investigate certain crimes properly, the Irvine Valley College Police Department, by agreement, has arranged in certain circumstances for assistance from the Irvine and Tustin Police Departments respectively.

The agreement states that the Irvine Valley College Police Department will be the primary reporting and investigating law enforcement agency for all crimes occurring on the Irvine Valley College and ATEP campuses, except Part One crimes of Homicide, Robbery, Kidnapping, Felony Assault, Auto Thefts, Sexual Assaults, Hate Crimes, and Crimes Against Children and other felonious crimes. The Irvine Police Department will be the lead reporting and investigating agency for these crimes if reported on the IVC campus and the Tustin Police Department will be the lead agency if reported on the ATEP campus. The Irvine Police Department will be the primary reporting and investigating law enforcement agency for all crimes occurring in the vicinity of the Irvine Valley College campus outside the boundaries of the Irvine Valley College campus and properties. The Tustin Police Department will be the primary reporting and investigating agency for all crimes occurring in the vicinity of the ATEP campus outside the boundaries of the ATEP campus and properties. Both agencies will continue to provide mutual aid assistance as appropriate when requested.

The Irvine Valley College Police Department maintains a strong working relationship with state and local police agencies, including the Orange County Sheriff’s Department, Irvine Police Department, and Tustin Police Department.

The Irvine Valley College Police Department also seeks assistance from federal, state, and city law enforcement agencies as needed.
Irvine Police Department Contact Numbers
EMERGENCY: DIAL 911
Non-emergency: 949-724-7000

Tustin Police Department Contact Numbers
EMERGENCY: DIAL 911
Non-emergency: 714-573-3200
Law Enforcement Authority

The Irvine Valley College Police Department is empowered pursuant to section 830.32 (a) of the California Penal Code and section 72330 of the California Education Code, which fully subscribes to the standards of the California Commission on Peace Officer Standards and Training (POST).

Irvine Valley College police officers have the authority to enforce state and local laws, to conduct criminal investigations, and make arrests anywhere in the State of California. Police officers also have the authority to enforce College policies, procedures and rules. However, the primary jurisdiction of the Irvine Valley College Police Department is the IVC and ATEP campuses.

Our sworn police officers receive the same basic training city as county peace officers throughout the state, plus additional training to meet the unique needs of the campus environment.

The Department handles all patrol, investigation, crime prevention education, and related law enforcement duties for the campus community, and operates 24 hours a day, seven days week. The Irvine Valley College Police Department can be reached at 949-451-5234.

IVCPD hires security officers (in-house and contract security) to work at the ATEP campus who have the authority to enforce College policies and vehicle parking laws, but do not have arrest authority or the authority to enforce other law violations.

The Irvine Valley College Police Department is a member of the Orange County Communications System and has direct radio contact with the local public safety agencies.

The Department also has access to local, state, and federal law enforcement telecommunications systems that provide vehicle registration, driver license, and criminal record information.
Reporting Crimes

Community members are strongly encouraged to immediately report to the Irvine Valley College Police Department any criminal and suspicious activity occurring on campus, on public property running throughout or immediately adjacent to the campus, or on other property that is owned or controlled by IVC. We encourage accurate and prompt reporting of all crimes to campus police, including when the victim elects to, or is unable to, make such a report. IVCPD can be reached at 949-451-5234 or via campus phones at extension 5234.

While the Irvine Valley College Campus Police Department may offer advice and assistance regarding campus safety, all members of the campus community are encouraged to take responsibility for their safety and, when possible, assist others. Always use common sense, be proactive, and take precautions.

Response to a Report

Dispatchers are available at these respective telephone numbers 24 hours a day to answer your calls. In response to a call, IVCPD will take the required action, either dispatching an officer or asking the victim to report to IVCPD to file an incident report. All reported crimes will be investigated by Campus Police or the agency of jurisdiction, or the Irvine/Tustin police departments under the Memorandum of Understanding, and may become a matter of public record. All IVCPD incident reports are forwarded to the Vice President for Student Services for review and referral to the Dean of Counseling for potential action, as appropriate. IVCPD investigators will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Dean of Counseling. If assistance is required from the local police department or the local fire department, IVCPD will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, including IVCPD, will offer the victim a wide variety of services.

Report crimes or suspicious circumstances, including unwanted product sales/solicitation, to the Campus Police Department by phone or in person. Members of the community are helpful when they immediately report crimes or emergencies to the Irvine Valley College Police Department or campus security authority for purposes of including them in the annual statistical disclosure and assessing them for issuing Timely Warning Notices, when deemed necessary.
**Reporting Option Other Than to Campus Police**

All Irvine Valley College Campus Security Authorities (CSAs) are required to report crimes (violations of federal, state, and local laws) to IVCPD. Students and employees can report crimes to any CSA on campus, but Irvine Valley College has identified the following people as Primary CSAs, who will provide additional reporting options in the event that the reporting party does not want to report a crime directly to IVCPD.

One of the below listed CSAs can be contacted and the crime can be reported directly to them. All CSAs are required to subsequently notify IVCPD of any reported crimes as soon as practicable, to allow that office to capture the crime for statistical purposes and to assess the crime for a potential timely warning notice.

**IVC Primary Campus Security Authorities**

Dean of Counseling: Dr. Elizabeth Cipres, 949-451-5410

Director of Student Life and Student Equity: Anissa “Cessa” Heard-Johnson, 949-451-5364

Title IX Coordinator/Vice President for Student Services: Dr. Linda Fontanilla, 949-451-5214

Dean of Kinesiology, Health and Athletics: Keith Shackleford, JD, 949-451-5407

SOCCCD Vice Chancellor of Human Resources: Dr. Cindy Vyskoci, 949-582-4699

**Off-Campus Reporting**

For off-campus locations, direct all calls for assistance to the local law enforcement agency. Off-campus incidents are within the operational responsibility of the Irvine Police Department (IVC campus vicinity) or the Tustin Police Department (ATEP campus vicinity).

**Voluntary/Confidential Reporting**

If you are the victim of crime, we encourage you to file a crime report. If you would like to maintain confidentiality and do not wish to pursue action within the college or criminal justice system, you are encouraged to consider filing a confidential report for purposes of inclusion in the annual disclosure of crime statistics. These types of reports can be made to the Irvine Valley College Police Department or with a counselor in the Health and Wellness Center. The information can enhance community safety by allowing the college to keep accurate records of crimes, helping to determine whether patterns of crime exists, and alerting the campus to potential danger.
Exemption for Pastoral and Professional Counselors/ Mental Health Therapist
There are two employee categories that, although they have significant responsibility for student and campus activities, are not Campus Security Authorities under Clery and Title IX:

**Pastoral Counselors:** A person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.

**Mental Health Therapist in the Health and Wellness Center:** A person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of his or her license or certification. This exemption applies even to professional counselors who are not employees of the institution but are under contract to provide counseling at the College.

Additionally, SOCCCD considers employees working in the Health and Wellness Center as exempt mandatory reporters.

**Counseling Services – Health and Wellness Center and Counseling Center**
Although counselors typically have significant responsibility and involvement in student and campus activities, they are exempt from Clery and Title IX reporting requirements. They are, however, encouraged to forward non-identifying information to the Irvine Valley College Police Department on crimes that are reported to their offices. This non-identifying information is included in the annual security report. Although exempt from divulging personally identifiable information about reporting parties, exempted personnel are encouraged to report Clery violations to the Campus Police for statistical purposes only.
The Clery Act
In 1990, the Higher Education Act of 1965 (HEA) was amended to include the Crime Awareness and Campus Security Act of 1990 (Title II of Public Law 101-542). This amendment required all postsecondary institutions participating in the Title IV student financial aid programs to disclose campus crime statistics and security information. In 1998, the act was renamed the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act in memory of Jeanne Clery, a university student who was killed in her dorm room in 1986. More commonly known as the Clery Act, this law requires a college to:

- Collect, classify, and count crime reports and statistics
- Issue campus alerts
- Publish an annual security report
- Submit crime statistics to the Department of Education
- Maintain a daily crime log
- Disclose missing student notification procedures

The Campus Sexual Violence Elimination Act (SaVE Act, H.R. 6461, Incorporated in 2014)

Notably, VAWA amended the Clery Act to require institutions to compile statistics for incidents of domestic violence, dating violence, sexual assault, and stalking and to include certain policies, procedures, and programs about these incidents in their annual security report (ASRs).

The VAWA requires institutions of postsecondary education eligible to participate in federal student aid programs to adopt, and to disclose in their annual security report a summary of, a policy regarding sexual assault (an existing requirement of the Clery Act) and other intimate partner violence. The term “intimate partner violence” is defined to mean “any physical,
sexual, or psychological harm against an individual by a current or former partner or spouse of the individual." It includes stalking, dating violence, sexual violence, or domestic violence.

**Victims’ Rights Provisions**

The VAWA establishes a baseline framework for institutions to respond to sexual assault and other intimate partner violence. The SOCCCD and Irvine Valley College policy will:

- Provide students and employees who report victimization information in writing of their rights to notify law enforcement and to be assisted by campus authorities. At the time of the report, they will provide an explanation of their rights to obtain no-contact orders or enforce an order already in existence, and contact information for campus and local advocacy, counseling, health, mental health and legal assistance services.

- Provide notification to students and employees who report victimization with options for and assistance in changing academic, living, transportation, and working situations if requested and reasonably available.

- Provide for honoring any lawful no-contact or restraining order.

- Disclose the range of possible sanctions that may be imposed following an institutional disciplinary procedure.

- Detail procedures victims should follow if a sex offense occurs, including who to contact and information about the importance of preserving physical evidence (an existing provision of the Clery Act).

- Disclose a summary of institutional disciplinary procedures including clear statements.

- Provide confidentiality of the victim if requested in writing.

**Best Practices Report**

The VAWA provides for the collaboration of the U.S. Departments of Justice and Education to collect and disseminate best practices information about preventing and responding to sexual assault and other intimate partner violence.
Resources Available to Victims
The following resources are available to victims of domestic violence, dating violence, sexual assault, and stalking.

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<th><strong>On-Campus Resources</strong></th>
<th><strong>Number</strong></th>
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<td>Campus Police</td>
<td>949-451-5234 (x5234)</td>
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<tr>
<td>Health and Wellness Center</td>
<td>949-451-5221</td>
</tr>
<tr>
<td>Behavioral Intervention Team (BIT)</td>
<td>949-451-5221</td>
</tr>
<tr>
<td>Vice President for Student Services</td>
<td>949-451-5624</td>
</tr>
<tr>
<td>Counseling</td>
<td>949-451-5539</td>
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<td>Disabled Students Programs and Services</td>
<td>949-451-5630</td>
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<th><strong>Off-Campus Resources</strong></th>
<th><strong>Number</strong></th>
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<td>Child Abuse Hotline (24-Hour)</td>
<td>714-940-1000</td>
</tr>
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<td>Rape Crisis Hotline (24-Hour)</td>
<td>949-831-9110</td>
</tr>
<tr>
<td>National Sexual Assault Hotline</td>
<td>800-656-4673</td>
</tr>
<tr>
<td>Love Is Respect</td>
<td>866-331-9474</td>
</tr>
<tr>
<td>Suicide Prevention Hotline</td>
<td>800-784-2433</td>
</tr>
<tr>
<td>Suicide Crisis Hotline</td>
<td>714-894-4242</td>
</tr>
<tr>
<td>National Domestic Violence Hotline</td>
<td>800-799-7233</td>
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<td>Battered Women</td>
<td>949-854-3554</td>
</tr>
<tr>
<td>Alcoholics Anonymous</td>
<td>949-582-2697 (South County)</td>
</tr>
<tr>
<td>Narcotics Anonymous</td>
<td>714-590-2388</td>
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<tr>
<th><strong>On-Campus Resources</strong></th>
<th><strong>Type of Services Available</strong></th>
<th><strong>Service Provider</strong></th>
<th><strong>Contact Information</strong></th>
</tr>
</thead>
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<td>Counseling</td>
<td>Academic and career counseling</td>
<td>Counseling Center</td>
<td>949-451-5319 SSC 210</td>
</tr>
<tr>
<td>Health</td>
<td>Immunizations, TB tests, STD/STI tests, pregnancy tests, physicals, health screenings, food pantry, Title IX confidential reporting, low cost prescriptions, low cost laboratory tests, and more</td>
<td>Daphne Lim, RN</td>
<td>949-451-5221 Fax: 949-451-5393 SSC 150</td>
</tr>
<tr>
<td>Mental Health</td>
<td>Depression, anxiety, anxiety attacks, grief and loss, relationship issues, and more</td>
<td>Stacy Lavino, LMFT Dr. Debbie Hutchinson, PsyD, LMFT</td>
<td>949-451-5221</td>
</tr>
<tr>
<td>Victim Advocacy</td>
<td>Title IX reporting</td>
<td>Health and Wellness Center</td>
<td>949-451-5221</td>
</tr>
<tr>
<td>Legal Assistance</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Off-Campus Resources</td>
<td>Type of Services Available</td>
<td>Service Provider</td>
<td>Contact Information</td>
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</tr>
<tr>
<td>Counseling</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Health</td>
<td>Horst Family Health Clinic, Sand Canyon Urgent Care, Hoag Urgent Care, various specialist referral locations and providers, optometrists, dentists</td>
<td>N/A</td>
<td>Varied</td>
</tr>
<tr>
<td>Mental Health</td>
<td>Short-term and long-term counseling, psychological assessment, and medication</td>
<td>Free and low-cost counseling clinics</td>
<td>Referrals to no cost/low-cost providers</td>
</tr>
<tr>
<td>Victim Advocacy</td>
<td>Domestic violence assistance with Orange County Adult Protective Services Agency</td>
<td>NA</td>
<td>800-451-5155</td>
</tr>
<tr>
<td></td>
<td>Sexual assault education at Family Resource Center</td>
<td>N/A</td>
<td>714-972-5775</td>
</tr>
<tr>
<td></td>
<td>Child abuse, sexual assault, domestic violence and more</td>
<td>Crime Victim Assistance Organization</td>
<td>Refer to victims.ca.gov</td>
</tr>
<tr>
<td>Legal Assistance</td>
<td>Community Legal Aid of Orange and Los Angeles County - free evaluation, advice and counseling</td>
<td><a href="http://www.communitylegalsocal.org">www.communitylegalsocal.org</a></td>
<td>714-571-5200 800-834-5001</td>
</tr>
<tr>
<td>Visa and Immigration Assistance</td>
<td>Community Legal Aid of Orange and Los Angeles County</td>
<td><a href="http://www.communitylegalsocal.org">www.communitylegalsocal.org</a></td>
<td>714-571-5200 800-834-5001</td>
</tr>
<tr>
<td></td>
<td>Free advice on immigration</td>
<td><a href="http://www.socfrc.org/">http://www.socfrc.org/</a></td>
<td>949-364-0500</td>
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</tbody>
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Victim Protective Orders

In California, a victim of domestic violence, dating violence, sexual assault, or stalking has rights to be compensated for medical and counseling costs as well as the right to be notified of the status of criminal proceedings. Further, the College complies with California law in recognizing orders of protection, which are called restraining orders, and requests that any person who obtains an order of protection from California or any state should provide a copy to Campus Police and the Title IX Coordinator.

If you feel you are the victim of domestic violence, dating violence, sexual assault, or stalking, you should immediately report this to Campus Police who will investigate as appropriate. In these instances you have the right to request No Contact Orders, Restraining Orders, or similar lawful orders issued by a criminal or civil court. Campus Police or the appropriate law enforcement agency investigating these crimes will assist victims in these instances.
### Elder/Dependent Adult Abuse Protective Order

**This order may be for you if:**
- You are:
  - 65 years of age or older
  - 18-64 years of age and have a mental or physical condition that prevents you from carrying out normal activities (a dependent adult)

And you have been:
- Physically or financially abused
- Mentally or emotionally abused
- Neglected, abandoned or abducted
- Isolated
- Deprived by a caregiver of goods or services needed to avoid harm or suffering

*The order may also protect other family or household members.*

### Domestic Violence Restraining Order

You have one of the following relationships with the restrained person:
- Spouse/former spouse
- Cohabitant or former cohabitant (with a romantic/close relationship)
- Current or past dating relationship
- Parent or child
- Brother, sister, grandparent or grandchild
- In-laws: Any relationship to a spouse’s blood relatives

And you have been:
- Abused (physical, spoken or written)

*This order may also protect other family or household members.*

### Civil Harassment Restraining Order

You and restrained person:
- Do not have a domestic violence case open

And you have been:
- Stalked
- Harassed
- Sexually Assaulted
- Threatened with Violence

*This order may also protect other family or household members.*

### Workplace Violence

You are:
- An employer of employee (including volunteer or independent contractor who performs services at the worksite, member of the board of directors or public officer)

And employee has:
- Suffered violence at the workplace
- Received threats of violence at the workplace

Note: An employee cannot ask for a workplace violence restraining order. Only an employer may request this type of order.

*This order may also protect other family or household members.*

### If granted, the court can order someone to:

- Not contact you
- Stay away from you and your home
- Move out of your home
- Not own/possess a gun

- Not molest, attack, strike, stalk, assault, batter, threaten, sexually assault, or harass (personally or by telephone) you
- Not destroy your personal property
- Not come within a specified distance
- Move from the home you share
- Not own/possess a gun
If you are in immediate danger, you may need an EMERGENCY PROTECTIVE ORDER:

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<tr>
<td>This order may be appropriate for you if:</td>
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<tr>
<td>If granted, the court can order someone to:</td>
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<td></td>
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<td></td>
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<tr>
<td>The court may also order:</td>
</tr>
<tr>
<td>This order lasts:</td>
</tr>
<tr>
<td>You may get help from:</td>
</tr>
</tbody>
</table>

You may get additional help at Superior Court of California’s County of Orange Self-Help Centers:

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
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</thead>
<tbody>
<tr>
<td>Central Justice Center - Santa Ana</td>
<td>700 Civic Center Drive West, 1st floor, Santa Ana, CA 92701 657-622-7577</td>
</tr>
<tr>
<td>Harbor Justice Center - Newport Beach</td>
<td>4801 Jamboree Rd, Room #150, Newport Beach, CA, 92660 657-622-5756</td>
</tr>
<tr>
<td>Lamoreaux Justice Center - Orange</td>
<td>341 The City Drive, 1st Floor, Orange, CA 92868 657-622-5720</td>
</tr>
<tr>
<td>North Justice Center - Fullerton</td>
<td>1275 N. Berkeley Ave, Room #355, Fullerton, CA 92832 657-622-6623</td>
</tr>
<tr>
<td>Superior Court Service Center - Mission Viejo</td>
<td>27573 Puerta Real, Mission Viejo, CA 92692 657-622-5720</td>
</tr>
<tr>
<td>Domestic Violence Assistance Program - Lamoreaux Justice Center</td>
<td>341 The City Drive, 1st Floor, Orange, CA 92868 657-622-5720</td>
</tr>
<tr>
<td>Adult Protective Services (APS) - Santa Ana</td>
<td>Social Services Agency, PO Box 22006, Santa Ana, CA 92702 800-451-5155</td>
</tr>
</tbody>
</table>

Notes: ** A cohabitant is a person who regularly resides in the household. Tenants or roommates subletting rooms in the same household do not meet the relationship requirement for a Domestic Violence Restraining Order unless they have a romantic or close relationship. A close relationship is one where the persons share a common goal and mutual interests beyond that of roommates. Abuse means to hit, kick, grab, choke, hurt, scare, throw things, pull hair, push, follow, harass, assault with a weapon, force to participate in unwanted, unsafe, or degrading sexual activity, or threaten to do any of these things. Employer is defined as the following: Every person engaged in any business/enterprise in this state that has one or more persons in service under any appointment, contract of hire, or apprenticeship, express or implies, oral or written, irrespective of whether such person is the owner of the business or is operating on concessionaire or other basis. Labor Code 350(a). A federal agency, the state, a state agency, a city, county, or district, and a private, public quasi-public corporation, or any public agency thereof or therein. Code of Civil Procedure 527.8(d)
Timely Warnings

**Scope:** Focus on Clery crimes but also include crimes considered to represent a serious or continuing threat to students, employees, and the college community.

**Why:** In the event a crime is reported within the Clery geography (on campus, on public property, and non-campus property), a Timely Warning (called a Crime Alert) may be issued if, in the judgment of the Chief of Police or his designee, the crime is considered by the institution to represent a serious or continuing threat to students and employees.

Crime Alerts are typically issued for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications:

- **Murder/Non-Negligent Manslaughter**
- **Aggravated Assault** (cases involving assaults among known parties, such as two roommates fighting, resulting in aggravated injury, will be evaluated on a case-by-case basis to determine if the individual is believed to be an ongoing threat to the larger IVCC community)
- **Robbery** involving force or violence (cases including pickpocketing and purse snatching will typically not result in the issuance of a Timely Warning Notice, but will be assessed on a case-by-case basis)
- **Sexual Assault** (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by the Chief of Police, or designee). In cases involving sexual assault, which are often reported long after the incident occurred, there is no ability to distribute a “timely” warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning Notice.
- **Major Incidents of Arson**
- **Other Clery Crimes** as determined necessary by the Chief of Police, or his designee in his absence

Crime Alerts may also be posted for other crime classifications and locations, even though this is not required by the law, at the sole discretion of the Chief of Police or his designee.
**When:** Issue a warning without delay as soon as the pertinent information is available and when appropriate, in a manner that withholds the names of victims as confidential, and with the goal of aiding in the prevention of similar occurrences.

**Who:** In the event of a situation which, in the judgment of the Chief of Police or his designee, constitutes an serious or continuing threat of a criminal nature to the campus community, the Irvine Valley College Police Department will issue a crime alert as soon as possible and when appropriate. Crime Alerts are typically written by the Chief of Police or his designee and are reviewed (time permitting) and typically distributed by the Office of Marketing and Creative Services. The Chief or designee typically consults with the Irvine and/or Tustin Police Department prior to distribution of a Crime Alert to ensure that the warning does not contain information that would compromise law enforcement efforts.

**How:** For any crime considered to represent a serious or continuing threat to the campus community, a Crime Alert will be distributed using campus email as the primary method of communication. The College may also post flyers in or on campus facilities, if deemed necessary.

The institution is not required to issue a Timely Warning with respect to crimes reported to a pastoral or professional counselor.
Emergency (Immediate) Notifications

Irvine Valley College has developed a process to notify the campus community in case of emergency. While it is impossible to predict every significant emergency or dangerous situation that may occur on campus, the following identified situations are examples which may warrant an emergency (immediate) notification after confirmation: armed/hostile intruder; bomb/explosives (threat); communicable disease outbreak; severe weather; terrorist incident; civil unrest; natural disaster; hazardous materials incident and structural fire.

Scope: Wide focus on any significant emergency or dangerous situation (may include Clery crimes).

Why: Issuing of Campus emergency (immediate) notifications occurs when an event that is occurring on campus or imminently threatening the campus community. Emergency notification procedures are initiated for any significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees on campus.

Where: Applies to situations that occur on the campus.

When: Notifications are issued without delay upon confirmation of an emergency situation that poses an immediate threat to the health or safety of the campus community. IVC will take 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 the responsible authorities, compromise the efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

How: The notification will be distributed as soon as possible under the following guideline:

Qualifying Events for Emergency Notifications Include, However, Are Not Limited To:

- Outbreak of Serious Health Risk
- Extreme Weather Conditions
- Chemical/Hazardous Materials Spills
- Campus Utility Breakdown (water, gas, etc.)
- Active Shooter/Armed/Dangerous Person
- Bomb Threat
- Terrorist
- Incident Fire
- Civil Unrest
- Explosions
- Aircraft Crash
- Earthquake
- Gas Leak
Depending on the incident, the Irvine and/or Tustin Police Departments will be notified to make notifications to the surrounding community.

In the event of an emergency, Irvine Valley College will initiate and provide, without delay, immediate notifications to the appropriate segment(s) of the College community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, employees, and visitors.

The Chief of Police or his designee is responsible for confirming an emergency in conjunction with campus administrators, local first responders, public health agencies, and/or the National Weather Service.

If the Director of IVCPD, or designee, in conjunction with other College administrators, local first responders, public health agencies, and/or the National Weather Service, confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the IVC community, the Irvine Valley College Police Department and/or the Office of Marketing and Creative Services will collaborate to determine the content of the message (other administrators or first responder/public health agencies may contribute to the development of that content). Typically the Irvine Valley College Police Department and/or the Office of Marketing and Creative Services will use some or all of the systems described below to communicate the threat to the IVC community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population. See specific information below regarding the development of content for and initiation of each system. All messages should include the type of situation, the location of the situation, the time and date, instructions for the recipient, and the additional method of the public to obtain information.
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<thead>
<tr>
<th>System to Use</th>
<th>Primary Message Creator</th>
<th>Backup Message Creator</th>
<th>Authority for Approving and Sending Messages</th>
<th>Primary Message Sender/Distributor</th>
<th>Backup Message Sender/Distributor</th>
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</thead>
<tbody>
<tr>
<td>PRIMARY</td>
<td></td>
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<tr>
<td>Mass Notification System (email/texts)</td>
<td>Marketing and Creative Services*</td>
<td>IVC PD*</td>
<td>Marketing and Creative Services/IVCPD</td>
<td>Marketing and Creative Services</td>
<td>IVC PD</td>
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<tr>
<td>Informacast</td>
<td>IVC PD*</td>
<td>Marketing and Creative Services*</td>
<td>IVC PD</td>
<td>Marketing and Creative Services/IVCPD</td>
<td>IVC PD</td>
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<tr>
<td>SECONDARY</td>
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</tr>
<tr>
<td>Campus Email Systems</td>
<td>Marketing and Creative Services*</td>
<td>District Information Technology*</td>
<td>Marketing and Creative Services/IVCPD</td>
<td>Marketing and Creative Services</td>
<td>District Information Technology</td>
</tr>
<tr>
<td>College Website</td>
<td>Marketing and Creative Services*</td>
<td>IVC Information Technology*</td>
<td>Marketing and Creative Services/IVCIT</td>
<td>Marketing and Creative Services</td>
<td>IVC Information Technology</td>
</tr>
<tr>
<td>Entrance Digital Marquees</td>
<td>Marketing and Creative Services*</td>
<td>IVC Information Technology*</td>
<td>Marketing and Creative Services/IVCIT</td>
<td>Marketing and Creative Services</td>
<td>IVC Information Technology</td>
</tr>
<tr>
<td>Electronic Building Monitors</td>
<td>Marketing and Creative Services*</td>
<td>IVC Information Technology*</td>
<td>Marketing and Creative Services/IVCIT</td>
<td>Marketing and Creative Services</td>
<td>IVC Information Technology</td>
</tr>
<tr>
<td>Rooftop Public Address System</td>
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<td>IVC PD</td>
<td>IVC PD*</td>
<td>N/A</td>
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<tr>
<td>Fire Alarms</td>
<td>IVC PD*</td>
<td>N/A</td>
<td>IVC PD</td>
<td>IVC PD*</td>
<td>N/A</td>
</tr>
</tbody>
</table>

*Written in collaboration with other administrators or first responder/public health agencies.

Students, faculty, and staff may opt in for emergency text and voice messaging at ivc.edu. Emergency (immediate) notifications will be distributed utilizing one or more of the following systems:

- Regroup mass notification system (campus e-mail, text messages and social media)
- InformaCast Alert Broadcast (voice, digital on-campus phones, and blue light campus phones)
- Campus Email System
- College Website
- Entrance Digital Marquees
- Electronic Building Monitors (in select buildings)
- Rooftop Public Address System (in select buildings)
- Fire Alarms
- In Person Communication (in the event of an electronic system failure, the campus may supplement communication using in-person communication methods)
Follow-up information will be distributed using some or all of the identified communication systems (except fire alarms).

The local news media may be utilized to disseminate emergency information to members of the larger community, including neighbors, parents, and other interested parties. The larger community can also access emergency information via the Irvine Valley College homepage and/or social media.

**Emergency Response and Evacuation Procedures**

The campus Emergency Operations Plan provides the framework for an organized response to various human-caused and natural emergency situations, including fires, hazardous spills, earthquakes, flooding, explosions, and civil disorder. In addition to campuswide guidelines, each department on campus is encouraged to develop an emergency action plan that identifies hazards unique to their workplace, along with corresponding response strategies that minimize employee exposure to hazardous conditions during an emergency. Campus emergency management provides resources and guidance for the development of these plans.

The College conducts emergency response exercises and/or drills every month, such as field exercises, evacuation drills, and tests of the emergency notification systems on campus. These exercises and drills are designed to assess and evaluate the emergency plans and capabilities of the college. Monthly tests of the Informacast System are performed at various buildings. This system sends visible and audible messages to all landline phones on campus.

Irvine Valley College participates each October in the annual Great California Shakeout in October. This test is an announced, simulated, statewide earthquake drill involving all on-campus students, faculty, and staff. Emergency notification procedures are activated, along with deploying the Irvine Valley College Building Marshals and Captains to assist with the controlled, safe evacuation of all buildings.

In conjunction with other emergency agencies, the College conducts emergency response drills and exercises each year, such as tabletop exercises, field exercises, and tests of the emergency notification systems on campus. These tests, which may be announced or unannounced, are designed to assess and evaluate the emergency plans and capabilities of the institution.
Each test is documented and includes a description of the exercise, the date and time of the exercise, and whether it was announced or unannounced.

The campus publicizes a summary of the emergency response and evacuation procedures via email at least once each year in conjunction with a test (exercise and drill) that meets all of the requirements of the Higher Education Opportunity Act.

**Emergency Evacuation Procedures**

The emergency evacuation procedures are tested at least twice each year. Students and employees learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. The IVCPD does not tell building occupants in advance about the designated locations for long-term evacuations because those decisions are affected by time of day, location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. In both cases, IVCPD staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes.

The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of a fire or other emergency. At IVC, evacuation drills are used as a way to educate and train occupants on fire safety issues specific to their building. During the drill, occupants “practice” drill procedures and familiarize themselves with the location of exits and the sound of the fire alarm.

**General Evacuation Procedures**

At the sound of a fire alarm or if you are instructed to evacuate, leave your work area immediately and proceed to the nearest exit, and leave the building. If you are the first to recognize a fire situation, activate the alarm, evacuate to a safe location using the nearest exit, and notify IVCPD (949-451-5234) or dial 911.

1. Remain calm
2. Do **not** use elevators; use the stairs.
3. Assist the physically impaired. If he/she is unable to exit without using an elevator, secure a safe location near a stairwell, and immediately inform IVCPD or the responding fire department of the individual's location.
4. Proceed to a clear area at least 150 feet from the building. Keep all walkways clear for emergency vehicles.

5. Make sure all personnel are out of the building.

6. Do not re-enter the building.

**Shelter-in-Place Procedures: What it Means to Shelter in Place**

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

**Basic Shelter-in-Place Guidance**

If an incident occurs and the building you are in is not damaged, stay inside in an interior room until you are told it is safe to come out. If your building is damaged, take your personal belongings (purse, wallet, access card, etc.) and follow the evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, quickly seek shelter at the nearest College building. If police or fire department personnel are on the scene, follow their directions.

**How You Will Know to Shelter in Place**

A shelter-in-place notification may come from several sources, including IVCPD, other College employees, the local police department, or other authorities utilizing the College’s emergency communications tools.

**How to Shelter in Place**

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

1. If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
2. Locate a room to shelter inside. It should be:
   - An interior room;
   - Above ground level; and
   - Without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms maybe necessary.

3. Shut and lock all windows (tighter seal) and close exterior doors.

4. Turn off air conditioners, heaters, and fans.

5. Close vents to ventilation systems as you are able. (College staff will turn off the ventilation as quickly as possible.)

6. Make a list of the people with you and ask someone (faculty or other staff) to call the list in to IVCPD so they know where you are sheltering. If only students are present, one of the students should call in the list.

7. Turn on a radio or TV and listen for further instructions.

8. Make yourself comfortable.

**College Police and Emergency Information Website:**

http://campuspolice.ivc.edu/Pages/preparedness.aspx
Campus Safety/Security Awareness and Crime Prevention Education

The College coordinates and sponsors educational workshops and classes promoting the awareness of rape, acquaintance rape, and other sexual offenses. Student Services also conducts seminars on what women and men should know about date rape, in addition to discussion groups focusing on campus sexual assault.

During each staff/faculty development week in August, safety and educational videos are presented to staff and faculty to assist them in preparing, planning, and dealing with emergency situations.

New students must view an orientation video during the matriculation process, which contains information regarding sexual assaults and sexual harassment issues and how to report them.

During the 2018-2019 academic year, IVC offered over 25 crime prevention and security awareness programs. Topics such as personal safety, drug and alcohol abuse awareness, and sexual assault prevention are some examples of programs offered during the prior academic year.

All crime prevention and security awareness programs encourage students and employees to be responsible for their own security and the security of others. Participants in these programs are asked to be alert, security-conscious and involved, and are advised to call Irvine Valley College Campus Police to report suspicious behavior. For additional questions regarding crime prevention, contact the department directly at 949-451-5234.

As part of the department’s community-oriented policing philosophy, Irvine Valley College Campus Police offers crime prevention presentations each semester to classrooms, campus clubs, and student groups as requested. Topics of these presentations include personal safety awareness, Rape Aggression Defense (R.A.D.), active shooter preparation, and property protection strategies. Anyone interested in having a IVCPD officer speak to their classroom or group should contact them at 949-451-5234.

Monitoring and Recording of Criminal Activity by Students at Noncampus locations of Recognized Student Organizations

IVC does not have officially recognized student organizations that own or control housing facilities outside of the IVC core campus. Therefore, local police is not used to monitor and record criminal activity, since there are no noncampus locations of student organizations.
Access and Security of Campus Facilities

During normal business hours, the administrative and academic facilities at IVC are open and accessible to students, staff, faculty, and visitors of the College. After normal business hours and during breaks, these facilities are locked and only accessible to authorized individuals. IVCPD officers conduct routine security and safety patrols of the academic and administrative buildings to monitor conditions and report any unusual circumstances.

Security Considerations Used in the Maintenance of Campus Facilities

Irvine Valley College maintains campus facilities in a manner that minimizes hazardous and unsafe conditions. Parking lots and pathways are illuminated with lighting. IVCPD works closely with Facilities Management to address burned-out lights promptly, as well as malfunctioning door locks or other physical conditions that enhance security. Other members of the College community are helpful when they report equipment problems to IVCPD or to Facilities Management.
Alcohol and Other Drugs Policy and Programs

The College makes available to students and employees a wide variety of programs designed to discourage the use of illicit substances and provide information on legal and responsible alcohol consumption. Abuse of alcohol and drugs can have a dramatic impact on academic, professional, and family life. Members of the community who may be experiencing difficulty with drugs or alcohol are encouraged to seek assistance.

The Counseling Center and the Health and Wellness Center provide counseling and referral services to students with substance abuse. Individual counseling sessions are available to students at no cost. Following College policies and state and federal laws, all information regarding any contact or counseling is confidential.

A student’s decision to seek assistance will not be used in connection with any academic determination or as a basis for disciplinary action. (AR-5650)

Alcohol and Drug Programs

Irvine Valley College offers alcohol and drug prevention and education programs. The Drug and Alcohol Prevention Intervention Advisory Council Program utilizes a comprehensive approach to address alcohol and other drug-related problems through education prevention and treatment interventions to foster student learning and success.

For employees, the Employee Assistance Program is offered through the District. The program is free, 24 hours a day, every day of the year. It offers confidential referral and counseling services for substance abuse, depression, anxiety, and other issues.

Medical and psychological counseling are also available at the Health and Wellness Center (medical and psychological counseling) and the Counseling Center (psychological counseling) during hours of operation.

Substance Abuse/Alcohol and Drug Policy

In accordance with Public Law 101-226, the Drug-Free Schools and Communities Act Amendment of 1989, the governing Board of Trustees of the South Orange County Community College District prohibits the unlawful possession, use, sale or distribution of illicit drugs and alcohol by students and employees on Irvine Valley College property, including as part of any Irvine Valley College sponsored or sanctioned activity.
Drug Free Schools and Communities Act
In compliance with the Drug Free Schools and Communities Act, Irvine Valley College publishes information regarding the College’s educational programs related to drug and alcohol abuse prevention; sanctions for violations of federal, state, and local laws and College policy; a description of health risks associated with alcohol and other drug use; and a description of available treatment programs for IVC students and employees. A complete description of these topics, as provided in the College’s annual notification to students and employees, is available online at: students.ivc.edu/healthcenter/Pages/alcohol.aspx

Any student or employee in violation of this policy is subject to disciplinary action up to, and including, expulsion from Irvine Valley College or termination of employment in case of violation of the standards of conduct as specified in collective bargaining agreements and the California education code. (AR-5401)

The possession, sale, manufacture, or distribution of any controlled substance is illegal under both state and federal laws. Irvine Valley College Police Department strictly enforce such laws. Violators are subject to college disciplinary action, criminal prosecution, fine, and imprisonment. (AR-5401)

Irvine Valley College does not permit students to use medically prescribed marijuana at any college site or any college-sponsored activity. Irvine Valley College enforces California underage drinking laws, as well as both state and federal drug laws. Information on drug and alcohol abuse is available at the Health Center. (AR 4016)

Health Risks of Alcohol and Other Drug Use
Substance abuse can cause extremely serious health and behavioral problems, including short- and long- term effects on the body and mind. The physiological and psychological responses differ according to the chemical ingested. Although chronic health problems are associated with long-term substance abuse, acute and traumatic reactions can occur from one-time and moderate use.

Drugs such as LSD, amphetamines, marijuana, cocaine, and alcohol alter emotions, cognition, perception, physiology, and behavior. Drug use during pregnancy may result in miscarriage, fetal damage, and birth defects causing hyperactivity, neurological abnormalities, developmental difficulties, and infant death.
Alcohol acts as a depressant to the central nervous system and can cause serious short- and long-term damage. Short-term effects include nausea, vomiting and ulcers; more chronic abuse can lead to brain, liver, kidney and heart damage and even eventual death. Ingesting a large amount of alcohol at one time can lead to alcohol poisoning, coma, and death. Acute health problems as a result of alcohol and drug use may include heart attack, stroke, and sudden death, which, in the case of drugs such as cocaine, can be triggered by first-time use. Long lasting health effects of drugs and alcohol may include disruption of normal heart rhythm, high blood pressure, blood vessel leaks in the brain, destruction of brain cells and permanent memory loss, infertility, impotence, immune system impairment, kidney failure, cirrhosis of the liver, and pulmonary (lung) damage. (AR 4016)
## Applicable State and Federal Laws and Penalties

<table>
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<tr>
<th>State Alcohol Laws</th>
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<th>Classification</th>
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<td>25602(a)</td>
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<tr>
<td>25620(a)</td>
<td>Open container in public place</td>
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<tr>
<td>25658(a)</td>
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<tr>
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<td><strong>Marijuana</strong></td>
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<td>11357(a)</td>
<td>Possession of marijuana &lt;18 years old</td>
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<td>11362.3</td>
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<td>Misd. or Felony</td>
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<tr>
<td>23222(b)</td>
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<td>Infraction</td>
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<tr>
<td><strong>Other</strong></td>
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<tr>
<td>11350</td>
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<td>11351</td>
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<td>11378</td>
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<td>11379</td>
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<tr>
<td>11550</td>
<td>Under influence/using drugs</td>
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</table>
Marijuana and Federal Law
Under the Federal Controlled Substance Act (CSA) Title 21 of the United States Code, marijuana is a Schedule 1 hallucinogenic drug. This means the federal government believes it has a high potential for abuse and no currently accepted medical use. The CSA takes precedence over the laws of California. Technically, therefore, when you sell, transport, or give away marijuana, you violate federal law, even if you are abiding by California’s medical marijuana law or recreational marijuana legalization law.

Firearms and Weapons
The following laws pertain to firearms, weapons, or destructive devices on college property:
It is unlawful for any person to bring or possess any firearm (loaded or unloaded) upon the campus of, or building, owned or operated for student teaching, research or administration by a public or private college (certain exceptions apply). (AR-2125, California Penal Code 626.9(h) & (i)). It is unlawful for any person to bring or possess any dirk, dagger, ice pick or knife having a fixed blade longer than 2.5 inches upon the grounds of, or within the California Community Colleges (certain exceptions apply). (AR-2125, Calif. Penal Code 626.10(b))
It is unlawful for any person, except in self-defense, to draw or exhibit an imitation firearm, “BB” device, toy gun or a replica of a firearm in a threatening manner against another in such a way as to cause a reasonable person apprehension or fear of bodily harm. (Calif. Penal Code 417)
It is unlawful for any person to bring or possess less than lethal weapon as defined in California Penal Code Section 16780, or stun gun as defined in California Penal Code Section 17230, upon the grounds of or within a public or private college (certain exceptions apply). (Calif. Penal Code 626.10(i)) It is unlawful for any person to possess for any reason any explosives, pipe bomb, grenade, destructive device or dry ice bomb. (Calif. Penal Code 18710)
It is unlawful for any person to possess any type of cane gun, wallet gun, any undetectable or camouflaged firearm, ballistic knife, belt buckle knife, leaded can, zip gun, lipstick case knife, writing pen knife, practice hand grenade, Billy club, sand club, sap, metal or composite knuckles, shuriken, nunchaku, or blackjack. (Calif. Penal Codes 19200(b), 20310, 20410, 20610, 21110, 21710, 21810, 22010, 22210, 22410, 24310, 24410, 24710 and 33600).
Sexual Assault Investigations
Upon written request, the college will disclose to the complainant of a crime of violence (as defined under United States Code Title 18, Section 16) or a non-forcible sex offense the report on the results of any disciplinary proceeding, upon written request. If the victim is killed as a result of the alleged crime or offense, the next of kin shall be treated as the complainant for this purpose. For more information, see the next section.

Irvine Valley College Disciplinary Actions: Sexual Assault
Irvine Valley College does not tolerate sexual assault in any form and adheres to SOCCCD Board Policies (BP) and Administrative Regulations (AR) 4000.5 - Harassment and Discrimination, BP & AR 5401 - Student Conduct, and BP and AR 5404 - Sexual and other Assaults as campus policy in matters related to sexual harassment, to include sexual assault, dating violence, domestic violence, stalking, and sexual harassment. The policies and regulations can be located on the SOCCCD website or by contacting the Title IX Coordinator, Campus Police Department, or the Office of the Vice President for Student Services. Currently the three policies are being reviewed for update to reflect additional requirements and to provide more consistent and cohesive information for awareness, education, and discipline. The following link has been provided to view all of the District’s BPs and ARs: https://www.socccd.edu/about/about_boardpolicynew.html

If the assailant was a student, staff, or faculty member of Irvine Valley College, complainants are strongly encouraged to notify the Title IX Coordinator, Dr. Linda Fontanilla. Your report will be investigated promptly and thoroughly. Even if you or criminal justice authorities choose not to prosecute, the college can pursue disciplinary action against your assailant and provide you with support resources.

Where there is disclosed allegation that a sexual assault has occurred and that a student, faculty, or staff member has violated any District policy or regulation, all complaints will be investigated promptly and thoroughly. Even if the victim or criminal justice authorities choose not to prosecute, the college can pursue disciplinary action if the assailant is a student, staff, or faculty member. If the incident involves someone under 18 years old, the appropriate legal guidelines and notifications will be followed. Incidents involving non-members of the college community will be processed according to local and state laws.
I. GENERAL
As provided in Board Policy 4000.5 (Harassment and Discrimination Prevention and Complaints), the District is committed to providing an academic and work environment that respects the dignity of all individuals and groups. This procedure defines sexual harassment as well as other forms of harassment and sets forth a procedure for the investigation and resolution of complaints by or against any staff or faculty member or student within the District.

This policy protects students and employees 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, a District vehicle, or at a class or training program sponsored by the District at another location.

II. DEFINITIONS
A. General Harassment
   1. Harassment based on race, religious creed, color, national origin, ancestry, physical disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, or sexual orientation of any person; or the perception that a person has one or more of these characteristics.
   1. Gender-based harassment does not necessarily involve conduct that is sexual. Any hostile or offensive conduct based on gender can constitute prohibited harassment. For example, repeated derisive comments about a person’s competency to do the job, when based on that person’s gender, could constitute gender-based harassment.
B. Forms of Prohibited Harassment

Forms of prohibited harassment may include, but are not limited to, the following:

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

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

3. **Visual or Written:**
   The display or circulation of visual or written material that degrades an individual or group based on gender, race, nationality, sexual orientation or other protected status. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions.
4. **Environmental:**
A hostile academic or work environment exists where it is permeated by sexual innuendo; insults or abusive comments directed at an individual or group based on gender, race nationality, sexual orientation or other protected status; or gratuitous comments regarding gender, race, sexual orientation, or other protected statuses that are not relevant to the subject matter of the class or activities on the job. A hostile environment can arise from: an unwarranted focus on sexual topics or sexually suggestive statements in the classroom or work environment; an unwarranted focus on, or stereotyping of particular racial or ethnic groups, sexual orientation, gender, or other protected statuses; An environment may be hostile toward anyone who merely witnesses unlawful harassment in his or her immediate surroundings, although the conduct is directed at others. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual’s learning or work activities.

C. **Sexual Harassment:**
In addition to the above forms of harassment, sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other conduct of a sexual nature when:
Submission to the conduct is made a term or condition of an individual's employment, academic status, or progress;
Submission to or rejection of, the conduct by the individual is used as a basis of employment or academic decisions affecting the individual;
The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile or offensive work or educational environment; or
Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors,
programs, or activities available at or through the District and/or the Colleges.

1. **Sexual Harassment:** This definition encompasses two kinds of sexual harassment:

   a. **Quid Pro Quo:** Quid pro quo sexual harassment occurs when a person in a position of authority makes educational or employment benefits conditional upon an individual’s willingness to engage in or tolerate unwanted sexual conduct.

   b. **Hostile Environment:** Hostile environment sexual harassment occurs when unwelcome conduct based on a person’s gender is sufficiently severe or pervasive so as to alter the conditions of an individual’s academic or work performance, or create an intimidating, hostile, or abusive learning or work environment. The victim must subjectively perceive the environment as hostile, and the harassment must be such that a reasonable person of the same gender would perceive the environment as hostile. A single or isolated incident of sexual harassment may be sufficient to create a hostile environment if it is severe, i.e. a sexual assault.

2. **Sexual Harassing Conduct:**

   Sexual harassing conduct can occur between people of the same or different gender. The standard for determining whether conduct constitutes sexual harassment is whether a reasonable person of the same gender as the victim would perceive the conduct as harassment based on sex. Harassment includes, but is not limited to, the following conduct.

   a. **Verbal:**

      Inappropriate or offensive remarks, slurs, jokes or innuendoes based on a person’s protected status, including but not limited to, sex, sexual orientation, or other protected status. This may include, but is not limited to, inappropriate comments regarding an individual’s body, physical appearance, attire, sexual prowess, marital status, or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats or intimidation; or sexist, patronizing or ridiculing statements that convey derogatory attitudes about a particular gender.
b. Physical:
Inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling or sexual gestures.

c. Visual or Written:
The display or circulation of offensive sexually oriented or other discriminatory visual or written material. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics, or electronic media transmissions.

d. Environmental:
An academic or work environment that is permeated with racially or sexually oriented talk, innuendo, insults or abuse not relevant to the subject matter of the class or job activities. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements in the classroom or work environment. An environment may be hostile if unwelcome sexual behavior or other harassing behavior based on a protected status is directed specifically at an individual or if the individual merely witnesses unlawful harassment in his or her immediate surroundings.

The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual’s learning or work activities.

Academic Freedom
The policy will be implemented in a manner that recognizes principles of free speech and academic freedom.
III. COMPLAINT PROCEDURES

A. Communicating that the Conduct is Unwelcome:

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

B. Filing a Timely Complaint:

Since failure to report harassment and discrimination impedes the District’s ability to stop the behavior, the District strongly encourages anyone who believes they are being harassed or discriminated against, to file a complaint. The District also strongly encourages the filing of such complaints within 30 days of the alleged incident. While all complaints are taken seriously and will be investigated promptly, delay in filing impedes the District’s ability to investigate and remediate. All supervisors and managers have a mandatory duty to report incidents of harassment and discrimination or the existence of a hostile, offensive or intimidating work environment, and acts of retaliation. The District will investigate complaints involving acts that occur off campus if they are related to an academic or work activity. A complaint is related to an academic or work activity if it involves any District program, whether those programs take place in the District’s facilities, a District vehicle, or at a class or training program sponsored by the District at another location.

C. Oversight of Complaint Procedure:

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

D. Who May File a Complaint:

Any student, employee, or third party who believes he/she has been discriminated against or harassed by a student, employee or third party in
violation of these policy and procedures.

E. Where to File a Complaint:

A student, employee, or third party who believes he or she has been discriminated against or harassed in violation of these policy and procedures may make a complaint orally or in writing, within one year of the date of the alleged harassment or the date on which the complainant knew or should have known of the facts underlying the complaint. Any District employee who receives a complaint for employment harassment or discrimination shall notify the Vice Chancellor, Human Resources immediately.

If a complainant decides to file a formal written unlawful discrimination or harassment complaint against the District, he/she must file the complaint on a form prescribed by the California Community Colleges Chancellor's Office. These approved forms are available from the Vice Chancellor, Human Resources and at the following URL: www.cccco.edu/divisions/legal/discrimination/discrimination.htm

The completed form must be filed with any of the following:

The Vice Chancellor, Human Resources, if the complainant is an employee;
The Vice President, Student Services, if the complainant is a student; The California Community Colleges Chancellor’s Office.

Employee complainants shall be notified that they may file employment discrimination complaints with the U.S. Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH).

Complaints filed with the EEOC and/or the DFEH should be forwarded to the California Community Colleges Chancellor’s Office.

F. Intake and Processing of the Complaint:

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

Advise complainant that he/she may file a complaint with the Office of Civil Rights of the U.S. Department of Education and employee complainants may file a complaint with the California Department of Fair Employment and
Housing or with the federal Equal Employment Opportunity Commission. All Complainants should be advised that they have a right to file a complaint with local law enforcement. The district must investigate even if the complainant files a complaint with local law enforcement. In addition, the district should ensure that complainants are aware of any available resources, such as counseling, health, and mental health services. The Vice Chancellor, Human Resources shall also notify the Chancellor of California Community Colleges of the complaint.

Undertake efforts to informally resolve the charges, including but not limited to mediation, rearrangement of work/academic schedules; obtaining apologies; providing informal counseling and/or training, etc.; Advise the complainant that he or she need not participate in an informal resolution of the complaint, as described below, and that he or she has the right to end the informal resolution process at any time.

Mediation is not appropriate for resolving incidents involving sexual violence.

**The Informal Resolution Process of Harassment Complaint:**

Efforts at informal resolution need not include an investigation unless the responsible District officer determines that an investigation is warranted by the seriousness of the charges. Selecting an informal resolution does not extend the time limitations for filing a formal complaint. The informal resolution process is intended to allow an individual who believes he or she has been harassed to resolve the issue through an informal or mediation process rather than the formal complaint process. A complainant may wish to select the informal process when there is a simple misunderstanding or the complainant does not wish to file a formal complaint. Examples of informal complaint resolutions include clarification of a misunderstanding or an apology from the respondent and his or her assurance that he or she will cease the offending behavior.

If the complainant declares his or her preference for the informal process, the
designated officer will present the complainant with a document that contains the basics of complainant’s allegations of harassment and will include a copy of this pamphlet describing the formal and informal complaint procedures available to the complainant. The complainant will date and sign the informal complaint document which will clearly indicate that the complainant opted for the informal resolution process.

The informal resolution process is not a prerequisite to the formal complaint process and investigation. If the complainant properly files a formal complaint, the District must process the complaint and investigation within the time required unless the complainant voluntarily withdraws the complaint as a result of a successful informal resolution.

Similarly, efforts at informal resolution may continue after the filing of a formal written complaint, but after a formal complaint is filed an investigation is required to be conducted pursuant to Title 5, California Code of Regulations, section 59334, and will be completed unless the matter is informally resolved and the complainant dismisses the complaint.

Efforts to informally resolve a complaint after the filing of a written complaint will not exceed the 90-day period for rendering the administrative determination pursuant to Title 5, section 59336. In employment-related cases, if the complainant files a charge with the Department of Fair Employment and Housing (DFEH), a copy of that filing will be sent to the State Chancellor’s Office requesting a determination of whether a further investigation under Title 5 is required. Unless the State Chancellor’s Office determines that a separate investigation is required, the District will discontinue its investigation under Title 5 and the matter will be resolved through the DFEH.

The District is committed to maintaining a safe and harassment free educational environment and may determine that serious allegations may need to be investigated even if the complaining party considers the matter resolved. The District may also determine that the complaint will no longer be held informally, and instead should proceed to the formal complaint procedure stage. The District will provide the complainant with written notice of this
determination via United States mail.

Inform the complaint if they do not desire to utilize the informal complaint resolution process or the process has not been successful, to follow the formal resolution process as follows:

To file a formal written unlawful discrimination or harassment complaint against the District, he or she must file the complaint on a form prescribed by the California Community College Chancellor’s Office. These approved forms are available from the Vice Chancellor, Human Resources and at the following:

URL: www.cccco.edu/divisions/legal/discrimination/discrimination.htm The completed form must be filed with any of the following:
The Vice Chancellor, Human Resources; the Chief Student Services Officer, Chief Human Resources Officer and Chief Executive Officer; and/or the Chancellor of the California Community Colleges.

Employee complainants shall be notified that they may file employment discrimination complaints with the U.S. Equal Employment Opportunity Commission (EEOC) or the Department of Fair Employment and Housing (DFEH). Complaints filed with the EEOC and/or the DFEH should be forwarded to the Chancellor’s Office.

In taking interim actions, the District will respect the rights of individual involved. The District reserves the right to implement an individualized response for the accused or alleged harasser (student or employee) pursuant to its policies, and, if in its sole judgment, it finds interim actions are warranted. The District will consider factors such as the seriousness of the alleged offense, and/or the potential for serious disruption or danger to other members of its community in determining whether interim action is needed. An interim action may include separating the complainant from the accused.
For instance, the District may prohibit the accused individual from having any contact with the complainant pending the results of the investigation. When taking steps to separate the complainant and accused individual, the District shall minimize the burden on the complainant. For example, it is not appropriate to remove complainants from classes or housing while allowing the accused individuals to remain.

Authorize the investigation of the complaint, and supervise and/or conduct a thorough, prompt and impartial investigation of the complaint, as set forth below. Where complainants opt for informal resolution, the designated officer will determine whether further investigation is necessary to ensure resolution of the matter and utilize the investigation process outlined below as appropriate. In the case of a formal complaint, the investigation will include interviews with the complainant, the accused, and any other persons who may have relevant knowledge concerning the complaint. This may include victims of similar conduct.

Review the factual information gathered through the investigation to determine whether the alleged conduct constitutes harassment, or other unlawful discriminatory conduct, giving consideration to all factual information and the totality of the circumstances, including the nature of the verbal, physical, visual or sexual conduct, and the context in which the alleged incidents occurred.

Set forth the results of the investigation in a written report. The written report shall include a description of the circumstances giving rise to the complaint, a summary of the testimony of each witness, an analysis of any relevant data or other evidence collected during the investigation, a specific finding as to whether there is probable cause to believe that discrimination did or did not occur with respect to each allegation in the complaint, a description of actions the District will take to prevent similar conduct, the proposed resolution of the complaint, the complainant’s right to appeal to the District’s governing board, and, if the complainant is a student, the right to appeal to the State Chancellor. If the complainant is an employee, the report shall include the right
to file an administrative complaint with the U.S. Equal Employment Opportunity Commission (EEOC) or the Department of Fair Employment and Housing. The report may contain any other appropriate information.

Provide the complainant and accused with a copy or summary of the investigative report within ninety days from the date the District received the complaint. The complainant and accused shall also be provided with a written notice setting forth the determination of the Vice Chancellor, Human Resources as to whether harassment or other discriminatory conduct did or did not occur with respect to each allegation in the complaint; a description of action taken, if any, to prevent similar problems from occurring in the future; the proposed resolution of the complaint; and notice of the parties’ rights to appeal to the District's Board of Trustees and the state Chancellor’s Office. The results of the investigation and the determination as to whether harassment or other discriminatory conduct occurred shall also be reported to the accused, and the appropriate academic or administrative official(s). Reports to the complainant shall be prepared so as not to violate any applicable privacy rights of the individual who has been accused.

G. Investigation of the Complaint:

The District shall promptly investigate every complaint of harassment or discrimination. No claim of workplace or academic harassment or discrimination shall remain unexamined. This includes complaints involving activities that occur off campus and in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District’s facilities, on a District vehicle, or at a class or training program sponsored by the District at another location. As set forth above, where the complainant opts for an informal resolution, the Vice Chancellor, Human Resources may limit the scope of the investigation, as appropriate. The District will keep the investigation confidential to the extent possible, but cannot guarantee absolute confidentiality because release of some information on a “need-to-know-basis” is essential to a thorough investigation. When determining whether to maintain confidentiality, the District may weigh the request for confidentiality against the following factors:
the seriousness of the alleged harassment; the complainant’s age; whether there have been other harassment complaints about the same individual; and the accused individual’s rights to receive information about the allegations if the information is maintained by the District as an “education record” under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g; 34 C.F.R. Part 99.15. The District will inform the complainant if it cannot maintain confidentiality.

1. **Investigation Steps:**
   The District will fairly and objectively investigate harassment and discrimination complaints. Employees designated to serve as investigators under this policy shall have adequate training on what constitutes sexual harassment, including sexual violence, and that they understand how the District’s grievance procedures operate. The investigator may not have any real or perceived conflicts of interest and must be able to investigate the allegations impartially. Investigators will use the following steps:
   - interviewing the complainant(s);
   - interviewing the accused individual(s);
   - identifying and interviewing witnesses and evidence identified by each party;
   - identifying and interviewing any other witnesses, if needed;
   - reminding all individuals interviewed of the District’s no-retaliation policy;
   - considering whether any involved person should be removed from the campus pending completion of the investigation;
   - reviewing personnel/academic files of all involved parties;
   - reach a conclusion as to the allegations and any appropriate disciplinary and remedial action;
   - and see that all recommended action is carried out in a timely fashion. When the District evaluates the complaint, it shall do so using a preponderance of the evidence standard. Thus, after considering all the evidence it has gathered, the District will decide whether it is more likely than not that discrimination or harassment has occurred.

2. **Timeline for Completion:**
   The District will undertake its investigation promptly and swiftly as possible. To that end, the investigator shall complete the above steps, and prepare a written report within 90 days of the District receiving the complaint.

3. **Cooperation Encouraged:**
All employees are expected to cooperate with a District investigation into allegations of harassment or discrimination. Lack of cooperation impedes the ability of the District to investigate thoroughly and respond effectively. However, lack of cooperation by a complainant or witnesses does not relieve the District of its obligation to investigate. The District will conduct an investigation if it is discovered that harassment is, or may be occurring, with or without the cooperation of the alleged victim(s) and regardless of whether a complaint is filed.

H. Discipline and Corrective Action:
If harassment, discrimination and/or retaliation occurred in violation of the policy or procedure, the District shall take disciplinary action against the accused and any other remedial action it determines to be appropriate. The action will be prompt, effective, and commensurate with the severity of the offense.

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

Disciplinary actions against faculty, staff and students will conform to all relevant statutes, regulations, personnel policies and procedures, including the provisions of any applicable collective bargaining agreement.

The District shall also take reasonable steps to protect the complainant from further harassment, and/or discrimination, and to protect the complainant and witnesses from retaliation as a result of communicating the complaint and/or assisting in the investigation. The District will ensure that complainants and witnesses know how to report any subsequent problems, and should follow-up with complainants to determine whether any retaliation or new incidents of harassment have occurred. The District shall take reasonable steps to ensure the confidentiality of the investigation and to protect the privacy of all
parties to the extent possible without impeding the District’s ability to investigate and respond effectively to the complaint.

If the District cannot take disciplinary action against the accused individual because the complainant refuses to participate in the investigation, it should pursue other steps to limit the effects of the alleged harassment and prevent its recurrence.

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

If the complainant is not satisfied with the results of the administrative determination, he or she may, within fifteen days, submit a written appeal to the Board of Trustees. The Board shall review the original complaint, the investigative report, the administrative decision, and the appeal. The Board shall issue a final District decision in the matter within 45 days after receiving the appeal. A copy of the decision rendered by the Board shall be forwarded to the complainant and to the state Chancellor’s Office. The complainant shall also be notified of his or her right to appeal this decision.

If the Board does not act within forty-five (45) days the administrative determination shall be deemed approved and shall become the final decision of the District in the matter.

The complainant shall have the right to file a written appeal with the state Chancellor’s Office within thirty days after the Board issued the final District decision or permitted the administrative decision to become final. Such appeals shall be processed pursuant to the provision of Section 59350 of Title 5 of the California Code of Regulations.

In any case involving employment discrimination, including workplace harassment, the complainant may, at any time before or after the issuance of the final decision of the District, file a complaint with the Department of Fair Employment and Housing. In such cases, the complainant may also file a petition for review with the state
Chancellor’s Office within thirty days after the governing board issues the final decision or permits the administrative decision to become final. Within 150 days of receiving a formal complaint, the District shall forward to the state Chancellor’s Office the original complaint, the investigative report, a copy of the written notice to the complainant setting forth the results of the investigation, a copy of the final administrative decision rendered by the Board or indicating the date upon which the decision became final, and a copy of the notification to the complainant of his or her appeal rights. If, due to circumstances beyond its control, the District is unable to comply with the 150-day deadline for submission of materials, it may file a written request for an extension of time no later than ten days prior to the expiration of the deadline.

V. DISSEMINATION OF POLICY AND PROCEDURES

District Policy and Procedures related to harassment will include information that specifically addresses sexual violence. District Policy and Procedures will be provided to all students, faculty members, members of the administrative staff and members of the support staff, and will be posted on campus and on the District website.

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

VI. TRAINING

The District shall provide at least two hours of classroom or other effective interactive training and education regarding sexual harassment to all supervisory employees every two years. All new supervisory employees must be provided with the training and education within six months of their assumption of a supervisory position and then once every two years.

The training and education required by this procedure shall include information and practical guidance regarding the federal and state statutory provisions concerning the prohibition against and the prevention and correction of sexual harassment
and the remedies available to victims of sexual harassment in employment. The training and education shall also include practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation, and shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation.

Training for academic staff should emphasize environmental harassment in the classroom. Educational resources will be made available to all students at least once annually. Educational resources shall include an explanation of discrimination, the policy, how it works, and how to file a complaint. The policy and other relevant information will be posted on the District’s web page. Participants in training programs will be required to sign a statement that they have either understood the policies and procedures, their responsibilities, and their own and the district’s potential liability, or that they did not understand the policy and desire further training.
Irvine Valley College (IVC) prohibits the offenses of domestic violence, dating violence, sexual assault and stalking (as defined by the Clery Act) and reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all members of the College community. Toward that end, IVC issues this statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault and stalking as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which will be followed regardless of whether the incident occurs on or off campus when it is reported to a College official.

Federal Clery Act Definitions of Domestic Violence, Dating Violence, Sexual Assault and Stalking

The Clery Act defines the crimes of domestic violence, dating violence, sexual assault and stalking as follows:

- **Domestic Violence:**
  
  i. A felony or misdemeanor crime of violence committed—
   
   A) By a current or former spouse or intimate partner of the victim;
   
   B) By a person with whom the victim shares a child in common;
   
   C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
   
   D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
   
   E) By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
ii. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

• **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
  
  i. The existence of such a relationship shall be based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
  
  ii. For the purposes of this definition—
    
    A) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
    
    B) Dating violence does not include acts covered under the definition of domestic violence.
  
  iii. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

• **Sexual Assault** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is “any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.”
  
  o **Rape** is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
  
  o **Fondling** is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
  
  o **Incest** is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** is defined as sexual intercourse with a person who is under the statutory age of consent.

- **Stalking:**
  i. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
     A) Fear for the person’s safety or the safety of others; or
     B) Suffer substantial emotional distress.
  ii. For the purposes of this definition—
     A) *Course of conduct* means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.
     B) *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
     C) *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
  iii. For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**CA Consent:** The state of CA defines consent, in relation to sexual activity, as follows: “Affirmative consent” means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.”

*Irvine Valley College utilizes this state definition of affirmative consent.*
It is the responsibility of each person involved in sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent. The District understands that students may be reluctant to file complaints of sexual assault or other violation of this policy when alcohol and/or drugs were used. Whenever possible, the District will respond educationally, rather than punitively, to the use of drugs and/or alcohol so as to promote the reporting of sexual assault or other violation of this policy. However, the District reserves the right to use other remedies dependent upon the severity of the alcohol or drug use. An individual who participates as a complainant or witness in an investigation of sexual assault or other violation of this policy will not be subject to disciplinary sanctions for a violation of the District’s student conduct policy at or near the time of the reported 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.

**PROCEDURES AND PROTOCOLS**

The written procedures and protocols developed by the District shall be designed to ensure victims of domestic violence, dating violence, stalking or sexual assault treatment and receive information in a timely, respectful and confidential manner. (For physical assaults/violence, see also AR-4000.5 Harassment and Discrimination Prevention and Complaint Procedures)

All students, faculty members or staff members who allege they are the victims of a sexual assault on District property shall be provided with information regarding options and assistance available to them. Information shall be available from the Vice President of Student Services, or designee, who shall maintain the identity of 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 identify his or her designees by position title in the district’s procedures or protocols.
The Title IX Coordinator, deputy, or designee, shall provide all alleged victims of sexual assault with the following, upon request:

1. A copy of the District’s policy, this administrative regulation and protocols regarding domestic violence, dating violence, stalking, or; sexual assault.

2. A list of personnel on campus, by position title and name, who should be notified of the assault and procedures for such notification, if the alleged victim consents. This information must be updated from time-to-time to reflect changes in personnel.

3. Legal reporting requirements, and procedures for fulfilling them.

4. The District’s procedures and protocols shall provide a description of available services, and the persons on campus available to provide those services if requested, including but not limited to the following:
   a. Transportation to a hospital, if necessary
   b. Availability of counseling services on campus, if available, or referral to the counseling center
   c. Notice to the police, if desired by the victim
   d. A list of other available campus resources or appropriate off-campus resources
e. Procedures for ongoing case management, including procedures for keeping the victim informed of the status of any student disciplinary proceedings in connection with the sexual assault, and the results of any student disciplinary proceedings in AR-5404 SEXUAL AND OTHER ASSAULTS ON CAMPUS AR-5404 connection with the sexual assault, and the results of any disciplinary action or appeal, and helping the victim deal with academic difficulties that may arise because of the victimization and its impact

5. 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. Availability of medication
   e. Modification of class schedules
   f. Tutoring, if necessary

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

INVESTIGATIONS

The District will investigate all complaints alleging sexual assault under the procedures for sexual harassment investigations described in AR 4000.5, regardless of whether a complaint is filed with local law enforcement. The District will decide the complaint based on a preponderance of the evidence standard (whether it is more likely than not that the alleged conduct occurred).

All alleged victims of sexual assault on District property shall be kept informed, through the Vice President of Student Services, or designee, of any ongoing investigation. Information shall include the status of any student of employee disciplinary proceedings or appeal; alleged victims of sexual assault are required to maintain any such information in confidence, unless the alleged assailant has waived rights to confidentiality.

A complainant or witness who participates in an investigation of sexual assault, domestic
violence, dating violence, or stalking is protected from retaliation.

**NON-VALID EXCUSES**

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.

**CONFIDENTIALITY**

The District shall maintain the identity of any alleged victim or witness, or third-party reporter of domestic violence, dating violence, sexual assault, or stalking on District property, as defined above, in confidence unless the alleged victim or witness specifically waives that right to confidentiality. All inquiries from reporters or other media representatives about alleged sexual assaults on District property shall be referred to the District’s Public Affairs office, which shall work with the Vice President of Student Services, or his or her designee, to assure that all confidentiality rights are maintained.

Victims may request that directory information on file with the College be withheld by request at the Registrar’s Office.
Regardless of whether a victim has opted-out of allowing the College to share “directory information,” personally identifiable information about the victim and other necessary parties will be treated as confidential and only shared with persons who have a specific need-to-know, i.e., those who are investigating/adjudicating the report or those involved in providing support services to the victim, including accommodations and protective measures. By only sharing personally identifiable information with individuals on a need-to-know basis, the institution will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

The College does not publish the name of crime victims or other identifiable information regarding victims in the Daily Crime Log or in the annual crime statistics that are disclosed in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Furthermore, if a Timely Warning Notice is issued on the basis of a report of domestic violence, dating violence, sexual assault or stalking, the name of the victim and other personally identifiable information about the victim will be withheld.

EDUCATION AND PREVENTION INFORMATION

The President’s designee shall:

1. Provide, as part of each campus(s) established on-campus orientation program, education and prevention information about sexual assault. The information shall be developed in collaboration with campus-based and community-based victim advocacy organizations.
2. Post sexual violence prevention and education information on the campus website.

Programs to Prevent Domestic Violence, Dating Violence, Sexual Assault and Stalking

The college engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that:

A. Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
B. Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Educational programming consists of primary prevention and awareness programs for all incoming students and new employees, and ongoing awareness and prevention campaigns for students that:

A. Irvine Valley College prohibits the crimes of domestic violence, dating violence, sexual assault and stalking (as defined by the Clery Act), as described in the college catalog and website.

B. The definitions of domestic violence, dating violence, sexual assault, and stalking may be viewed above.

C. The behaviors and actions constituting consent, in reference to sexual activity, in the State of California are published on the IVC website.

D. The college utilizes the state of California’s “Yes Means Yes” definition of consent and applies it in all cases.

E. A description of safe and positive options for bystander intervention is published on the IVC website. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

F. Information on risk reduction is also available for all incoming and current students, faculty, and staff on the IVC website. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

G. Information regarding:
   a. procedures victims should follow if a crime of domestic violence, dating violence, sexual assault and stalking occurs (as described in “Procedures
Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs” elsewhere in this document)
b. how the institution will protect the confidentiality of victims and other necessary parties (as described in “Assistance for Victims: Rights and Options” elsewhere in this document);
c. existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community (as described in “Assistance for Victims: Rights and Options” elsewhere in this document); and
d. options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures (as described in “Assistance for Victims: Rights and Options” elsewhere in this document);
e. procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking (as described in “Adjudication of Violations” elsewhere in this document).
Primary Prevention and Awareness Programs

Specifically, the College offered the following primary prevention and awareness programs for all incoming students in 2018:

<table>
<thead>
<tr>
<th>Name of Program</th>
<th>Date Held</th>
<th>Location Held</th>
<th>Which Prohibited Behavior* Covered?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Suicide Walk</td>
<td>10-17-18</td>
<td>Campus – Outdoors</td>
<td>Suicide Prevention</td>
</tr>
<tr>
<td>Sociology Club</td>
<td>11-2-18</td>
<td>BSTIC 116</td>
<td>Mental Health Awareness</td>
</tr>
<tr>
<td>Social Psychology</td>
<td>11-20-18</td>
<td>BSTIC 118</td>
<td>Mental Health Awareness</td>
</tr>
<tr>
<td>Suicide Education</td>
<td>12-11-18</td>
<td>B 213</td>
<td>Suicide Education</td>
</tr>
<tr>
<td>EOPS</td>
<td>12-14-18</td>
<td>SSC 260F</td>
<td>Depression/Anxiety</td>
</tr>
</tbody>
</table>

For new and existing employees, information regarding ongoing drug/alcohol prevention and awareness programs is covered in Board Policy/Administrative Regulation 4016.

Procedures the College Will Follow When a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Is Reported

The College has procedures in place that serve to be sensitive to victims who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and an accused party, such as changes to housing, academic, protective orders, transportation and working situations, if reasonably available. The College will make such accommodations or protective measures, if the victim requests them and if they are reasonable available, regardless of whether the victim chooses to report the crime to IVCPD or local law enforcement. Students and employees should contact the Title IX Coordinator Dr. Linda Fontanilla.

If a report of domestic violence, dating violence, sexual assault or stalking is reported to the College, below are the procedures that the College will follow:
<table>
<thead>
<tr>
<th>Incident Being Reported</th>
<th>Procedure Institution Will Follow</th>
</tr>
</thead>
</table>
| Sexual Assault          | 1. Depending on when reported (immediate vs delayed report), institution will provide complainant with access to medical care  
2. Institution will assess immediate safety needs of complainant  
3. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department  
4. Institution will provide complainant with referrals to on and off campus mental health providers  
5. Institution will assess need to implement interim or long-term protective measures, if appropriate.  
6. Institution will provide the victim with a written explanation of the victim’s rights and options  
7. Institution will provide a “No trespass” (PNG) directive to accused party if deemed appropriate  
8. Institution will provide written instructions on how to apply for Protective Order  
9. Institution will provide a copy of the policy applicable to Sexual Assault to the complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution  
10. Institution will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is  
11. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation |
| Stalking                | 1. Institution will assess immediate safety needs of complainant  
2. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department  
3. Institution will provide written instructions on how to apply for Protective Order  
4. Institution will provide written information to complainant on how to preserve evidence  
5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate  
6. Institution will provide the victim with a written explanation of the victim’s rights and options  
7. Institution will provide a “No trespass” (PNG) directive to accused party if deemed appropriate |
### Dating Violence

1. Institution will assess immediate safety needs of complainant
2. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department
3. Institution will provide written instructions on how to apply for Protective Order
4. Institution will provide written information to complainant on how to preserve evidence
5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate
6. Institution will provide the victim with a written explanation of the victim’s rights and options
7. Institution will provide a “No trespass” (PNG) directive to accused party if deemed appropriate

### Domestic Violence

1. Institution will assess immediate safety needs of complainant
2. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department
3. Institution will provide written instructions on how to apply for Protective Order
4. Institution will provide written information to complainant on how to preserve evidence
5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate
6. Institution will provide the victim with a written explanation of the victim’s rights and options
7. Institution will provide a “No trespass” (PNG) directive to accused party if deemed appropriate

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**Procedures for College Disciplinary Action for Sexual Violence, Domestic Violence, Dating Violence, Stalking, And Sexual Harassment**

The College’s disciplinary proceedings shall provide a prompt, fair, and impartial investigation and resolution; the process will be conducted in a manner that is consistent with the institution’s policy and that is transparent to the accuser and the accused. Usually, the resolution of domestic violence, dating violence, sexual assault and stalking complaints are completed within 60 days of the report. However, each proceeding allows for extensions of timeframes for good cause with written notice to the accuser and the accused of the delay and the reason for the delay.

Furthermore, each policy provides that:
• The accuser and the accused will have timely notice for meetings at which the accuser or accused, or both, may be present;

• The accuser, the accused and appropriate officials will have timely and equal access to any information that will be used during formal and informal disciplinary meeting and hearings;

• The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the accuser or the accused;

• The accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. However, there are restrictions on the advisor’s role. The College will not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding. However, the role of the advisor is limited.

• The victim and the accused each have the right to bring an advisor of choice to any meeting or proceeding in which they are required to be present. An advisor of choice can include a friend, parent, staff or faculty member, union representative, victim’s advocate, attorney, etc. The advisor’s role is to provide support to the victim or the accused, not to interfere with the meeting or to speak for or on behalf of the party.

• Proceedings will be conducted by annually trained officials. These officials are trained on the issues related to domestic violence, dating violence, sexual assault, and stalking as well as how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability.

• Protective measures (No Contact Orders) provided to the victim (to the extent it will not impair the institution’s ability to provide them)

Both the accuser and the accused shall be simultaneously informed in writing of:

• The result of any disciplinary proceedings that arises from an allegation of Sexual Violence, Domestic Violence, Dating Violence, or Stalking;

• The college’s procedures to appeal the results of the disciplinary proceeding;
• Any change to the disciplinary results that occurs prior to the time such results become final; and
• When disciplinary results become final.

Possible sanctions for students/employees to be imposed following the final determination of an on-campus disciplinary procedure regarding sexual assaults, dating violence, domestic violence, and stalking may be one or any combination of the following:

• Verbal or Written Reprimand
• Mental Health Clearance
• Disciplinary Probation
• Suspension
• Expulsion
• Termination
• Days Off Work

Disciplinary Sanctions Exemption
The District understands that students may be reluctant to file complaints of sexual assault or other violations of this policy when alcohol and/or drugs were used. Whenever possible, the District will respond educationally, rather than punitively, to the use of drugs and/or alcohol to promote the reporting of sexual assaults or other violations of this policy. However, the District reserves the right to use other remedies dependent upon the severity of the alcohol or drug use. An individual who participates as a complainant or witness in an investigation of sexual assault or other violation of this policy will not be subject to disciplinary sanctions for a violation of the District’s student conduct policy at or near the time of the reported 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.
**Standard of Proof**
A student will be found either responsible or not responsible based on the “preponderance of the evidence” meaning that is “more likely than not” that the student has violated the District’s policy/regulation. The determination shall be based upon the thorough investigation of allegations and the weighing of evidence in totality by the Title IX Coordinator, or his or her designee.


**Types of Disciplinary Proceedings Utilized in Cases of Alleged Domestic Violence, Dating Violence, Sexual Assault and Stalking**

**Policies Applicable To Students Accused Of Domestic Violence, Dating Violence, Sexual Assault And Stalking (BP 5401, 5404, 4000.5)**

1. **How to File a Disciplinary Complaint Under This Policy**
Students can make a report to an employee, Campus Security Authority (CSA), IVC Campus Police, an outside agency, a Health and Wellness Center licensed nurse/physician, a Title IX coordinator/deputy, or through the online referral system (currently Advocate).

Link to submit report in Advocate:


Link to discipline page on IVC.edu website:

http://students.ivc.edu/discipline/Pages/default.aspx

Link to Title IX page on IVC.edu website:

http://www.ivc.edu/policies/titleix/Pages/default.aspx
2. How the College Determines Whether This Policy Will Be Used

Depending on what the student reports, on a case-by-case basis it will lead us to review specific policies as listed below:

Table 1

<table>
<thead>
<tr>
<th>Board Policy Number</th>
<th>Title</th>
<th>Application</th>
<th>Decision Makers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Board Policy 5401</td>
<td>Standards of student conduct</td>
<td>Code of Conduct violations</td>
<td>Discipline Officer</td>
</tr>
<tr>
<td>Board Policy 5404</td>
<td>Sexual and other assaults on campus</td>
<td>Title IX violations</td>
<td>Vice President for Student Services/Title IX Coordinator</td>
</tr>
<tr>
<td>Board Policy 4000.5</td>
<td>Harassment and discrimination prevention and complaint procedures</td>
<td>Allegations of harassment and discrimination</td>
<td>Vice President for Student Services makes recommendation to the President and District Human Resources</td>
</tr>
</tbody>
</table>

Link to policy information page on IVC.edu website:

http://www.ivc.edu/policies/Pages/default.aspx

Link to policy information page on IVC.edu Title IX webpage:

http://www.ivc.edu/policies/titleix/Pages/prevention.aspx

Information can also be accessed from the Campus Police webpage:

http://campuspolice.ivc.edu/Pages/default.aspx

Members of the administrative team including the President and his designees, the Title IX Officer/Vice President for Student Services, and Title IX Deputy Officer/Discipline Officer/Dean, Counseling Services will decide which policy is used.

If a violation includes a student and a staff/faculty, the Vice Chancellor of Human Resources will be part of the decision-making process.

If a violation is a criminal offense, Campus Police will intervene and make further decisions with appropriate law enforcement agencies.
3. Steps in the Disciplinary Process

**Informal Process**
- Student with issue or concern
- Brings issue to concerned party to resolve internally
  - Was a resolution reached?
    - No
    - Matter escalated to instructional Dean or area Manager
    - Was a resolution reached?
      - No
      - If issues/concerns are harassment or discrimination
      - Student submits formal complaint
      - Complaint routed to appropriate department
    - Yes
      - End
  - Yes
    - General - VPSS
    - Section 504/ADA Compliance Officer
    - Instructional Dean or VPI
    - Campus Title IX Officer/VPSS
    - District HR

**Formal Process**
- General – VPSS or appropriate administrator
  - Resolution? No
  - College President
  - Yes
  - End resolution reached and documented
  - District EEO & Legal Counsel
- Section 504/ADA Compliance Officer
  - Resolution? No
  - College President
  - Yes
  - End resolution reached and documented
  - Chancellor or Designee
- Instructional Dean or VPI
  - Resolution? No
  - Board of Trustee (Appeal)
  - Yes
  - Office of Civil Rights (OCR)
4. Anticipated Timelines

Table 2

<table>
<thead>
<tr>
<th>Step</th>
<th>Anticipated Timeline</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Complaint submitted</td>
<td>1-2 business days</td>
</tr>
<tr>
<td>2. Intake process</td>
<td>Average one week (depending on number of complainants and respondents)</td>
</tr>
<tr>
<td>3. Student notification</td>
<td>3 business days</td>
</tr>
<tr>
<td>4. Investigation</td>
<td>1-2 weeks (depending on number of individuals involved, including complainants, respondents and witnesses)</td>
</tr>
<tr>
<td>5. Hearing</td>
<td>2-4 weeks</td>
</tr>
<tr>
<td>6. Sanction</td>
<td>2-3 business days</td>
</tr>
<tr>
<td>7. Notices of conclusion</td>
<td>2-3 business days</td>
</tr>
</tbody>
</table>

5. Decision-Making Process

Based on the board policies listed in Table 1, question 2, the decision-making body will review the evidence and witness statements presented from all parties (which may include social media, third party investigation reports, sworn statements, and photos). The final recommendation will be reached by consensus of a hearing panel and sent to the President for a final decision, in which case the President will make a recommendation to the Board of Trustees.

6. Possible Sanctions

- Warning
- Reprimand
- Probation
- Suspension
- Expulsion
7. Range of Protective Measures Available to a Victim Alleging Misconduct

- No-contact orders
- Remote participation (videoconferencing, phone call)
- Academic accommodations (complete courses online, under certain circumstances offer a refund, etc.)
  - Individual may elect to bring personal advocates or legal counsel
  - Separate waiting areas during hearing
  - Safety escorts
  - Prohibitions against retaliation
  - Identified safe spaces on campus
  - Psychological counseling
- Protective measures including campus security cameras and blue emergency lights (students can go to these locations to call for help)

The policies below address complaints against employees accused of domestic violence, dating violence, sexual assault, and stalking. The policies apply to all employees, regardless of their classification.

- Board Policy 5404: Sexual and Other Assaults on Campus
- Administrative Regulation 5404: Sexual and Other Assaults on Campus
- Administrative Regulation 5413: Nondiscrimination
- Board Policy 4000.5: Harassment and Discrimination Prevention and Complaint Procedures
- Administrative Regulation 4000.5: Harassment and Discrimination Prevention and Complaint Procedures
1. **How to File a Disciplinary Complaint Under This Policy**

A student, employee or third party may make a complaint verbally or in writing under the procedures of Administrative Regulation 4000.5. If a victim decides to file a formal written unlawful discrimination or harassment complaint against the District, they can obtain a form online through the District’s website at:

http://www.socccd.edu/humanresources/documents/UnlawfulDiscriminationComplaintFormFillableREV.1-05-17.pdf or through the California Community Colleges website at https://www.cccco.edu/-/media/CCCCO-Website/Files/General-Counsel/x_discrimcomplaintform-ada.ashx?la=en&hash=ABB2835816F46D5E8A5B002C1E644EC8C37C344C

The complaint form must be filed with the Vice Chancellor, Human Resources; Vice President, Student Services; or the California Community Colleges Chancellor’s Office.

A full copy of the procedures for addressing such complaints can be found in Administrative Regulation 4000.5, available at the District’s website:


2. **How the College Determines Whether This Policy Will Be Used**

Board Policy and Administrative Regulation 5404 apply to any student, faculty, or staff member who is a victim of sexual assault, domestic violence, dating violence, and/or stalking. Further, employees can look to Board Policy and Administrative Regulation 4000.5 if they have experienced sexual harassment, gender discrimination, and/or sexual assault. The District will investigate all complaints alleging sexual assault, dating violence, domestic violence, and/or stalking under the procedures described in Administrative Regulation 4000.5.

The individuals responsible for deciding the applicable policy include the Title IX Coordinator for Employees and the Title IX Coordinators for Students at Irvine Valley College and Saddleback College, respectively.
3. **Steps in the Disciplinary Process**

Disciplinary actions against a District employee will conform to all relevant statutes, regulations, personnel policies, and procedures (such as Board Police 4205), including the provisions of any applicable collective bargaining agreement.

4. **Anticipated Timelines**

See above.

5. **Decision-Making Process**

The District will conduct a thorough, prompt, and impartial investigation of a complaint of sexual misconduct. The investigation will typically include interviewing all involved parties (victim, accused, and witnesses) and collecting any documentation or evidence relevant to the allegation(s). Findings will be reached by using the preponderance of the evidence standard. After consideration of all the evidence gathered, the District will decide whether it is more likely than not that unlawful discrimination or harassment has occurred.

6. **Possible Sanctions**

Possible sanctions against an employee may include, but are not limited to: an order that the responding party stay away from the victim, verbal warning, counseling memo, written warning, letter of reprimand, unsatisfactory evaluation, suspension, demotion, involuntary transfer and reassignment, and dismissal.
7. **Range of Protective Measures Available to a Victim Alleging Misconduct**

The District may take interim actions or protective measures to eliminate the harassment and prevent its recurrence. The range of measures may include, but are not limited to: no contact orders, change in work location or other employment-based measures, safety escorts, prohibitions against retaliation, leaves of absence, and increased monitoring of certain areas of the campus.

**College-Initiated Protective Measures**

In addition to those protective measures previously described, the Title IX Coordinator or their designee will determine whether interim interventions and protective measures should be implemented, and, if so, take steps to implement those protective measures as soon as possible. Examples of interim protective measures include, but are not limited to: a College order of no contact, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties involved.³ Violations of the Title IX Coordinator’s directives and/or protective measures will constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by Irvine Valley College.

**Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs**

After an incident of sexual assault, dating violence or domestic violence, the victim should consider seeking medical attention as soon as possible at Hoag Hospital Irvine In California, evidence may be collected even if you chose not to make a report to law enforcement⁴ It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean

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³ Applicable law requires that, when taking such steps to separate the complainant and the accused, the College must minimize the burden on the complainant and thus should not, as a matter of course, remove the complainant from his or her job, classes or housing while allowing the accused to remain.

⁴ Under the Violence Against Women and Department of Justice Reauthorization Act of 2005, starting in 2009, states must certify that they do not “require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both.”
the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infections. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to College adjudicators/investigators or police.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with Campus Public Safety or other law enforcement to preserve evidence in the event that the victim decides to report the incident to law enforcement or the College at a later date to assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protection order.

**Involvement of Law Enforcement and Campus Authorities**

Although the College strongly encourages all members of its community to report violations of this policy to law enforcement (including on campus law enforcement and/or local police), it is the victim’s choice whether or not to make such a report. Furthermore, victims have the right to decline to notify law enforcement. However, the College Title IX Coordinator will assist any victim with notifying law enforcement if the victim so desires. The local police department with jurisdiction may also be reached directly by telephone or in person. Additional information about the local police department may be found online at their website.

**Reporting Incidents of Domestic Violence, Dating Violence, Sexual Assault and Stalking**

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly by calling, writing, or coming into the office to report to the Title IX Coordinator, Dr. Linda Fontanilla, in the A 100 building, at 949-451-5624, or at lfontanilla@ivc.edu. If you so desire, you may notify Campus Police. Reports of all domestic
violence, dating violence, sexual assault, and stalking made to Campus Police will automatically be referred to the Title IX Coordinator for investigation, regardless of whether the complainant chooses to pursue criminal charges.

**What to Do Immediately Following a Sexual Assault**

- Get to a safe place as soon as possible. Your immediate safety is first!
- Call the Irvine Valley College Police Department.
- Contacting police does not require that you pursue prosecution. If the crime occurred in a different police jurisdiction, Campus Police could assist in notifying the agency of jurisdiction.
- Preserve physical evidence.
- Do not wash, use the toilet, eat, smoke, drink, or change clothing, if at all possible. If you do change clothes, place all clothing you were wearing when the assault occurred in a paper bag. Keep all voicemails, emails, texts, or other types of communication between you and the attacker.
- Call the Student Health Center or a friend, family member, or someone you trust for support.
- Get medical attention immediately.
- A medical exam will determine and treat any physical injuries you might have sustained during the assault; determine the risk of sexually transmitted diseases or pregnancy and provide preventative treatment options; and gather evidence that could aid in criminal prosecution of the perpetrator.
- Victims are not required to pursue prosecution just because they report the crime to a police agency.

**Reasons to Report the Crime to Police Include:**

- Reporting within 72 hours of the assault will allow for valuable evidence to be collected. The sooner you report, the better the chance of physical evidence being collected and not being diminished or destroyed. Should you want to pursue prosecution, this increases the chances of apprehending and successfully prosecuting the suspect.
- Reporting is empowering. It gives survivors the opportunity to talk about what has happened and gives them back some of their control.
- Reporting the crime will ensure that medical expenses, including a forensic medical exam and costs for emergency care, may be paid by public compensation funds.
- Reporting and prosecuting are essential to sexual assault prevention and the
protection of other potential victims by stopping or deterring repeat offenders.

- Reporting attests to the fact that sexual assault happens, it is never the survivor's fault, and that the survivor's voice is heard and not silenced.

- Reporting can help support the case of another survivor who has previously reported a crime committed by the same perpetrator. The information might be just enough evidence to help close another survivor's case and assist them in getting justice.

**Victims of Domestic Violence, Dating Violence, Stalking, or Sexual Harassment**

**Victims of these crimes should:**

- Get to a safe place as soon as possible. Your immediate safety is first!
- Call the Irvine Valley College Police Department 949.451.5234.
- Contacting police does not require that you pursue prosecution. If the crime occurred in a different police jurisdiction, Campus Police could assist in notifying the agency of jurisdiction.
- Preserve physical evidence in a paper bag, if available.
- Do not wash, use the toilet, eat, smoke, drink, or change clothing, if at all possible. If you do change clothes, place all clothing you were wearing when the assault occurred in a paper bag. Keep all voicemails, emails, texts, or other types of communication between you and the attacker.
- Call the Health and Wellness Center or a friend, family member, or someone you trust for support.
- Get medical attention immediately, if needed.
- Victims are not required to pursue prosecution just because they report the crime to a police agency. The reporting of sexual assault to the police agency may prevent others from being victims and safeguard your rights for future prosecution.
- Save emails, texts, call logs, voicemails, etc.

**Reasons to report the crime to police Include:**

- Reporting within 72 hours of the assault will allow for valuable evidence to be collected. The sooner you report, the better the chance of physical evidence being collected and not being diminished or destroyed. Should you want to pursue prosecution, this increases the chances of apprehending and successfully prosecuting the suspect.
• Reporting is empowering. It gives survivors the opportunity to talk about what has happened and gives them back some of their control.

• Reporting the crime will ensure that medical expenses, including a forensic medical exam and costs for emergency care, may be paid by public compensation funds.

• Reporting and prosecuting are essential to prevention and the protection of other potential victims by stopping or deterring repeat offenders.

• Reporting attests to the fact that violations really happen, it is never the survivor's fault, and that the survivor's voice is heard and not silenced.

• Reporting can help support the case of another survivor who has previously reported crimes committed by the same perpetrator. The information you provide might be just enough evidence to help close another survivor's case and assist them in getting justice.

• Reporting may be helpful in obtaining a protection order.

Irvine Valley College will protect the confidentiality of victims and other necessary parties. The Irvine Valley College Police Department maintains publicly available record keeping for its daily crime log, without the inclusion of personally identifying information about the victim.

**REMEMBER: Sexual assault is never your fault!**

![HOTLINE](image)

**Accommodations and Protective Measures Available for Victims**

Upon receipt of a report of domestic violence, dating violence, sexual assault, or stalking, Irvine Valley College will provide written notification to students and employees about accommodations available to them, including academic, living, transportation, protective orders, and working situation. The written notification will include information regarding the accommodation options, available assistance in requesting accommodations, and how to request accommodations and protective measures (i.e., the notification will include the name and contact information for the individual or office that should be contacted to request the accommodations).
At the victim’s request, and to the extent of the victim’s cooperation and consent, College offices will work cooperatively to assist the victim in obtaining accommodations. If reasonably available, a victim may be offered changes to academic, working, protective measures, or transportation situations, regardless of whether the victim chooses to report the crime to campus police or local law enforcement. Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, to withdraw and take a class at another time if there is no option for moving to a different section, etc. Possible changes to work situations may include changing working hours. Possible changes in transportation may include having the student or employee park in a different location, assisting the student or employee with a safety escort, etc.

To request changes to academic, living, transportation and/or working situations or protective measures, a victim should contact the Title IX Coordinator, Linda Fontanilla, in the A 100 building, at 949-451-5624, or at lfontanilla@ivc.edu. If the victim wishes to receive assistance in requesting these accommodations, she or he should contact the same office.

The college will assist the victim in changing academic situations if so requested and if changes are reasonably available. The changes/accommodations if request in writing include, but are not limited to:

- Class schedule changes
- Escorts to and from class
- Tutoring
- Instructor assistance with assignments
- Medical/psychological treatment
- Counseling
Assistance for Victims: Rights and Options

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the College will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options. Such written information will include:

- the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred;
- information about how the institution will protect the confidentiality of victims and other necessary parties;
- a statement that the institution will provide written notification to students and employees about victim services within the institution and in the community;
- a statement regarding the institution’s provisions about options for, available assistance in, and how to request accommodations and protective measures; and
- an explanation of the procedures for institutional disciplinary action.

Sex Offender Registration Information

The federal Campus Sex Crimes Prevention Act requires institutions of higher learning to issue a statement in their annual security report detailing where members of their campus community can obtain information concerning registered sex offenders. It also requires sex offenders who are required to register under state law to provide notice of their enrollment or employment at any institution of higher learning in the state where they reside. Also, California law requires sex offenders who attend campus, and all campus-affiliated sex offenders, to register with campus law enforcement.

Members of the public may access sex offender information at the Megan’s Law website maintained by the Department of Justice (www.meganslaw.ca.gov).

For information concerning offenders who have registered with the Irvine Valley College Police Department, call 949-451-5234.
Bystander Intervention
To prevent gender-based violence, it is important that people are approached as potential witnesses or bystanders to behaviors related to sexual or dating violence. If you witness these behaviors, there are certain ways you can step up to prevent a risky situation from getting worse.

To intervene, first someone has to:

- Notice the incident. Bystanders first must notice what is taking place. It’s important to become attuned to what situations may be risky.
- Interpret the incident as an emergency. By "emergency," we mean a situation wherein there is risk of sexual or domestic violence occurring shortly.
- Assume responsibility for intervening. It has been found that often, people believe that someone else will help in a situation when there are many people around. However, it is important to realize that others may also be thinking the same thing. If you’re unsure if you should do something, ask a friend what they think — it might be the case that they’ve been thinking the same thing.
- Have the bystander intervention skills that will allow you to help. There are a number of different techniques that someone can use to intervene in a risky situation, some of which we’ve listed below.

Bystander Intervention Techniques (the 4Ds): Please remember that your safety is of the utmost importance. When there is a situation in which you or another student are threatened by the potential for physical harm, ask someone for help or contact the police.

Direct: Step in and address the situation directly. This might look like saying, "That's not cool. Please stop," or, "Hey, leave them alone." This technique tends to work better when the person that you're trying to stop is someone that knows and trusts you. It does not work well when drugs or alcohol are being used because someone’s ability to have a conversation with you about what is going on may be impaired, and they are more likely to become defensive.

Distract: Distract either person in the situation to intervene. This might look like saying, "Hey, aren't you in my Spanish class?" or "Who wants to go get pizza?" This technique is especially useful when drugs or alcohol are being used because people under the influence are more easily distracted than those that are sober.
Delegate: Delegate the task by looking for persons to back you up when you decide to intervene. This might look like asking friends to distract one person in the situation while you distract the other ("splitting" or "defensive split"), asking someone to go sit with them and talk, or going and starting a dance party right in the middle of their conversation. If you didn't know either person in the situation, you could also ask around to see if someone else does and check in with them. See if they can talk to their friend, text their friend to check in, or intervene.

Delay: For many reasons, you may not be able to do something right at the moment. For example, if you're feeling unsafe or if you're unsure whether or not someone in the situation is feeling unsafe, you may just want to check in with the person. In this case, you can combine a distraction technique by asking the person to use the bathroom with you or go get a drink with you to separate them from the person that they are talking with. Then, this might look like asking them, “Are you okay?” or "How can I help you get out of this situation?" This could also look like texting the person, either in the situation or after you see them leave, and asking, "Are you okay?" or "Do you need help?"

Links for additional information on Bystander Intervention topics:

- http://itsonus.org
- https://www.youtube.com/watch?v=wNMZo31LziM

Risk Reduction

With no intent to victim blame, and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one’s risk of sexual assault or harassment.

The following tips may reduce your risk for many different types of crimes, including sexual violence. Know your resources.

Who should you contact if you or a friend needs help? Where should you go? Locate resources such as the campus health center, campus police station, and a local sexual assault service provider.

Notice where emergency phones are located on campus, and program the campus security number into your cell phone for easy access.

(Taken from Rape, Abuse, & Incest National Network, www.rainn.org)
• Stay alert. When you’re moving around on campus or in the surrounding neighborhood, be aware of your surroundings. Consider inviting a friend to join you or asking campus security for an escort. If you’re alone, only use headphones in one ear to stay aware of your surroundings.
• Be careful about posting your location. Many social media sites, like Facebook and Foursquare, use geolocation to publicly share your location. Consider disabling this function and reviewing other social media settings.
• Make others earn your trust. A college environment can foster a false sense of security. They may feel like fast friends, but give people time earn your trust before relying on them.
• Think about Plan B. Spend some time thinking about back-up plans for potentially sticky situations. If your phone dies, do you have a few numbers memorized to get help? Do you have emergency cash in case you can’t use a credit card? Do you have the address to your home or college memorized? If you drive, is there a spare key hidden, gas in your car, and a set of jumper cables?
The Clery Act Reportable Crimes Defined

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

Manslaughter by Negligence: The killing of another person through gross negligence.

Sexual Assault: Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

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

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

Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury.

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

Burglary: The unlawful entry of a structure to commit a felony or theft.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle.

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

Hate Crime: A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim (race, religion, sexual orientation, gender, gender identity, ethnicity, national origin or disability).
Categories of bias are:

**Race:** A preformed negative attitude toward a group of persons who possess common physical characteristics (color of skin, eyes, or hair, facial features, etc.) genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind (Asian, Afro-Americans, Whites, etc.)

**Gender:** A preformed negative opinion or attitude toward a group of persons because those people are male or female. Gender bias is also a Clery Act-specific term, not found in the FBI's Hate Crime Data Collection Guidelines.

**Gender Identity:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals.

**Religion:** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (Catholics, Jews, Protestants, atheists, etc.).

**Sexual Orientation:** A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their sex or members of the opposite sex (gays, lesbians, heterosexuals, etc.).

**Ethnicity:** A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion), or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term race in that “race” refers to grouping based mostly upon biological criteria, while “ethnicity” also encompasses additional cultural factors.

**National Origin:** A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs or traditions.

**Disability.** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, age or illness.
Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a romantic or intimate relationship will be determined based on the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic Violence: Includes felony or misdemeanor crimes of violence committed by:

- A current or former spouse of the victim;
- A person with whom the victim shares a child in common;
- A person who is cohabitating with or has cohabitated with the victim as a spouse;
- A person similarly situated to a spouse of the victim of California law; or
- By any other person against an adult or youth victim who is protected from that person’s acts under California law.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for his or her safety or the safety of others, or
- Suffer substantial emotional distress.

It is the responsibility of each person involved in sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent; nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time.
Other Violations Defined:

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

**Drug Law Violations:** Violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use; the unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance.

**Weapons Law Violations:** Violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons.

**Unfounded Crimes:** A crime may be “unfounded” only if sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of the full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore “unfounded.” Both “founded” and “unfounded” crimes must be reported in the Clery Annual Security Report.
Other Definitions:

- BP- South Orange County Community College District Board Policy
- AR- South Orange County Community College District Administrative Regulations [http://www.socccd.edu/about/about_boardpolicynew.html](http://www.socccd.edu/about/about_boardpolicynew.html)
California Definitions of Domestic Violence, Dating Violence, Sexual Assault, and Stalking

Domestic Violence
The State of California defines domestic violence as follows:

*California Penal Code section 273.5(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.

(b) Subdivision (a) shall apply if the victim is or was one or more of the following:

(1) The offender’s spouse or former spouse.

(2) The offender’s cohabitant or former cohabitant.

(3) The offender’s fiancé or fiancée, or someone with whom the offender has, or previously had, an engagement or dating relationship, as defined in paragraph (10) of subdivision (f) of Section 243.

(4) The mother or father of the offender’s child.

Dating Violence
The State of California defined dating violence as follows:

*California Penal Code section 243(e) (1)*

When a battery 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, the battery is punishable by a fine not exceeding two thousand dollars ($2,000), or by imprisonment in a county jail for a period of not more than one year, or by both that fine and imprisonment. If probation is granted, or the execution or imposition of the sentence is suspended, it shall be a condition thereof that the defendant participate
in, for no less than one year, and successfully complete, a batterer’s treatment program, as described in Section 1203.097, or if none is available, another appropriate counseling program designated by the court. However, this provision shall not be construed as requiring a city, a county, or a city and county to provide a new program or higher level of service as contemplated by Section 6 of Article XIII B of the California Constitution.

**Sexual Assault**

The State of California defines sexual assault as follows:

*California Penal Code section 243.4(a)*

Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars ($2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars ($10,000).

**Stalking**

The State of California defines sexual assault as follows:

*California Penal Code section 646.9 (a)*

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, punishable by imprisonment in a county jail for not more than one year, or by a fine of not more than one thousand dollars ($1,000), or by both that fine and imprisonment, or by imprisonment in the state prison.
Consent

The State of California defines consent, in relation to sexual activity, as follows:

*California Education Code Section 67386(a)(1)*

An affirmative consent standard in the determination of whether consent was given by both parties to sexual activity. “Affirmative consent” means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

Daily Crime Log

The Irvine Valley College Police Department maintains a Daily Crime Log on the department website. The crime log can be accessed online at: http://campuspolice.ivc.edu

The daily crime log contains information about crimes investigated or reported to the department. The log is also available upon request for public inspection in the Police Department lobby during normal business hours of 7:00 A.M. – 6:00 P.M. Monday – Thursday and 7:00 A.M. – 12:00 P.M. on Fridays. Summer hours may vary. Log entries for the past 60 days are immediately available. Log entries older than 60 days can be obtained by request and will be available within two business days.

Geographic Definitions

On Campus: Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes.

Any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or other retail vendor).

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

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

Preparing the Annual Disclosure of Crime Statistics

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the College community obtained from the following sources: the Irvine Valley College Police Department, the local police department(s), and Campus Security Authorities. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported. A written request for statistical information is made on an annual basis to all Campus Security Authorities (as defined by federal law) and to all College Deans, Directors, and Department Heads. Statistical information is requested and provided to the Irvine Valley College Police Department by the employees at the College Counseling Center, even though they are not required by law to provide statistics for the compliance document.

All of the statistics are gathered, compiled, and reported to the College community via this report, which is published by Irvine Valley College Police Department. IVCPD submits the annual crime statistics published in this report to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.
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### Reportable Criminal Offenses

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