

# INTERCOAST COLLEGES – FAIRFIELD CAMPUS

## 2020 ANNUAL SECURITY REPORT

InterCoast is strongly committed to crime prevention and the safety of our school communities. Information has been prepared to increase awareness of the current programs and procedures that exist to protect the safety and well-being of students, employees, and guests. As members of the school community, students are encouraged to take personal responsibility for his or her conduct and safety. Adopting a posture of individual responsibility will enhance the quality of life for all on-campus students. The cooperation and involvement of all students and staff members in crime prevention programs and by reporting all suspected criminal actions and emergencies is essential to minimize criminal activity. Victims or witnesses can report crimes confidentially to the anonymous link on the school website titled **Silent Witness. In an emergency, Dial 911.** All members of the campus community are encouraged to report crimes that occur on the campus to the Campus President, and as soon as possible following discovery of the offense. The Campus President will ask questions to gain as much information as possible. It's important for the Campus President to determine the following: What happened? Where it happened? When it happened? Is/was a weapon involved? Is/was a vehicle involved? What did the suspect look like? Is the suspect still there? Was anyone injured?

Campus crime, arrest and referral statistics include those reported to designated campus officials (including but not limited to directors, department heads, designated staff, student services coordinators and advocates), and local law enforcement agencies.

Each year, enrolled students are provided with access to this report, either in the financial aid office or by e-mail notification. Faculty and staff receive similar notification with their paycheck, email or hand delivery. Copies of the report may also be obtained at the Campus President's Office, website: [www.intercoast.edu](http://www.intercoast.edu) or by calling the Corporate Office at (818) 672-2100. All prospective employees may obtain a copy from the Business Office, website: [www.intercoast.edu](http://www.intercoast.edu) or by calling (818) 672-2100. The information is provided with the employment applications, if requested.

### **Timely Warnings**

In the event that a situation arises, either on or off campus, that, in the judgment of the College President, constitutes an ongoing or continuing threat, a campus wide "timely warning" will be issued. The warning will be issued through the college e-mail system to students, faculty, and staff. Depending on the particular circumstances of the crime, especially in all situations that could pose an immediate threat to the community and individuals, letters may be issued to active students, staff and faculty. This will allow for a more immediate notification. In such instances, a copy of the notice is posted in the student lounge. Anyone with information warranting a timely warning should report the circumstances to the President office, by phone (818-334-6425) or by email at [president@intercoast.edu](mailto:president@intercoast.edu). Telephone notification is preferred, as it allows immediate response time from the President's Office.

**To report a crime** Contact the Campus President's Office or President's Office (non-emergencies), or dial 9-1-1 (emergencies only). Any suspicious activity or person seen in the parking lots or loitering around vehicles, inside buildings or around the Campus should be reported immediately to the Campus President or manager on duty or the local police department. In emergency situations after hours, call the local police department. In response to a call, the appropriate personnel will take the required action, asking the victim to report to the Campus President's office to file an incident report.

All incident reports are followed by the Campus President for review and potential action. The Campus President, after consultation with the President, will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the President. If assistance is required from the Police Department or the Fire Department, the appropriate unit will be contacted. If a sexual assault or rape should occur, staff on the scene will offer the victim a wide variety of services.

Reports may also be made to the Colleges' Campus Security Authorities, or CSAs. Under Federal law, the definition of CSAs includes individuals/offices designated by the school as those to whom crimes should be reported; and officials with significant responsibility for student and campus activities. If a school staff member has "significant responsibility" for students and campus activities outside of the classroom, and students potentially could report a crime / incident to that staff member, then they are a CSA. CSAs are defined by function, not title. For InterCoast Colleges, CSAs include campus presidents, directors, department heads, designated staff, student services coordinators and advocates

### **Confidential Reporting Procedures**

If you are the victim of a crime and do not want to pursue action within the School System or the criminal justice system, you may still want to consider making a confidential report. With your permission, the Campus President or a designee of InterCoast Colleges can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the School can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the institution.

### **Crime Reporting Procedures**

All members of the campus community are encouraged to report crimes which occur on the campus to the Campus President; ideally as soon as possible following discovery of the offense. The Campus President will ask questions to gain as much information as possible. It's important for the Campus President to determine; What happened? Where it happened? When it happened? Is/was a weapon involved? Is/was a vehicle involved? What did the suspect look like? Is the suspect still there? Was anyone injured? In the case of a reported crime, a local Police Officer will then respond, investigate and may complete a written report. He or she may completely

investigate the incident, including the arrest of the responsible party, or may conduct an initial investigation and forward the case to Detectives/investigators for further action. Criminal charges, if warranted, are either filed directly with the courts or through the District Attorney's Office.

### **Working Relationship with Other Law Enforcement Agencies**

InterCoast enjoys an excellent rapport and effective relationship with allied law enforcement agencies. Should a major crime occur on campus that exhausts the resources of InterCoast's Campus Security Authority, the local Police Department shall be asked to assist with their resources.

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

Notification of Campus Emergencies: InterCoast will, without delay and upon confirmation of a significant emergency or other dangerous situation involving an immediate threat to the health or safety of students or employees occurring on or affecting the campus, use any one or a combination of several methods to notify as many people as possible in a timely manner. InterCoast students, faculty and staff may use the institution's internal intercom system or opt to receive text and/or e-mail emergency notifications. InterCoast tests its emergency response and evacuation procedures at least once annually on an announced or unannounced basis. All present students, faculty and staff are required to participate and conduct themselves appropriately. When tests are conducted, the College publicizes its emergency response and evacuation procedures to students, faculty, and staff, including making available a copy of this policy. InterCoast maintains documentation of each test exercise including date and time performed and whether it was announced or unannounced

InterCoast Authorities may delay notification in cases in which, in the professional judgment of responsible authorities, immediate notification would compromise efforts to assist victims or to contain, respond to or otherwise mitigate the emergency. InterCoast will evaluate the circumstances of an event and will assign the appropriate priority based on safety considerations for life, property and environment, in that order. In-progress events will generally take priority over events that have just occurred or that have occurred at some earlier point in time. Actual, occurring events will generally take priority over similar events that may potentially occur in the future. The content and scope of the notification will be determined at the earliest possible point in an event, and the notification may be initiated by the Campus President, Staff or Faculty, as determined by the particular circumstances. The scope of the notification – who/which segments of the community will be notified – will be determined by the same people and will reflect the nature and scope of the event. An event contained in a small area or a single room will likely dictate a smaller scope of notification than would an uncontained or dynamic event. Subsequent notifications to the larger community will generally be made by the Campus President.

### **Access Policy**

During business hours, the School will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours, access to all facilities is by key, if issued. In the case of periods of extended closing, the College will admit only those with prior written approval to all facilities. Some facilities may have individual hours, which may vary at different times of the year. Examples are the Resource Room and Conference Rooms. In these cases, the facilities will be secured according to schedules developed by the Campus President. Emergencies may necessitate changes or alterations to any posted schedules.

### **Criminal Activity Off Campus**

Off campus events are supervised by school employees. InterCoast Colleges does not provide law enforcement services to off-campus activities on behalf of the school.

### **Law Enforcement**

InterCoast employees on duty have the authority to ask persons for identification and to determine whether individuals have lawful business at the school. Designated Employees have the authority to ask persons without lawful business at the school to leave the premises. These employees have the authority to contact the police should individuals who have no business at the school refuse to leave the premises. Criminal incidents are referred to the local police. All crime victims and witnesses are strongly encouraged to immediately report the crime to campus authorities and the appropriate police agency. Prompt reporting will assure timely warning notices on-campus and timely disclosure of crime statistics.

### **Security Awareness Programs and Crime Prevention Programs**

InterCoast strives to emphasize proactive measures in order to minimize the need for reactive responses. We must all take responsibility for our own safety and the safety of others. Promptly and accurately reporting any and all criminal acts, dangerous situations and suspicious behaviors greatly assists in the provision of a safe campus community.

The following are descriptions of InterCoast's security awareness programs provided to InterCoast students during enrollment and faculty/staff upon hire on an annual basis distributed no later than October 1<sup>st</sup> of each year:

- During enrollment, students are informed of the campus crime statistics, security and where to report crimes. Students are given information crime on-campus and in the immediate surrounding neighborhood. Similar information is presented to new employees.
- Student Orientation & Faculty Orientation: Through the use of flyers, brochures, pamphlets and other initiatives, tips on personal safety while on campus and in the surrounding community, information on registering bicycles and computers at local police department, and information regarding local laws and regulations.
- Clery Act Campus Security Authority training: In-person and online training provided to all Campus Presidents and/or other appropriate staff regarding responsibilities under the Clery Act and mechanisms in place to report Clery-related offenses. This training is provided in compliance with the mandatory training provisions of the Clery Act.
- Crime Prevention Programs and Sexual Assault Prevention Programs are offered periodically. A common theme of all awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others.

### **Fire Prevention and Workplace Hazards**

It is the responsibility of all faculty and staff to alert the Campus President of any and all conditions that could potentially pose a fire hazard or other unsafe condition in or around the building. No smoking is permitted in the building and flammable chemicals are confined and stored in a locked area, meeting all OSHA requirements. Good housekeeping practices will be the responsibility of all faculty, staff and students. Waste materials are to be discarded in their proper places and all aisles, doorways, hallways and exit doors are to be kept clear at all times.

### **Alcoholic Beverages or Controlled Substances**

It is the policy InterCoast Colleges that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or alcohol is prohibited while in the workplace, on school premises, or as part of any school sponsored activities. Any employee or student violating this policy will be subject to disciplinary action up to and including termination or expulsion and referral for prosecution. The specifics of this policy can be found in the Drug Free School Policy.

### **Alcohol and Substance Abuse Education**

InterCoast has developed a program to prevent the illicit use of drugs and the abuse of alcohol by students and employees. The program provides services related to drug use and abuse including dissemination of information materials, referrals, and school disciplinary actions.

A violation of any law regarding drugs or alcohol is also a violation of the school's Drug Free School Policy and will be treated as a separate disciplinary matter by the school.

Mental health and substance abuse services are available at:

### **Drug Counseling, Rehabilitation & Assistance Programs**

24 Hour National addiction Hotline **1.800.559.9503**

The National Institute on Drug Abuse Hotline: **1-800-662-HELP**

Additional information about drug and alcohol abuse, health risks, addiction and prevention can be accessed at the National Institute on Alcohol Abuse and Alcoholism ([www.collegedrinkinglearningprevention.gov](http://www.collegedrinkinglearningprevention.gov)) as well as the National Institute on Drug Abuse ([www.drugabuse.gov/DrugPages/DrugsofAbuse.html](http://www.drugabuse.gov/DrugPages/DrugsofAbuse.html)).

### **Sex Offender Registration**

Information is provided to students upon request of where to find information on a Sex Offender list or registry. The State establishes a website as the official internet public access to the sex offender registration computerized database. In California, the website is [www.meganslaw.ca.gov](http://www.meganslaw.ca.gov) or the national registry at <http://www.nsopr.gov>. Registry information provided under this section shall be used only for the purposes of the administration of criminal justice, screening of current or prospective employees, volunteers or otherwise for the protection of the public in general.

## **INTERCOAST COLLEGES SEXUAL HARASSMENT POLICIES & GRIEVANCE PROCEDURES**

### **1. Introduction**

InterCoast Colleges (the "College") is committed to providing a working and educational environment for all students, faculty and staff that is free from sex discrimination, including sexual harassment. Every member of the College community should be aware that the College is strongly opposed to sexual harassment, and that such behavior is prohibited by state and federal laws.

The College does not discriminate on the basis of sex in its educational, extracurricular, or other programs or in the context of employment. Sex discrimination is prohibited by Title IX of the Education Amendments of 1972, a federal law that provides:

*No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.*

As part of the College's commitment to providing a working and learning environment free from sexual harassment, this Policy shall be disseminated widely to the College community through publications, the College website, new employee orientations, student orientations, and other appropriate channels of communication. The College provides training to key staff members to enable the College to handle any allegations of sexual harassment promptly and effectively. The College will respond promptly to all reports of sexual harassment, and will take appropriate action to prevent, to correct, and if necessary, to discipline behavior that violates this Policy.

### **2. Scope of the Policy**

This Policy governs sexual harassment that occurs in the College's education programs or activities. This Policy applies to all students, employees, and third parties conducting business with the College, regardless of the person's gender, gender identity, sexual orientation, age, race, nationality, class status, ability, religion or other protected status. The College encourages victims of sexual harassment to talk to somebody about what happened – so victims can get the support they need, and so the College can respond appropriately. As further described in this Policy, the College will seek to respect a victim's request for confidentiality to the extent possible, while remaining ever mindful of the victim's well-being.

### **3. Prohibited Conduct**

Sexual harassment comprises a broad range of behaviors focused on sex that may or may not be sexual in nature. Sexual harassment includes a College employee conditioning the provision of a College aid, benefit, or service on an individual's participation in unwelcome sexual conduct. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education programs or activities also constitutes sexual harassment. Sexual assault, stalking, domestic violence, and dating

violence are all forms of sexual harassment. Retaliation following an incident of alleged sexual harassment or attempted sexual harassment is strictly prohibited. The definitions for specific acts of sexual harassment can be found in the Definitions of Key Terms at the end of this Policy statement.

Sexual harassment can occur between strangers or acquaintances, or people who know each other well, including between people involved in an intimate or sexual relationship, can be committed by anyone regardless of gender identity, and can occur between people of the same or different sex or gender. **This Policy prohibits all forms of sexual harassment.**

#### **4. Options for Assistance Following an Incident of Sexual Harassment**

The College strongly encourages any victim of sexual harassment to seek immediate assistance. Seeking prompt assistance may be important to ensure a victim's physical safety or to obtain medical care. The College strongly advocates that a victim of sexual harassment report the incident in a timely manner. Time is a critical factor for evidence collection and preservation.

#### **Reporting Incidents of Sexual Harassment**

Victims of sexual harassment may file a report with the local Police Department. Victims may also file a report with the College's Title IX Coordinator. More information about reporting an incident of sexual harassment can be found in Section 6 of this Policy, below.

The College will respond promptly when it has actual knowledge of sexual harassment in its education programs or activities. The Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures as described below, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. The College will also provide the complainant with written notification about assistance available both within and outside of the College community.

A complainant may choose for the investigation to be pursued through the criminal justice system and/or through the College's disciplinary procedures by filing a formal complaint as described in this Policy. The College and the criminal justice system work independently from each other. Law enforcement officers do not determine whether a violation of this Policy has occurred. The Title IX Coordinator will guide the complainant through the available options and support the complainant in his or her decision.

#### **Supportive Measures**

The College's Title IX Coordinator will work with all students affected by sexual harassment to ensure their safety and support their wellbeing. This assistance may include providing supportive measures to support or protect a student after an incident of sexual harassment and while an investigation or disciplinary proceeding is pending. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the College's education programs and activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College's educational environment, or deter sexual harassment.

Supportive measures may include:

- counseling,
- extensions of deadlines or other course-related adjustments,
- modifications of work or class schedules,
- campus escort services,
- mutual restrictions on contact between the parties,
- changes in work or housing locations,
- leaves of absence,
- increased security and monitoring of certain areas of the campus, and
- other similar measures.

The College will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

The measures needed by each student may change over time, and the Title IX Coordinator will communicate with each student throughout any investigation to ensure that any supportive measures are necessary and effective based on the students' evolving needs. Students who report an incident of sexual harassment may also be able to obtain a formal protection order from a civil or criminal court. The College will work with the student and the applicable court to assist in the enforcement of any such protective orders.

#### **Support Services Available**

Counseling, advocacy and support services are available for complainants, whether or not a complainant chooses to make an official report or participate in the College's disciplinary or criminal process. *InterCoast Colleges does not provide counseling or health care services. Personal counseling offered by the College will be limited to initial crisis assessment and referral.*

Counseling and support services outside the College system can be obtained through **RAINN at 1-800-656-HOPE** or through the **California Coalition on Domestic Violence at toll free 1-800-524-4765**. Additional sexual misconduct crisis and counseling options are available locally and nationally through a number of agencies, including:

<p><b>STATE AND NATIONAL RESOURCES</b>  <b>California Partnership to End Domestic Violence (CPEDV)</b>  www.cpedv.org  <b>National Coalition Against Domestic Violence (NCADV)</b>  303-839-1852; www.ncadv.org</p> <p><b>National Sexual Assault Hotline</b>  800-656-HOPE (4673)  <b>National Domestic Violence Hotline</b>  800-799-SAFE; 1-800-799-7233; www.thehotline.org</p> <p><b>GLBT (Gay, Lesbian, Bisexual, Transgender) Hotline:</b> 888-843-4564</p> <p><b>It's On Us (supporting bystander intervention) Assault Hotline</b> at 1-800-656-HOPE (4673)</p>	<p><b>RANCHO CORDOVA CAMPUS RESOURCES</b></p> <p><b>Women Escaping a Violent Environment (WEAVE) Rape Crisis</b>  Center; support line: 916-920-2952; toll free 866-920-2952</p> <p><b>A Community For Peace</b>  6060 Sunrise Vista, Ste. 2340, Citrus Heights, CA 95616  Office: 916-728-5613; Crisis Line: 916-728-7210</p> <p><b>Sacramento Regional Family Justice Center</b>  Inside the Sacramento County Child Support Building, Third Floor; 3701 Power Inn Road, Suite 3100, Sacramento, CA 95826  PHONE: (916) 875-HOPE (4673)</p>
<p><b>SANTA ANA CAMPUS RESOURCES</b></p> <p><b>SAVS (Sexual Assault Victims Services)</b>  Santa Ana: 714-834-4317</p> <p><b>Project Sister 909-626-4357</b> (a 24-hour hotline that provides the victim with a Rape Advocate at Pomona Valley Hospital Medical Center during the police interview and in court)  <b>GLBT Information /Referrals:</b> 714-953-5428  <b>Women's Transitional Living Center</b>  877-531-5522 (a 24- hour bilingual hotline for temporary shelter; individual/group counseling)</p>	<p><b>RIVERSIDE CAMPUS RESOURCES</b></p> <p><b>Riverside Family Justice Center</b>  3900 Orange St. Riverside, Ca 92501; (951) 955-6100</p> <p><b>Riverside Area Rape Crisis Center</b>  24/7 Hotline - 951.686.7273  1845 Chicago Ave., Suite A, Riverside, CA 92507</p> <p><b>C.A.S.A. The Center Against Sexual Assault</b>  1600 E Florida Ave #206, Hemet, CA 92544; 24/7 CRISIS HOTLINE (866) 373-8300</p>
<p><b>FAIRFIELD CAMPUS RESOURCES</b></p> <p><b>Solano County Office of Family Violence Prevention</b>  707-784-7635; 604 Empire Street; Fairfield, CA 94533  www.co.solano.ca.us/depts/fvp/mission.asp  <b>Solano &amp; Napa SANE/SART</b>  707-258-9404; 1141 Pear Tree Lane #220; Napa, CA 94558</p> <p><b>SafeQuest Solano</b>  707-422-7345; Crisis Hotline: 1-866-487-7233 1745 Enterprise Dr #2d; Fairfield, California 94533  www.safequest.org/</p> <p><b>Napa Emergency Women's Services (NEWS)</b>  707-252-3687; Crisis Hotline: 707-255-NEWS (6397) 1141 Pear Tree Lane, Suite 220; Napa, CA 94558</p>	<p><b>WEST COVINA CAMPUS RESOURCES</b></p> <p><b>YWCA San Gabriel Valley;</b> Covina CA, 91724 Crisis: (626) 967-0658; Office: (626) 960-2995</p> <p><b>House of Ruth, Inc.;</b> Claremont CA, 91711-0459  Pomona Outreach Office: 1 (909) 623-4364 Crisis: (877) 988-5559</p> <p><b>Women's and Children's Crisis Center;</b> Whittier, CA 90601 (562) 945-3939</p> <p><b>Shepherd's Door Domestic Violence Resource Center</b>  Pasadena, CA 91104  Office Line: (626) 765-9967</p>

**Evidence Preservation**

Victims of sexual assault, domestic violence or dating violence should consider seeking medical attention as soon as possible. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen where they were assaulted so that evidence necessary to prove criminal activity may be preserved. In circumstances where the victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address health concerns. Victims of sexual harassment 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 in connection with a College or police investigation.

**5. Title IX Coordinator**

The College's Title IX Coordinator is responsible for monitoring and overseeing the College's compliance with Title IX and the prevention of sexual harassment and discrimination. The Title IX Coordinator is:

- Knowledgeable and trained in College policies and procedures and relevant state and federal laws;
- Available to advise any individual, including a complainant, respondent, or a third party, about College and community resources and reporting options;
- Available to provide assistance to any College employee regarding how to respond appropriately to a report of Title IX-related prohibited conduct and related retaliation;
- Participates in ensuring the effective implementation of this Policy, including monitoring compliance with all procedural requirements, record keeping, and timeframes; and

- Responsible for overseeing training, prevention, and education efforts and annual reviews of climate and culture.

Inquiries or concerns about Title IX may be referred to the College’s Title IX Coordinator, which is the Campus President:

**Santa Ana Campus**  
 Christopher Rush  
 1720 E. Garry Avenue, Suite 103  
 Santa Ana, CA 92705  
 (714) 712-7900 Tel  
 Christopher.rush@intercoast.edu

**Riverside Campus**  
 Giery Mijangos  
 1989 Atlanta Avenue  
 Riverside, CA 92507  
 (951) 779-1300 Tel  
 Email: gmijangos@intercoast.edu

**West Covina Campus**  
 Christopher Rush  
 235 East Garvey Avenue North  
 West Covina, CA 91791  
 (626) 337-6800 Tel  
 Email: christopher.rush@intercoast.edu

**Rancho Cordova Campus**  
 Orquedia Chavez  
 9738 Lincoln Village Dr. Ste 120  
 Rancho Cordova, CA 95827  
 (916) 714-5400 Tel  
 Email: orquedia.chavez@intercoast.edu

**Fairfield Campus**  
 Justin Preston  
 2480 Hilborn Road  
 Fairfield, CA 94534  
 (707) 421-9700 Tel  
 Email: justin.preston@intercoast.edu

## **6. Reporting Policies and Protocols**

InterCoast Colleges strongly encourages all members of the College community to report information about any incident of sexual harassment as soon as possible. Reports can be made either to the College and/or to law enforcement.

### **Reporting to the College**

An incident of sexual harassment may be reported to the College’s Title IX Coordinator or to a designated College official as set forth in Section 7, below. No other College officials or employees have the authority to institute corrective measures under these Policies and Procedures on behalf of the College. **The College will not be deemed to have actual knowledge of alleged sexual harassment unless the College’s Title IX Coordinator or a designated College official possess such knowledge.** Reports of sexual harassment to College officials or employees other than the Title IX Coordinator or a designated College official will not confer actual knowledge to the College of such allegations, unless the Title IX Coordinator or designated College official subsequently obtain such actual knowledge.

If the College’s Title IX Coordinator is the alleged perpetrator of the sexual harassment, the report should be submitted to a designated College official. Filing a report with a College official will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers.

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed in Section 6 for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator or designated College official receiving the person’s verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator.

While there is no time limit for reporting, reports of sex discrimination or harassment should be brought forward as soon as possible. All incidents should be reported even if significant time has elapsed, but prompt reporting will better enable the College to respond, investigate, provide an appropriate remedy, and impose discipline if appropriate. Note that if a complainant seeks to file a formal complaint for the College to initiate an investigation into allegations of sexual harassment, the complainant must be participating in or attempting to participate in the College’s education programs or activities at the time of filing such formal complaint. The College is committed to supporting the rights of a person reporting an incident of sexual harassment to make an informed choice among options and services available.

The College will respond to all reports in a manner that treats each individual with dignity and respect and will take prompt responsive action to end any harassment, prevent its recurrence, and address its effects.

### **Reporting to Law Enforcement**

An incident of sexual harassment can be reported to law enforcement at any time, 24 hours a day/7 days a week, by calling 911. At the complainant’s request, the College will assist the complainant in contacting law enforcement. If the complainant decides to pursue the criminal process, the College will cooperate with law enforcement agencies to the extent permitted by law. A complainant has the option to decide whether or not to participate in any investigation conducted by law enforcement. Filing a police report will:

- Ensure that a victim of sexual assault receives the necessary medical treatment and tests
- Provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam)

## **Reporting of Crimes & Annual Security Reports**

Campus safety and security are important issues at InterCoast Colleges. Our goal is to provide students with a safe environment in which to learn and to keep students, parents, and employees well informed about campus security. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, or Clery Act, requires institutions of higher education to record and report certain information about campus safety, including the number of incidents of certain crimes on or near campus, some of which constitute sexual harassment under this Policy.

Each year the College prepares an annual security report to comply with the Clery Act. The full text of this report can be located on the College's web site at [www.intercoast.edu](http://www.intercoast.edu). This report is prepared in cooperation with the local law enforcement agencies around our campus. Each year notification is made to all enrolled students and employees that provides the web site to access this report. Copies of the report may also be obtained from the Campus President. All prospective employees may also obtain a copy from the Campus President.

## **Timely Warnings**

In the event that a situation arises, either on or off campus, that, in the judgment of the Campus President constitutes an ongoing or continuing threat, a campus wide "timely warning" will be issued. The Campus President will immediately notify the College community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring at the College, unless issuing a notification will compromise efforts to contain the emergency. The warning will be issued through the most effective and efficient means available and may include instant messaging to students and College employees. Notices may also be posted in the common areas throughout the College. Anyone with information warranting a timely warning should report the circumstances to the Campus President. The College will provide adequate follow-up information to the community as needed.

## **Third-Party and Anonymous Reporting**

In cases where sexual harassment is reported to the Title IX Coordinator or designated College official by someone other than the complainant (by an instructor, classmate, or friend, for example), the Title IX Coordinator will promptly notify the complainant that a report has been received. This Policy and the Procedures will apply in the same manner as if the complainant had made the initial report. The Title IX Coordinator will make every effort to meet with the complainant to discuss available options and resources. Reports from an anonymous source will be treated in a similar fashion.

## **No Retaliation**

The College prohibits retaliation against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in a Title IX investigation, proceeding, or hearing. The College will take strong responsive action if retaliation occurs. Any incident of retaliation should be promptly reported to the Title IX Coordinator or Campus President.

Except as may otherwise be required by law, the College will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness.

Charging an individual with a violation of the College's code of conduct for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

## **Coordination With Drug Free School Policy**

The College encourages students to report all instances of sexual misconduct. The College will take into consideration the importance of reporting sexual misconduct in addressing violations of the College's alcohol and drug policies. An individual who participates as a complainant or witness in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for a violation of the College's student conduct policies at or near the time of the incident, unless the College 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.

## **7. College Policy on Confidentiality**

The College encourages victims of sexual harassment to talk to somebody about what happened – so victims can get the support they need, and so the College can respond appropriately.

This Policy is intended to make students aware of the various reporting and confidential disclosure options available to them – so they can make informed choices about where to turn should they become a victim of sexual harassment. The College encourages victims to talk to someone identified in one or more of these groups.

## **Privileged and Confidential Communications – Professional & Pastoral Counselors**

Professional, licensed counselors and pastoral counselors who provide mental-health counseling to members of the community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX Coordinator without a victim's permission. *The College does not provide professional or pastoral counseling, but can assist a victim of sexual harassment in obtaining support services from these groups or agencies.* Contact information for these support organizations is listed in Section 4 of this Policy.

**NOTE:** While these professional and pastoral counselors and advocates may maintain a victim's confidentiality vis-à-vis the College, they may have reporting or other obligations under state law.

**ALSO NOTE:** If the College determines that the alleged perpetrator(s) pose a serious and immediate threat to the College community, the Campus President may be called upon to issue a timely warning to the community. Any such warning should not include any information that identifies the victim.

### **Reporting to a Designated College Official**

A “designated College official” is a College employee who has the authority to institute corrective measures on behalf of the College upon actual notice of sexual harassment.

A designated College official will report to the Title IX Coordinator all relevant details about the alleged sexual harassment shared by the complainant – including the names of the complainant and respondent, any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident.

To the extent possible, information reported to a designated College official will be shared only with people responsible for handling the College’s response to the report. Designated College officials should not share information with law enforcement without the complainant’s consent or unless the complainant has also reported the incident to law enforcement.

In addition to the Title IX Coordinator, the College’s designated College officials include the Campus President, Administrative Assistant and Director of Student Affairs.

Before a complainant reveals any information to a designated College official, the official should ensure that the complainant understands the official’s reporting obligations – and, if the complainant wants to maintain confidentiality, direct the complainant to confidential resources.

If the complainant wants to tell the designated College official what happened but also maintain confidentiality, the official should tell the complainant that the College will consider the request but cannot guarantee that the College will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the official will also inform the Coordinator of the complainant’s request for confidentiality.

Designated College officials will not pressure a complainant to request confidentiality, but will honor and support the complainant’s wishes, including for the College to fully investigate an incident. By the same token, designated College officials will not pressure a complainant to make a formal complaint and initiate a College investigation if the complainant is not ready to do so.

A complainant who at first requests confidentiality may later decide to file a formal complaint with the College or report the incident to local law enforcement, and thus have the incident fully investigated.

### **Reporting to Title IX Coordinator**

To the extent possible, information reported to the Title IX Coordinator will be shared only with people responsible for handling the College’s response to the report. The Title IX Coordinator should not share information with law enforcement without the complainant’s consent or unless the complainant has also reported the incident to law enforcement.

Before a complainant reveals any information to the Title IX Coordinator, the Coordinator should ensure that the complainant understands the Coordinator’s reporting obligations – and, if the complainant wants to maintain confidentiality, direct the complainant to confidential resources. If the complainant wants to tell the Title IX Coordinator what happened but also maintain confidentiality, the Coordinator should tell the complainant that the College will consider the request but cannot guarantee that the College will be able to honor it.

The Title IX Coordinator will not pressure a complainant to request confidentiality, but will honor and support the complainant’s wishes, including for the College to fully investigate an incident. By the same token, the Title IX Coordinator will not pressure a complainant to make a formal complaint and initiate a College investigation if the complainant is not ready to do so.

### **Requesting Confidentiality: How the College Will Weigh the Request and Respond**

If a complainant discloses an incident to the Title IX Coordinator but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the College must weigh that request against the College’s obligation to provide a safe, non-discriminatory environment for all students, including the complainant.

If the College honors the request for confidentiality, a complainant must understand that the College’s ability to investigate the incident and pursue disciplinary action against the respondent will be limited. A complainant may provide the Title IX Coordinator with confidential knowledge of alleged sexual harassment and receive supportive measures from the College without the complainant filing a formal complaint and initiating an investigation. Although rare, there are times when the College may not be able to honor a complainant’s request in order to provide a safe, non-discriminatory environment for all students.

The Title IX Coordinator will evaluate requests for confidentiality. When weighing a complainant’s request for confidentiality or that no investigation or discipline be pursued, the Title IX Coordinator will consider a range of factors, including the following:

- The increased risk that the respondent will commit additional acts of sexual harassment or other violence, such as:
  - whether there have been other sexual harassment complaints about the same respondent;
  - whether the respondent has a history of arrests or records from a prior school indicating a history of violence;
  - whether the respondent threatened further sexual harassment or other violence against the complainant or others;
  - whether the sexual harassment was committed by multiple respondents;
- Whether the sexual harassment was perpetrated with a weapon;
- Whether the complainant is a minor;
- Whether the College possesses other means to obtain relevant evidence of the sexual harassment (e.g., security cameras or personnel, physical evidence); and
- Whether the complainant’s report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.



The presence of one or more of these factors could lead the Title IX Coordinator to file a formal complaint to investigate and, if appropriate, pursue disciplinary action. If none of these factors are present, the College will likely respect the complainant's request for confidentiality.

**If the College determines that it cannot maintain a complainant's confidentiality**, the College will inform the complainant prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the College's response. The College will remain ever mindful of the complainant's well-being, and will take ongoing steps to protect the complainant from retaliation or harm and work with the complainant to create a safety plan. Retaliation against the complainant, whether by students or College employees, will not be tolerated. The College will also:

- Assist the complainant in accessing other available victim advocacy, academic support, counseling, disability, health or mental health services, and legal assistance;
- Provide other security and support, which could include issuing a no-contact order, helping arrange a change of course schedules (including for the respondent pending the outcome of an investigation), or adjustments for assignments or tests; and
- Inform the complainant of the right to report a crime to local law enforcement – and provide the complainant with assistance if the complainant wishes to do so.

The College may not require a complainant to participate in any investigation or disciplinary proceeding.

Because the College is under a continuing obligation to address the issue of sexual harassment campus-wide, reports of sexual harassment (including non-identifying reports) will also prompt the College to consider broader remedial action – such as increased monitoring, supervision, or security at locations where the reported sexual harassment occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/ victimization surveys; and/or revisiting its policies and practices.

**If the College determines that it can respect a complainant's request for confidentiality**, the College will also take immediate action as necessary to protect and assist the complainant. This includes the Title IX Coordinator promptly contacting the complainant to discuss the availability of supportive measures. A complainant's request for confidentiality will limit the College's ability to investigate a particular matter. The College may take steps to limit the effects of the alleged sexual harassment and prevent its recurrence without initiating formal action against the respondent or revealing the identity of the student complainant. Examples include providing increased monitoring, supervision, or security at locations or activities where the harassment occurred; providing training and education materials for students and employees; revising and publicizing the College's policies on sexual harassment; and conducting climate surveys regarding sexual harassment.

#### **Off-campus Counselors and Advocates**

Off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with the College unless the complainant requests the disclosure and signs a consent or waiver form. Contact information for these off-campus resources can be found in Section 4 of this Policy.

#### **8. Formal Complaint Investigation Procedures and Protocols**

The College will investigate all formal complaints of sexual harassment. A formal complaint must be in writing filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the College investigate the allegation of sexual harassment. A formal complaint form may be obtained from the Title IX Coordinator, although no particular form is required to submit a formal complaint so long as the complaint is in writing, signed by a complainant, alleges sexual harassment against a respondent, and requests an investigation. The College's Title IX Coordinator oversees the College's investigation, response to, and resolution of all reports of prohibited sexual harassment, and of related retaliation, involving students, faculty, and staff.

As soon as practicable after receiving a formal complaint, the Title IX Coordinator will make an initial assessment of the formal complaint to determine whether the formal complaint, on its face, alleges an act prohibited by this Policy. If the Title IX Coordinator determines the formal complaint states facts which, if true, could constitute sexual harassment in violation of this Policy, the Title IX Coordinator will proceed through the formal investigation process (see below). If the Title IX Coordinator determines the complainant's report does not state facts that, if true, could constitute a violation of this Policy, the Title IX Coordinator will communicate this determination in writing to the complainant. In such circumstances the complainant may still file a report with the federal Office for Civil Rights, the police, or seek available civil remedies through the judicial system. The complainant may also re-file the report with the College upon discovery of additional facts.

The College will dismiss a formal complaint if the conduct alleged in the formal complaint would not constitute sexual harassment under Title IX even if proved, did not occur in the College's education program or activity, or did not occur against a person in the United States. ***Such dismissal does not preclude action under another provision of the College's code of conduct.*** The College may dismiss the formal complaint if a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint; the respondent is no longer enrolled or employed by the College; or specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein. The College will promptly send written notice of the dismissal and reasons therefor simultaneously to the parties.

#### **Notice**

Upon receipt of a formal complaint, the College will provide written notice of the College's grievance process to the parties who are known. The College will also provide the parties with notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known; the conduct allegedly constituting sexual harassment; and the date and location of the alleged incident, if known. The written notice will include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. The written notice will inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence that is submitted to and/or collected by the College in connection with the investigation. The written notice will also inform the parties of any provision in the College's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the College decides to investigate allegations about the complainant or respondent that are not included in a prior notice provided to the parties, the College will provide notice of the additional allegations to the parties whose identities are known.

### **Voluntary Resolution**

Voluntary resolution, when selected by all parties and deemed appropriate by the Title IX Coordinator, is a path designed to eliminate the conduct at issue, prevent its recurrence, and remedy its effects in a manner that meets the safety and welfare needs of the College community. If all parties voluntarily agree to participate in an informal resolution that does not involve a full investigation and adjudication after receiving notice of a formal complaint, and if the College determines that the particular formal complaint is appropriate for such a process, the College will facilitate an informal resolution to assist the parties in reaching a voluntary resolution. The College retains the discretion to determine which cases are appropriate for voluntary resolution.

Voluntary resolution may include: conducting targeted or broad-based educational programming or training for relevant individuals or groups; providing increased monitoring, supervision, or security at locations or activities where the harassment occurred; facilitating a meeting with the respondent and the complainant present; and any other remedy that can be tailored to the involved individuals to achieve the goals of the Policy.

Voluntary resolution may also include restorative principles that are designed to allow a respondent to accept responsibility for harassment and acknowledge harm to the complainant or to the College community. Restorative models will be used only with the consent of both parties and following a determination by the Title IX Coordinator that the matter is appropriate for a restorative approach.

The College will not compel parties to engage in mediation or to participate in any particular form of informal resolution. As the title implies, participation in voluntary resolution is a choice, and either party can request to end this manner of resolution and pursue an investigation and adjudication at any time, including if voluntary resolution is unsuccessful at resolving the complaint.

In connection with any informal resolution process, the College will provide written notice to the parties disclosing the allegations and the requirements of the informal resolution process. The College will notify the parties that any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint. The College must obtain the parties' voluntary, written consent to the informal resolution process. The informal resolution process may not be utilized to resolve allegations that a College employee sexually harassed a student.

The time frame for completion of voluntary resolution may vary, but the College will seek to complete the process within 15 days of all the parties' request for voluntary resolution.

### **Formal Investigation Process**

The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the College and not on the parties. The Title IX Coordinator is responsible for the investigation of a formal complaint. The Title IX Coordinator may designate a specially trained investigator (or team of investigators) to conduct the investigation.

The College's process for responding to, investigating, and adjudicating sexual harassment reports will continue during any law enforcement proceeding. The investigator may need to temporarily delay an investigation while the police are gathering evidence but will resume the investigation after learning that the police department has completed its evidence-gathering and will generally not wait for the conclusion of any related criminal proceeding.

The investigator will interview the complainant, respondent, and any witnesses. They will also gather pertinent documentary materials (if any) and other information. The College will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate. Each party shall have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. The College will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

### **Time Frame for Investigation**

Consistent with the goal to maximize educational opportunities and minimize the disruptive nature of the investigation and resolution, the Title IX Coordinator seeks to resolve all reports in a timely manner. In general, an investigation may last up to 30 days, from receipt of a formal complaint from the complainant or the Title IX Coordinator of the request to proceed with an investigation. Adjudication will generally take up to 30 days from the date the investigative report is provided to both the complainant and the respondent. The Title IX Coordinator may set reasonable time frames for required actions under the Policy. Those time frames may be extended for good cause as necessary to ensure the integrity and completeness of the investigation, comply with a request by external law enforcement, accommodate the availability of witnesses, accommodate absences or delays by the parties, the need for language assistance or accommodation of disabilities, account for College breaks or vacations, or address other legitimate reasons, including the complexity of the investigation (including the number of witnesses and volume of information provided by the parties) and the severity and extent of the alleged conduct. Any extension of the timeframes, and the reason for the extension, will be shared simultaneously with the parties in writing. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

Where necessary, the College will take prompt steps to protect complainants pending the final outcome of an investigation, including the provision of supportive measures to the complainant and/or the respondent. The College may remove a respondent from the College's education programs or activities on an emergency basis, provided that the College undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. The College may place a non-student employee respondent on administrative leave during the pendency of a grievance process.

The College will provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the College does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence, whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the College will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report. The College will make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination

### **Investigation Report**

The investigator will prepare an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response. Such report will include a statement of the allegations and issues, the positions of the complainant and respondent, a summary of the evidence (including from interviews and documentation gathered), an explanation why any proffered evidence was not investigated, assessment of individual credibility, findings of fact, and an analysis of whether a violation of the Policy has occurred. The investigator will use "preponderance of the evidence" as the standard of proof to determine whether a violation of the Policy occurred. Preponderance of the evidence means that the investigator must be convinced based on the information it considers that the respondent was more likely than not to have engaged in the conduct at issue in order to find the respondent responsible for violating the Policy. The complainant and respondent will be simultaneously notified of the completion of the investigation and provided with the investigator's report.

## **9. Grievance/Adjudication Procedures**

### **Hearing Panel**

The College will convene a hearing panel following the end of the investigation. The hearing panel determines whether the respondent is responsible or not responsible for a violation of the Policy.

The hearing panel will consist of three members. The Title IX Coordinator will designate the members of the hearing panel but will not serve as a panel member. The investigator responsible for the College's investigation of the formal complaint may not serve as a panel member. The hearing panel members may include administrators, officers, lawyers, or other individuals with relevant experience and special training. Panel members may participate remotely so long as the College utilizes technology enabling the panel members and parties to simultaneously see and hear the party or witness answering questions. All panelists will receive training from experts in the field at least once a year. In addition to training on how the adjudicatory process works, the training will include specific instruction about how to approach students about sensitive issues that may arise in the context of sexual harassment. The complainant and respondent will be informed of the panel's membership before the hearing process begins. A complainant and/or respondent may challenge the participation of a panel member because of perceived conflict of interest, bias, or prejudice. Such challenges, including rationale, must be made to the Title IX Coordinator at least three days prior to the commencement of the hearing. At its discretion, the Title IX Coordinator will determine whether such a conflict of interest exists and whether a panel member should be replaced. Postponement of a hearing may occur if a replacement panelist cannot be immediately identified.

### **Advisors**

Both the complainant and the respondent are entitled to be accompanied to any meeting or proceeding relating to the allegation of sexual harassment by an advisor or support person of their choice, provided the involvement of such advisor or support person does not result in the postponement or delay of such meeting as scheduled.

### **Written Submissions**

Both the complainant and respondent will have the opportunity to submit written responses to the investigation report and other relevant information to the hearing panel. Each of the complainant and respondent will have the opportunity to review any written submissions by the other. The hearing panel may set reasonable parameters for these written submissions. The hearing panel will review the investigation report and written submissions.

### **Hearing Procedures**

The Title IX Coordinator will give the complainant and respondent at least 10 calendar days' advance notice of the hearing. The Title IX Coordinator may arrange to hold the hearing at an off-campus location. The hearing is a closed proceeding, meaning that no one other than the panel members, the complainant and respondent, their respective advisors, witnesses (when called), and necessary College personnel may be present during the proceeding. The Campus President will work with College staff so that any student whose presence is required may participate in the hearing.

In general, hearings will proceed as follows:

- The Title IX Coordinator may set reasonable time limits for any part of the hearing. Each of the complainant and respondent will have the opportunity to present witnesses and other information consistent with the Policy and these Procedures. The panel may determine the relevance of, place restrictions on, or exclude any witnesses or information. When the complainant and respondent are not able to be present for the hearing panel, arrangements will be made for participation virtually, with technology enabling the participants to see and hear each other simultaneously.
- In cases where either the complainant or respondent opts not to participate in the hearing, the panel may still hear from the other.
- Additional hearing rules include:
  - Cross Examination. At the hearing, the hearing panel shall permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally.
  - At the request of either party, the College will provide for the hearing to occur with the parties located in separate rooms with technology enabling the hearing panel members and parties to simultaneously see and hear the party or the witness answering questions.

- o Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the hearing panel must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.
- o If a party does not have an advisor present at the live hearing, the College will provide without fee or charge to that party, an advisor of the College's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.
- o Information Regarding Romantic or Sexual History. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The existence of a prior consensual dating or sexual relationship between the complainant and respondent by itself does not support an inference of consent to alleged sexual harassment.
- o Prior Conduct Violations. The hearing panel will not consider the respondent's prior conduct violations, unless the investigator provided that information to the hearing panel because the respondent was previously found to be responsible, and the previous incident was substantially similar to the present allegation(s) and/or the information indicates a pattern of behavior by the respondent.
- o If a party or witness does not submit to cross-examination at live hearing, the hearing panel will not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the hearing panel will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.
- o The College will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
- o Live hearings may be conducted with all parties physically present in the same geographic location or, at the College's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants to see and hear each other simultaneously.

The College will create an audio or audiovisual recording, or transcript, of any hearing and make it available to the parties for inspection and review. The panelists may request a copy or transcript of the recording. Cell phones and recording devices may not be used in the hearing room(s) unless approved by the panel in advance.

#### **Panel Determinations/Standard of Proof**

The hearing panel will issue a written determination regarding responsibility. The panel will use "preponderance of the evidence" as the standard of proof to determine whether a violation of the Policy occurred. Preponderance of the evidence means that a panel must be convinced based on the information it considers that the respondent was more likely than not to have engaged in the conduct at issue in order to find the respondent responsible for violating the Policy. The panel will find a student responsible, or not responsible, based on a majority vote. The panel will generally render a written determination within 10 calendar days after the conclusion of a hearing.

The panel's written determination will include:

- a) Identification of the allegations potentially constituting sexual harassment;
- b) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- c) Findings of fact supporting the determination;
- d) Conclusions regarding the application of the College's code of conduct to the facts;
- e) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the College imposes on the respondent, and whether remedies designed to restore or preserve equal access to the College's education program or activity will be provided by the College to the complainant; and
- f) The College's procedures and permissible bases for the complainant and respondent to appeal.

The parties will be informed of the results of the adjudication hearing by simultaneous written notice to both parties of the outcome of the formal complaint. The determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

#### **10. Sanctions and Other Remedies**

The hearing panel shall be responsible for imposing sanctions that are:

- Fair and appropriate given the facts of the particular case;
- Consistent with the College's handling of similar cases;
- Adequate to protect the safety of the campus community; and
- Reflective of the seriousness of sexual harassment.

No disciplinary sanctions or other actions that are not supportive measures will be imposed against a respondent until the completion of the College's grievance procedures, including any applicable appeal.

The hearing panel will consider relevant factors, including if applicable: (1) the specific sexual harassment at issue (such as penetration, touching under clothing, touching over clothing, unauthorized recording, etc.); (2) the circumstances accompanying the lack of consent (such as force, threat, coercion, intentional incapacitation, etc.); (3) the respondent's state of mind (intentional, knowing, bias-motivated, reckless, negligent, etc.); (4) the impact of the offense on the complainant; (5) the respondent's prior disciplinary history; (6) the safety of the College community; and (7) the respondent's conduct during the disciplinary process. The sanctioning decision will be communicated in writing to the complainant and the respondent as part of the hearing panel's written determination.

The College may impose any one or more of the following sanctions on a student determined to have violated the Policy:

- Reprimand/warning;
- Changing the respondent's academic schedule;
- Disciplinary probation;
- Restricting access to College facilities or activities;
- Community service;
- Issuing a "no contact" order to the respondent or requiring that such an order remain in place;
- Dismissal or restriction from College employment;
- Suspension (limited time or indefinite); and
- Expulsion.

In addition to any other sanction (except where the sanction is expulsion), the College may require any student determined to be responsible for a violation of the Policy to receive appropriate education and/or training related to the sexual harassment violation at issue. The College may also recommend counseling or other support services for the student.

Whatever the outcome of the hearing process, a complainant may request ongoing or additional supportive measures and the Title IX Coordinator will determine whether such supportive measures are appropriate. Potential ongoing supportive measures include:

- Providing an escort for the complainant;
- Changing the complainant's academic schedule;
- Allowing the complainant to withdraw from or retake a class without penalty; and
- Providing access to tutoring or other academic support, such as extra time to complete or re-take a class.

The College may also determine that additional measures are appropriate to respond to the effects of the incident on the College community. Additional responses for the benefit of the College community may include:

- Increased monitoring, supervision, or security at locations or activities where the harassment occurred;
- Additional training and educational materials for students and employees;
- Revision of the College's policies relating to sexual harassment; and
- Climate surveys regarding sexual harassment.

### **11. Appeals**

Either the respondent or the complainant or both may appeal from a determination regarding responsibility, and from a recipient's dismissal of a formal complaint or any allegations therein, on the following bases:

1. A procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time of the determination regarding responsibility or dismissal, that could affect the outcome of the matter; and
3. The Title IX Coordinator, investigator(s), or hearing panel member(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

Disagreement with the finding or sanctions is not, by itself, grounds for appeals.

The decision maker(s) for the appeal may not be the same person as the hearing panel members, the investigator(s), or the Title IX Coordinator. The appealing party must submit the appeal in writing to the College within seven calendar days after receiving the written determination regarding responsibility. If either the complainant or respondent submits an appeal, the Title IX Coordinator will notify the other that an appeal has been filed and the grounds of the appeal. The non-appealing party may submit a written response within seven days after notice of an appeal.

If the decision-maker concludes that a change in the hearing panel's determination is warranted, the College may enter a revised determination, reconvene the panel to reconsider the determination, or return the matter for additional investigation. If both the complainant and respondent appeal, the appeals will be considered concurrently.

The decision maker will issue a written decision describing the result of the appeal and the rationale for the result, and provide the written decision simultaneously to both parties. Appeals decisions will be rendered within 15 calendar days after the receipt of the written appeal. All appeal decisions are final.

### **12. Records Disclosure & Recordkeeping**

Disciplinary proceedings conducted by the College are subject to the Family Educational Records and Privacy Act (FERPA), a federal law governing the privacy of student information. FERPA generally limits disclosure of student information outside the College without the student's consent, but it does provide for release of student disciplinary information without a student's consent in certain circumstances.

Any information gathered in the course of an investigation may be subpoenaed by law enforcement authorities as part of a parallel investigation into the same conduct or required to be produced through other compulsory legal process.

Additional information about FERPA can be found on the College's website at [www.intercoast.edu](http://www.intercoast.edu).

The College will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in Section 16 of Title 18, United States Code), or a non-forcible sex offense, a report on the results of any disciplinary proceeding conducted by the College against a student who is

the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

The College will maintain for a period of not less than seven years records of:

- a) Each sexual harassment investigation including any determination regarding responsibility; any audio, audiovisual recording, or transcript from a hearing conducted in response to a formal complaint; any disciplinary sanctions imposed on the respondent; and any remedies provided to the complainant designed to restore or preserve equal access to the College's education programs or activities;
- b) Any appeal and the result therefrom;
- c) Any informal resolution and the result therefrom; and
- d) All materials used to train Title IX Coordinators, investigators, hearing panel members, decision-makers, and any person who facilitates an informal resolution process. The College will make these training materials publicly available on its website.

The College will create and maintain for a period of not less than seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the College will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the College's education program or activity. If a College does not provide a complainant with supportive measures, then the College will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the College in the future from providing additional explanations or detailing additional measures taken.

### **13. Education and Prevention Programs**

As set forth in Section 3 of this Policy statement, sexual assault, sexual harassment, dating violence, domestic violence, and stalking are all forms of prohibited conduct.

The College is committed to offering educational programs to promote awareness and prevention of prohibited conduct. Educational programs include an overview of the College's policies and procedures; relevant definitions, including prohibited conduct; discussion of the impact of alcohol and illegal drug use; consent; safe and positive options for bystander intervention; review of resources and reporting options available for students, faculty, and staff; and information about risk reduction. Incoming students and new employees will receive primary prevention and awareness programming as part of their orientation.

As part of the College's commitment to provide an educational and work environment free from prohibited conduct, this Policy will be disseminated widely to the College community through e-mail communication, publications, websites, new employee orientations, student orientations, and other appropriate channels of communication.

The Title IX Coordinator, investigators, hearing panel members, and anyone else who is involved in responding to, investigating, or adjudicating sexual harassment will receive annual training from experts in the field. In addition to training on how the adjudicatory process works, the training will include specific instruction about how to approach students about sensitive issues that may arise in the context of sexual harassment.

### **Definitions of Sexual Harassment under California Law**

California law provides the following definitions with respect to incidents of sexual assault:

The California Education Code states that "sexual assault" includes, but is not limited to: rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or the threat of any of these. (Ed. Code, § 67380(c)(3).)

Cal. Pen. Code § 261(a) defines Rape as an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances:

- Where a person is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent
- Where it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another
- Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance
- Where a person is at the time unconscious of the nature of the act
- Where a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief
- Where the act is accomplished against the victim's will by threat

California Penal Code § 646.9 defines Stalking as 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.

Under California law, Cal. Pen. Code § 13700(b), "Domestic violence" means abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship. Factors that may determine whether persons are cohabiting include, but are not limited to,

- sexual relations between the parties while sharing the same living quarters,
- sharing of income or expenses,
- joint use or ownership of property,
- whether the parties hold themselves out as husband and wife,
- the continuity of the relationship, and
- the length of the relationship.

The California Penal Code does not define "Dating Violence." However, the California Department of Public Health provides the following definition of Teen Dating Violence:

Teen Dating Violence (TDV), also known as Adolescent Relationship Abuse (ARA), can be defined as violence and/or abuse among two adolescents, ages 10-24 in a current, past and/or potential romantic relationship, including physical, verbal, emotional, sexual, economic, technological, and stalking, where there is an imbalance of power and a pattern of coercion over time. (<https://www.cdph.ca.gov/Pages/TeenDatingViolence.aspx>, accessed 8-25-16)

Under California Education Code, Cal. Ed. Code § 67386, “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.

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

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

In the evaluation of complaints in the disciplinary process, it shall not be a valid excuse that the accused believed that the complainant affirmatively consented to the sexual activity if the accused knew or reasonably should have known that the complainant was unable to consent to the sexual activity under any of the following circumstances:

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

### **Bystander Intervention**

The College’s primary prevention and awareness program includes a description of safe and positive options for bystander intervention. Active bystanders take the initiative to help someone who may be targeted for a sexual assault. They do this in ways that are intended to avoid verbal or physical conflict. Active bystanders also take the initiative to help friends, who are not thinking clearly, from becoming offenders of crime. Intervention does not mean that you directly intervene to stop a crime in progress; rather, these steps are “early intervention” – before a crime begins to occur. There are three important components to consider before taking action that we refer to as the ABCs:

- **Assess for safety.** Ensure that all parties are safe, and whether the situation requires calling authorities. When deciding to intervene, your personal safety should be the #1 priority. When in doubt, call for help.
- **Be with others.** If it is safe to intervene, you are likely to have a greater influence on the parties involved when you work together with someone or several people. Your safety is increased when you stay with a group of friends that you know well.
- **Care for the person.** Ask if the target of the unwanted sexual advance/attention/behavior is okay – does he or she need medical care? Ask if someone they trust can help them get safely home.

### **Risk Reduction**

The College’s primary prevention and awareness program includes information on risk reduction. This includes:

*Avoiding Dangerous Situations.* While you can never completely protect yourself from sexual assault, there are some things you can do to help reduce your risk of being assaulted.

- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Walk with purpose. Even if you don’t know where you are going, act like you do.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn’t the best place to be.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Make sure your cell phone is with you and charged and that you have money for transportation.
- Don’t allow yourself to be isolated with someone you don’t trust or someone you don’t know.
- Avoid putting headphones in or on both ears so that you can be more aware of your surroundings, especially if you are walking alone.

*Safety Planning.* Things to think about:

- How to get away if there is an emergency? Be conscious of exits or other escape routes. Think about options for transportation (car, bus, subway, etc.).
- Who can help? Friends and/or family, or support centers in your area. Please see Section 4 of this Policy for a list of support organizations.

- Where to go? Options may include a friend's or relative's house, or you may consider going to a domestic violence or homeless shelter. You may also go to the police. **Important Safety Note:** If the dangerous situation involves a partner, go to the police or a shelter first.
- What to bring? This may include important papers and documents such as a birth certificate, social security card, license, passport, medical records, lease, bills, etc. This will also include house keys, car keys, cash, credit cards, medicine, important numbers, and your cell phone. If you are bringing children with you, remember to bring their important papers and legal documents. You can keep all of these things in an emergency bag. You should hide the bag—it is best if it is not in your house or car. If the bag is discovered, you can call it a “tornado” or “fire” bag.

*Protecting Your Friends.* You have a crucial role to play in keeping your friends safe. No matter what the setting, if you see something that doesn't feel quite right or see someone who might be in trouble, there are some simple things you can do to help out a friend.

- Distract. If you see a friend in a situation that doesn't feel quite right, create a distraction to get your friend to safety. This can be as simple as joining or redirecting the conversation: suggest to your friend that you leave the party, or ask them to walk you home. Try asking questions like: “Do you want to head to the bathroom with me?” or “Do you want to head to another party – or grab pizza?”
- Step in. If you see someone who looks uncomfortable or is at risk, step in. If you feel safe, find a way to de-escalate the situation and separate all parties involved. Don't be shy about directly asking the person if they need help or if they feel uncomfortable.
- Enlist others. You don't have to go it alone. Call in friends or other people in the area as reinforcements to help defuse a dangerous situation and get the at-risk person home safely. There is safety in numbers.
- Keep an eye out. Use your eyes and ears to observe your surroundings. If you see someone who has had too much to drink or could be vulnerable, try to get them to a safe place. Enlist friends to help you. Even if you weren't around when the assault occurred, you can still support a friend in the aftermath.

*Social Situations.* While you can never completely protect yourself from sexual assault, there are some things you can do to help reduce your risk of being assaulted in social situations.

- When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately.
- Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
- Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
- Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
- If you suspect you or a friend has been drugged, contact law enforcement immediately. Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).

*Information on Risk Reduction was provided by RAINN: Rape, Abuse & Incest National Network: [www.rainn.org](http://www.rainn.org).*

#### **14. Amendments**

The College may amend the Policy or the Procedures from time to time. Nothing in the Policy or Procedures shall affect the inherent authority of the College to take such actions as it deems appropriate to further the educational mission or to protect the safety and security of the College community.



**InterCoast Colleges**  
**Sexual Harassment Policies & Grievance Procedures**

**Definitions of Key Terms**

- Sexual Harassment - means conduct on the basis of sex that satisfies one or more of the following:
  - 1) An employee of the College conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct;
  - 2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education programs or activities; or
  - 3) "Sexual assault," "dating violence," "domestic violence," or "stalking" as defined herein.
- Sexual Assault - An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Unified Crime Reporting ("UCR") program.
  - 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.
  - Sex Offenses - Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
    - Fondling—The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
    - Incest—Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
    - Statutory Rape—Sexual intercourse with a person who is under the statutory age of consent.
- Domestic Violence - A felony or misdemeanor crime of violence committed (i) by a current or former spouse or intimate partner of the victim; (ii) by a person with whom the victim shares a child in common; (iii) by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (iv) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (v) by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- Dating Violence - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purpose of this definition dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.
- "Education program or activity" includes locations, events, or circumstances over which the College exercises substantial control over both the respondent and the context in which the sexual harassment occurs. It includes all of the academic, educational, extra-curricular, and other programs of the College, whether they take place in the facilities of the College, at a class or training program sponsored by the College at another location, or elsewhere. An instructor's alleged sexual harassment of a student would likely constitute sexual harassment in the College's education programs or activities even if the alleged harassment occurs off campus. The College's education programs and activities may also include computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of, the College.
- Prohibited Conduct – The College prohibits Sexual Assault, Sexual Harassment, Dating Violence, Domestic Violence, and Stalking as defined in these Definitions of Key Terms.
- Stalking - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others, or suffer substantial emotional distress. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Retaliation – The College shall not, and no individual shall, intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has

made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX and/or this Policy. The exercise of rights protected under the First Amendment does not constitute retaliation. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation; provided, however, that a determination regarding responsibility alone is not sufficient to conclude that any party made a materially false statement in bad faith.

- Consent - InterCoast Colleges uses an affirmative consent standard to determine whether a sexual assault complainant consented to the alleged conduct. "Affirmative consent" is defined as an affirmative, conscious, and voluntary agreement to engage in sexual activity. Neither the lack of protest or resistance nor silence constitutes consent, and consent may be withdrawn at any time. Affirmative consent must be given by all parties to sexual activity. For the purpose of evaluating complaints during the disciplinary process described under this Policy, it is not a valid excuse that the respondent believed the complainant consented if: (A) the respondent's belief arose from his or her own intoxication or recklessness, or (B) the respondent did not take reasonable steps to ascertain whether the complainant affirmatively consented. Similarly, it will not be a valid excuse that the respondent believed the complainant affirmatively consented where the respondent knew or reasonably should have known that the complainant was unable to consent because he or she was: (A) asleep or unconscious, (B) incapacitated due to drugs/alcohol/ medication, or (C) unable to communicate due to a mental or physical condition.
- Complainant – means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- Respondent – means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

**INTERCOAST COLLEGES – FAIRFIELD CAMPUS**  
**CAMPUS CRIME REPORT**

The Compliance Director prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The report is prepared in cooperation with the local law enforcement agencies surrounding our campus. Campus crime, arrest, and referral statistics include those reported to the Campus President and local law enforcement agencies. Copies of the report may be obtained in the Campus President’s Office or by calling (818-334-6425). All prospective employees may obtain a copy from the Campus President or by calling (818-334-6425).

**To Report A Crime:** Contact the Campus President at (818-334-6425) (non-emergencies) or dial 9-1-1 (emergencies only). Any suspicious activity or person seen loitering inside or around the College buildings should be reported to the Campus President.

NOTE: The College moved from its Anaheim location to the Santa Ana Campus location in 2019. The crime statistics listed below are for the Anaheim location in 2017 and 2018, and a combination of both locations for 2019.

Offense	On Campus			Non Campus			Public Property		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
<b>VAWA Offenses</b>									
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
<b>Arrests &amp; Disciplinary Referrals</b>									
Liquor Law Arrests	0	0	0	0	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0	0	0	0
Drug Law Arrests Referred for Disciplinary Action	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Arrests	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0	0

**Hate Crimes** – There were no Hate Crimes reported for 2017, 2018, or 2019.