



MIRACOSTA COLLEGE

Safety & Security

REPORT **2023**

MiraCosta College Police Department

Community Learning Center • Oceanside Campus

Technology Career Institute • San Elijo Campus

DISTRICT SITES & TELEPHONE NUMBERS

COMMUNITY LEARNING CENTER (CLC)

760.795.8710

1831 Mission Avenue, Oceanside, CA 92058

COLLEGE POLICE:
760.795.6640

(on-campus emergencies:
x6911 or red button on District phones)

POLICE OFFICE HOURS:

7 a.m.–10 p.m. Monday–Thursday
7 a.m.–3 p.m. Friday–Saturday

SAN ELIJO CAMPUS (SAN)

760.944.4449

3333 Manchester Avenue, Cardiff, CA 92007

COLLEGE POLICE:
760.795.6640

(on-campus emergencies:
x6911 or red button on District phones)

POLICE OFFICE HOURS:

8 a.m.–10 p.m. Monday–Friday
8 a.m.–3 p.m. Saturday

OCEANSIDE CAMPUS (OC)

760.757.2121

1 Barnard Drive, Oceanside, CA 92056

COLLEGE POLICE:
760.795.6640

(on-campus emergencies:
x6911 or red button on District phones)

POLICE OFFICE HOURS:

7 a.m.–11 p.m. Monday–Friday
7 a.m.–3 p.m. Saturday

TECHNOLOGY CAREER INSTITUTE (TCI)

760.795.6820

2075 Las Palmas Drive, Carlsbad, CA 92011

COLLEGE POLICE:
760.795.6640

(on-campus emergencies:
x6911 or red button on District phones)

For further information, please visit the website:

miracosta.edu/police

COLLEGE POLICE

The policy of the MiraCosta Community College District Board of Trustees is to protect all members of the college and the property of the district. Under the direction of the vice president of administrative services, the MiraCosta College Police and Safety Department ensures that reasonable protection is provided by using methods that fit within and contribute to the educational philosophy and processes of the institution. The College Police and Safety Department is a Peace Officers Standards and Training (P.O.S.T.) certified department, and officers have peace officer authority pursuant to California Penal Code section 830.32(a) and Education Code section 72330; as such, MiraCosta College police officers have the power to make arrests and issue citations. All sworn officers have completed P.O.S.T. -mandated training and complied with Government Code Section 1031 requirements. College police officers receive reports on violations occurring on campus and are responsible for investigating crime. College police officers enforce MiraCosta College policies, along with state and federal law. Local law enforcement officials will be summoned when necessary. MiraCosta College has formal memoranda of understanding (MOU) with local law enforcement agencies that detail specific crimes the College Police and Safety Department will handle pertaining to the investigation of alleged criminal incidents. The College Police and Safety Department works closely with local, state, and federal police agencies and has direct radio communication with local law enforcement agencies via a regional radio network. MiraCosta College does not have any non-campus student organizations (including student organizations with non-campus housing) and does not monitor non-campus student criminal activity. The college also employs police service officers with training specific to general security, and they provide security patrols, parking enforcement, and act as escorts to persons requesting the service. The College Police and Safety Department employs community service officers who provide security services on district property outside of regular operating hours.

CRIME REPORTING PROCEDURES

No community can be totally risk-free in today's environment; however, students, staff, faculty, and visitors can work together to create an atmosphere that is safe and conducive to learning. An important part of this is reporting any crime that occurs on MiraCosta Community College District property. Faculty, staff, and students are encouraged to report crimes and other emergencies promptly and accurately (when the victim of a crime elects not to or is unable to make such a report) directly to the College Police and Safety Department, but they may also report these incidents to designated campus security authorities. To report a crime or other public safety issue, dial 6911 from any college phone, contact the College Police from any emergency call box located in parking lots and on campus at Oceanside, San Elijo, and Community Learning Center locations, or dial 760.795.6640. Crimes at the Oceanside Campus and the Community Learning Center may also be reported to the City of Oceanside Police at 760.435.4911; crimes at San Elijo Campus to the San Diego County Sheriff's Department at 858.565.5200; and crimes at the Technology Career Institute to the City of Carlsbad Police Department at 760.931.2197.

All crimes should be reported to the MiraCosta College Police and Safety Department for the purposes of assessing the report for a timely warning notice and for inclusion in the annual crime statistics disclosure. An individual who reports a crime may remain anonymous if desired. College mental health counselors are encouraged to inform clients of voluntary, confidential crime reporting procedures, when appropriate (MiraCosta College does not have pastoral counselors). MiraCosta College Police and Safety, Counseling Services, and Health Services will accept confidential and anonymous reports of crimes for inclusion in the annual statistical report and timely warning notifications. Additionally, reports may be sent to the vice president of administrative services for review and potential action, as appropriate. Dispatchers are available at 760.795.6640 to answer calls. In response to a call, the College Police and Safety Department will take the required action, either dispatching an officer or asking the victim to report to the College Police and Safety Department to file an incident report. All reported crimes will be investigated by the college when it is deemed appropriate and may become a matter of public record. Additional information obtained via the investigation may also be forwarded to the vice president of administrative services. If assistance is required from the local police department or local fire department, the College Police and Safety Department will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, including the College Police and Safety Department, will offer the victim a wide variety of services and refer the victim to the district's Title IX coordinator.

CALL BOXES

At the Oceanside Campus, yellow emergency call boxes are located in parking lots 3A, 3C, 4C, 5A, and 5B, and within campus at buildings 1000, 2000, 2200, 3200, 3400, 3600, 4500, 4800, 7000, and 8000. At the San Elijo Campus, call boxes are located in the (southwest) parking lot 2, (north end) parking lot 5, and within campus at buildings 300, 400, 500, 900, 1000, and in front of the police kiosk. At the Community Learning Center, the call box is located at the front entrance to the building. At the Technology Career Institute, the call boxes are located at the front entrance to the building and the rear of the building. Emergency phones connect directly to College Police and Safety. Callbox hours of operation are 7 a.m.–11 p.m., Monday–Friday, and 7 a.m.–3 p.m. on Saturday. After hours, the call box phones are transferred to 911 and are answered by the local law enforcement agency. The College Police and Safety Department may also be reached by dialing 866.795.6640 from any pay phone on campus or by pushing the red emergency button on any district phone.

TIMELY WARNING NOTICES

On occasion, timely warning notices will be issued describing dangerous incidents or recent crime trends that may threaten personal safety. In an effort to keep the college community aware of such incidents, it is department policy to disseminate these notices via campus email, posting notices at bulletin boards and other campus buildings, distributing hard copies to academic division administrative assistants, and posting the information on the College Police and Safety Department webpage. Timely warnings are authorized and issued by the chief of police, police sergeant, or Public Information Officer (PIO). Timely warnings are usually distributed for the following Uniformed Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) classifications: major incidents of arson, murder/non-negligent manslaughter, and robbery. Cases of aggravated assault and sex offenses are considered on a case-by-case basis depending on the facts of the case and the information known by the College Police and Safety Department. For example, if an assault occurs between two students who have a disagreement, there may be no ongoing threat to other MiraCosta College community members, and a timely warning would not be distributed. In cases involving sexual assault, reports are often issued long after an incident occurred, thus, there is no ability to distribute a "timely" warning notice to the community. Sex offenses will be considered on a case-by-case basis depending on when and where the incident occurred, when it was

reported, and the amount of information known by the College Police and Safety Department. Cases involving property crimes will be assessed on a case-by-case basis, and alerts will typically be sent if there is a discernible pattern of crime. The chief of police or designee reviews all reports to determine if there is an ongoing threat to the community and if the distribution of a timely warning is warranted. Timely warnings may also be posted for other crime classifications and locations, as deemed necessary. Timely warnings are typically written by the chief of police or designee. The Department of Public and Governmental Relations, Marketing and Communications usually distributes the timely warnings through the methods described in the chart below. Follow-up information relating to timely warnings may be provided in email and bulletins to be posted throughout the campus. Timely warnings will be provided to students and employees in a manner that withholds the names of victims as confidential, and will aid in the prevention of similar occurrences.

System to use	Primary Message Creator	Backup Message Creator	Authority for approving and sending messages	Primary Message Sender	Backup Message Sender
PRIMARY					
Email	Chief of Police	Sergeant(s)	Chief of Police	Director of Public and Governmental Relations	Marketing & Communications Coordinator
Bulletins	Chief of Police	Sergeant(s)	Chief of Police	Director of Public and Governmental Relations	Marketing & Communications Coordinator
SECONDARY					
Bulletins/Posters Distributing Copies to Faculty/Administrative Assistants/College Switchboard	Chief of Police	Sergeant(s)	Chief of Police	Director of Public and Governmental Relations	Marketing & Communications Coordinator
Website	PIO/Director of Public and Governmental Relations	Marketing & Communications Coordinator	PIO/Director of Public and Governmental Relations	PIO/Director of Public and Governmental Relations	Marketing & Communications Coordinator

EMERGENCY NOTIFICATION AND RESPONSE PLAN

This plan applies the principles of Standardized Emergency Management System (SEMS), the concept of Incident Command System (ICS) and National Incident Management System (NIMS) into a customized emergency operations plan. Emergency responses to any major emergency should be conducted within the framework of this plan. The incident commander must approve exceptions or changes to the outlined procedures before implementation. The plan is designed to effectively coordinate using college and community resources to protect life and property immediately following a major natural or accidental disaster or emergency. The plan is placed into operation whenever an emergency affecting the campus cannot be controlled through normal channels. The primary emergencies envisioned by this plan are biological and environmental emergencies, bombs and explosives, disturbances and demonstrations, earthquakes, fire, flooding, shootings, terrorism, and governmental response to pandemic flu. The Standardized Emergency Management System (SEMS) is a set of principles developed for coordinating state and local emergency responses in California. SEMS provides for a multi-level emergency response organization and is intended to structure and facilitate the flow of emergency information and resources within and between the organizational levels: field response, local government, operational areas, and regions.

This plan is established as a supplement to the board policies, administrative procedures, and practices of the MiraCosta Community College District. When implemented, it serves as the college's emergency plan, setting forth the authorities and policies for activation, personnel emergency assignments, operational procedures, and recovery activities. The college emergency plan includes information regarding shelter-in-place and evacuation guidelines. In conjunction with other emergency agencies, the college conducts emergency response and evacuation exercises each year, including table-top and field exercises. Monthly testing of the emergency notification system is also conducted. These tests are designed to assess and evaluate the emergency response plans and capabilities of the institution. These tests may be announced or unannounced and documentation for each test will be retained and include a description of the exercise, date, time, and whether it was announced or unannounced. General information about the emergency response and evacuation procedures is publicized each year and will coincide with a test of the emergency response plan, which is a part of the college's Clery Act compliance efforts. The College Police officers have received training in incident command and rapid response. Upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus, the chief of College Police will, without delay and taking into account the safety of the community, initiate the notification system; the public information officer will create the message and the assistant Emergency Operation Center (EOC) director will approve the message. In the professional judgment of responsible authorities and first responders, the public information officer will send out the message unless issuing a notification will compromise the efforts to assist a victim or contain, respond to, or otherwise mitigate the emergency. To immediately notify the campus community, the chief of College Police or designee will use various sources such as the National Weather Service, local first responders, health service departments, college administrators, etc., to evaluate circumstances to confirm a significant emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the MiraCosta College community. Key components of this notification system consist of the direct public address system (PA) announcement of the emergency and the appropriate action to be taken, broadcast inside classrooms, and alerts sent to all district phones. The

second key component is the REGROUP emergency alert system, which directly communicates the same information to all students, faculty, and staff using voice, text messaging, and emails. The third key component is the Campus Outdoor Warning System. This outdoor PA system starts with a warning tone, then a broadcast of the situation with instructions provided and appropriate actions to be taken. This system is primarily focused on those individuals who are outdoors and moving about on campus. Follow-up alerts with updated information and instructions will be broadcast using some or all the systems above as more specific information becomes available.

System to use	Primary Message Creator	Backup Message Creator	Authority for approving and sending messages	Primary Message Sender	Backup Message Sender
PRIMARY REGROUP	Director of Public and Governmental Relations	Marketing & Communications Coordinator	Vice President, Administrative Services	Director of Public and Governmental Relations	Marketing & Communications Coordinator
Email	Director of Public and Governmental Relations	Marketing & Communications Coordinator	Vice President, Administrative Services	Director of Public and Governmental Relations	Marketing & Communications Coordinator
Telephone/ V-mail	Director of Public and Governmental Relations	Marketing & Communications Coordinator	Vice President, Administrative Services	Director of Public and Governmental Relations	Marketing & Communications Coordinator
SECONDARY	Director of Public and Governmental Relations	Marketing & Communications Coordinator	Vice President, Administrative Services	Director of Public and Governmental Relations	Marketing & Communications Coordinator
Campus Indoor and Outdoor Warning System	Director of Public and Governmental Relations	Marketing & Communications Coordinator	Vice President, Administrative Services	Director of Public and Governmental Relations	Marketing & Communications Coordinator
Posters	Director of Public and Governmental Relations	Marketing & Communications Coordinator	Vice President, Administrative Services	Director of Public and Governmental Relations	Marketing & Communications Coordinator
Distributing Copies to Faculty/Administrative Assistants/ College Switchboard	Director of Public and Governmental Relations	Marketing & Communications Coordinator	Vice President, Administrative Services	Director of Public and Governmental Relations	Marketing & Communications Coordinator
Website	Director of Public and Governmental Relations	Marketing & Communications Coordinator	Vice President, Administrative Services	Director of Public and Governmental Relations	Marketing & Communications Coordinator
Face-to-Face Communication	Chief of Police	Sergeant(s)	Chief of Police	Director of Public and Governmental Relations, Officers, Emergency Responders	Director of Public and Governmental Relations, Officers, Emergency Responders

MEMBERS OF THE LARGER COMMUNITY

Any members of the larger community may access college emergency information on the college website. Emergency alerts and updates are also posted on a variety of social media. Members of the larger community can access the college's social media accounts at www.miracosta.edu/social. Individuals can sign up to receive emergency alerts from the college by visiting <https://miracosta.regroup.com/signup> and selecting the appropriate community member campus.

MIRACOSTA COLLEGE EMERGENCY EVACUATION PROCEDURES

Every type of emergency situation presents its own unique challenges. The following are some recommendations for several types of incidents.

If a shooting on campus occurs outside and you are inside a classroom or building:

- Remain inside the building.
- Close the door and lock it from the outside.
- Close all blinds and stay away from windows.
- Turn off all lights.
- Stay down on the ground; do not move or peek to see what is happening.
- Wait and listen for directions from police.

If a shooting occurs while you are outside:

- Move or crawl away from the shooter or gunfire, using any obstructions between you and the gunfire. Try to get inside or behind a building and stay down.
- Wait and listen for directions from police.

If a fire, earthquake, bomb threat, chemical or biological emergency occurs:

- Evacuate the affected area and close the door behind you. For earthquakes, it is recommended you seek cover under a table for a few minutes, anticipating probable aftershocks, then evacuate the building, closing the door behind you.
- Do not touch any suspected bomb, and do not use your cell phone anywhere near a suspected bomb. Do not attempt to clean up any possible chemical spill.
- Go directly to your assigned assembly meeting location (all are in open-space areas). Red campus emergency signs are posted in all classrooms indicating assembly meeting areas. Your assigned area may also be found by accessing the College Police website at miracosta.edu/police. Look for evacuation information for your site.
- Do not re-enter the classroom or other space from which you exited until you have been told it is safe to do so by fire or police personnel.

POLICY FOR PREPARING THE ANNUAL DISCLOSURE OF CRIME STATISTICS

The College Police and Safety Department prepares this report in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. This report is available at the College Police and Safety Office, Human Resources, Admissions and Records, and the Library Information and Learning Hubs. The report is also located on the college's website at www.miracosta.edu/safetyreport. The report is prepared by the communication/records supervisor in cooperation with the chief of College Police and the vice president of administrative services. Statistics are collected from campus security authorities (including but not limited to) College Police, Title IX coordinator, dean of student affairs, dean of San Elijo Campus, dean of continuing and community education, dean of counseling and student development, director of student services, vice president of administrative services, vice president of student services, vice president of instructional services, student services coordinator, faculty director of DSPS, faculty director of Extended Opportunity Programs & Services (EOPS), director of health services, instructional deans/counselors, athletic director, athletic coaches, Student Activities Department, and law enforcement agencies having jurisdiction in the areas surrounding the campus and non-campus locations.

Each year, all enrolled students, faculty, and staff are mailed a notification postcard containing a brief description of this report, the website address to access the report online, and a statement detailing the locations where a copy of the report can be accessed. Prospective students and employees are notified of the availability of this report in district employment applications and student enrollment applications.

ACCESS TO CAMPUS FACILITIES

Most buildings at district locations are open from 7 a.m. to 10 p.m. Students and staff have been issued identification cards that they may be asked to display if there is a question concerning their authorized access to a facility. Intrusion alarms protect many campus buildings and should be entered only during scheduled work hours. For their protection, persons should not be on campus more than 30 minutes before or after the hours when college offices are scheduled to be open. Keys are issued to individual staff members on a need-to-enter basis. Lost keys must be reported immediately to the College Police and Safety Department, the employee's supervisor, and the director of facilities. Keys should never be loaned to anyone.

MAINTENANCE OF DISTRICT PROPERTY

The director of facilities works closely with the College Police and Safety Department to consider safety in the maintenance of district facilities. A team of staff, students, and College Police and Safety Department personnel biannually conduct lighting surveys. Officers perform building, lighting, and parking lot safety inspections as necessary and report any problems to the facilities department for correction. College Police evaluate new buildings and parking lots, adding emergency call boxes as needed.

SECURITY AWARENESS PROGRAMMING AND CRIME PREVENTION

One of the essential ingredients of any successful crime prevention program is an informed public. It is the intent of the MiraCosta Community College District to inform students and staff of criminal activity or security problems that may be a reasonable threat to their physical safety. Such information will normally be distributed to students through this brochure and through student publications, memos, and staff newsletters or publications. MiraCosta College offers educational programs throughout the year. Topics such as personal safety, drug and alcohol abuse

awareness, prevention of sexual harassment, and prevention of sexual assault are some examples of the programming. A common theme addressed during these discussions is encouraging individuals to be responsible for their own security and the safety and security of others. All effective crime prevention and security awareness programs include people watching out for one another, with all staff and students being responsible for their own security and the security of others. They are asked to be alert, security conscious, and involved. Call College Police directly at 760.795.6640 to report suspicious behavior or for additional questions regarding crime prevention..

As part of the College Police and Safety Department's community-oriented policing philosophy, the department offers crime-prevention presentations each semester to campus clubs, student groups, and in classrooms, as requested. Topics of these presentations include personal safety awareness, rape aggression defense (R.A.D.), and property-protection strategies. Anyone interested in having a College Police officer speak to a classroom or group should contact the main College Police and Safety Department office at 760.795.6640.

NON-CAMPUS CRIME

Local police departments furnish crime data to the college on any crimes committed on or near district property, including non-campus facilities used by MiraCosta College for educational purposes. This information is disclosed in this report and is available at the College Police and Safety Department office at all campuses.

SUBSTANCE ABUSE

In accordance with the Public Law 101-226 Drug-Free Schools and Community Act Amendment of 1989, the Board of Trustees of the MiraCosta Community College District is committed to creating an environment free of drug and alcohol abuse. MiraCosta College prohibits the unlawful possession, usage, or distribution of alcoholic beverages, illegal drugs, and narcotics on college campuses. Students should be aware that possessing, using, or distributing drug and alcohol substances on a campus violates California Health and Safety Codes sections 11350, 11357b, and 11377 and California Business and Professional Code section 25608. MiraCosta College does not permit students to use medically prescribed marijuana at any college site or at any college-sponsored activity. While the distribution or sale of alcohol is permitted to nonstudents at events sponsored by the MiraCosta College Foundation, under no circumstances may MiraCosta College students consume alcoholic beverages on campus.

Any student or employee violating this policy is subject to disciplinary action up to and including expulsion from the college or termination from employment for violations of the standards of conduct. The authority to take disciplinary action in any instance rests with the Board of Trustees after consideration of the recommendation of the superintendent/president of the MiraCosta Community College District. MiraCosta College enforces California underage drinking laws, as well as both state and federal drug laws.

MiraCosta College Health Services provides confidential counseling for those who have questions or concerns about their use of alcohol or use of other substances. The Health Services Department has an outreach program to educate students on substance abuse issues. Information on drug and alcohol abuse is available at the Health Services and College Police and Safety Department offices.

SEXUAL MISCONDUCT POLICIES

Any sexual assault or physical abuse, including but not limited to, rape, domestic violence, dating violence, sexual assault, or stalking, as defined by California law, whether committed by an employee, student, or member of the public, occurring on district property, in connection with all the academic, educational, extracurricular, athletic, and other programs of the district, whether those programs take place in the district's facilities or at another location, or on an off-campus site or facility maintained by the district, or on grounds or facilities maintained by a student organization, is a violation of district policies and regulations and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. (See also [Administrative Procedure 5500 -Standards of Student Conduct](#)) **(Read the full campus policies Board Policy and Administrative Procedure 3433 - Prohibition of Sexual Harassment Under Title IX; Administrative Procedure 3433 - Responding to Harassment Under Title IX; and Board Policy and Administrative Procedure 3540 - Sexual Misconduct).**

MiraCosta College does not discriminate on the basis of sex or gender in its educational programs, and sexual harassment and sexual violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination and are also prohibited, whether sexually based or not, including dating violence, domestic violence, and stalking. As a result, MiraCosta College issues this statement of policy to inform the community of the comprehensive plan addressing sexual misconduct, educational programs, and procedures that address sexual assault, domestic violence, dating violence, and stalking. In this context, MiraCosta College prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking and reaffirms its commitment to maintaining a campus environment emphasizing the dignity and worth of all members of the college community.

FEDERAL CLERY ACT DEFINITIONS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING

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

- **Domestic Violence**

- A. A felony or misdemeanor crime of violence committed:
 1. By a current or former spouse or intimate partner of the victim;
 2. By a person with whom the victim shares a child in common;
 3. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 4. 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
 5. 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.
- B. For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
- C. MiraCosta College prohibits any act of domestic violence, as defined by the Clery Act.

- **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.

- A. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- B. For the purposes of this definition:
 1. Dating violence includes but is not limited to, sexual or physical abuse or the threat of such abuse.
 2. Dating violence does not include acts covered under the definition of domestic violence.
- C. For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
- D. MiraCosta College prohibits any act of dating violence, as defined by the Clery Act.

- **Sexual Assault**

An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) Program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

- A. Rape is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object or oral penetration by a sex organ of another person without the consent of the victim.
- B. Fondling is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
- C. Incest is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- D. Statutory rape is defined as sexual intercourse with a person who is under the statutory age of consent.
- E. For more information on conduct that constitutes sexual assault under Title IX, read the full campus policy at [Administrative Procedure 3433 - Prohibition of Sexual Harassment Under Title IX](#).
- F. MiraCosta College prohibits any act of sexual assault as defined by the Clery Act.

- **Stalking**

- A. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 1. Fear for the person's safety or the safety of others; or
 2. Suffer substantial emotional distress.
- B. For the purposes of this definition:
 1. Course of conduct means two or more acts, including but not limited to, acts that 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.
 2. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
 3. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily, require medical or other professional treatment or counseling.
- C. For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
- D. MiraCosta College prohibits any act of stalking as defined by the Clery Act.

JURISDICTIONAL DEFINITIONS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

- **Domestic Violence**

The State of California defines domestic violence as follows: California Penal Code section 273.5(a) Any person who willfully inflicts corporal injury resulting in a traumatic condition upon a victim described in subdivision (b) is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not more than one year, or by a fine of up to six thousand dollars (\$6,000), or by both that fine and imprisonment.

A. Shall apply if the victim is or was one or more of the following:

1. The offender's spouse or former spouse.
2. The offender's cohabitant or former cohabitant.
3. The offender's fiancé or fiancée, or someone with whom the offender has, or previously had, an engagement or dating relationship, as defined in paragraph (10) of subdivision (f) of Section 243.
4. The mother or father of the offender's child.

B. Holding oneself out to be the spouse of the person with whom one is cohabiting is not necessary to constitute cohabitation as the term is used in this section. California Penal Code section 243(e) (1) When a battery is committed against a spouse, a person with whom the defendant is cohabiting, a person who is the parent of the defendant's child, former spouse, fiancé or fiancée, or a person with whom the defendant currently has, or has previously had, a dating or engagement relationship, the battery is punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail for a period of not more than one year, or by both that fine and imprisonment.

- **Dating Violence**

The State of California defines dating violence as follows: California Penal Code section 243(e) (1) When a battery is committed against a spouse, a person with whom the defendant is cohabiting, a person who is the parent of the defendant's child, former spouse, fiancé, or fiancée, or a person with whom the defendant currently has, or has previously had, a dating or engagement relationship, the battery is punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail for a period of not more than one year, or by both that fine and imprisonment.

- **Sexual Assault**

The State of California defines sexual assault as follows: California Penal Code section 243.4(a) Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years and by a fine not exceeding ten thousand dollars (\$10,000).

- **Stalking**

The State of California defines stalking as follows: California Penal Code section 646.9.(a) Any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety or the safety of his or her immediate family is guilty of the crime of stalking, punishable by imprisonment in a county jail for not more than one year, or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment or by imprisonment in the state prison.

- **Consent**

The State of California defines consent, in relation to sexual activity, as follows: California Education Code section 67386(a) In order to receive state funds for student financial assistance, the governing board of each community college district, the Trustees of the California State University, the Regents of the University of California, and the governing boards of independent postsecondary institutions shall adopt a policy concerning sexual assault, domestic violence, dating violence, and stalking, as defined in the Federal Higher Education Act of 1965, 20 U.S.C. Sec. 1092(f) involving a student, both on and off campus. The policy shall include all of the following:

An affirmative consent standard in the determination of whether consent was given by both parties to sexual activity. "Affirmative consent" means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that they have the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent. **(Read the full campus policy at [Administrative Procedure 3434 - Responding to Harassment under Title IX](#).)**

HOW TO BE AN ACTIVE BYSTANDER

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.” We want to promote a culture of community accountability where bystanders are actively engaged in preventing violence without causing further harm. We may not always know what to do, even if we want to help. Below is a list of some ways to be an active bystander. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive toward another, and it is not safe for you to interrupt.

- A. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are okay.
- B. Confront people who seclude, hit on, and try to make out with, or have sex with people who are incapacitated.
- C. Speak up when someone discusses plans to take sexual advantage of another person.
- D. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- E. Refer people to on- or off-campus resources listed in this document for support in health, counseling, or with legal assistance.

RISK REDUCTION

With no intent to victim-blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one’s risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, www.rainn.org)

- A. 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.
- B. Try to avoid isolated areas. It is more difficult to get help if no one is around.
- C. Walk with purpose. Even if you don’t know where you are going, act like you do.
- D. Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- E. Make sure your cell phone is with you and charged and that you have access to a ride share service or money for a cab.
- F. Don’t allow yourself to be isolated with someone you don’t trust or someone you don’t know.
- G. Avoid putting headphones on or earbuds in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- H. 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.
- I. Trust your instincts. If you feel unsafe or uncomfortable in any situation, it probably isn’t the best place to be; go with your instinct. If you see something suspicious, contact law enforcement immediately. Local authorities can be reached by calling 911 in most areas of the U.S.
- J. Don’t leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you’ve left your drink alone, get a new one.
- K. 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 large, common, open containers.
- L. 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 them to a safe place immediately.
- M. If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
- N. If you need to get out of an uncomfortable or scary situation, here are some things that you can try:
 - 1. Remember that being in this situation is not your fault. You did not do anything wrong; it is the person who is making you uncomfortable that is to blame.
 - 2. Be true to yourself. Don’t feel obligated to do anything you don’t want to do. “I don’t want to” is always a good enough reason. Do what feels right to you and with what you are comfortable.
 - 3. Have a code word with your friends or family so that if you don’t feel comfortable, you can call/text them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
 - 4. Lie. If you don’t want to hurt the person’s feelings, it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
- O. Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
- P. If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

SEXUAL MISCONDUCT EDUCATION AND PREVENTION

MiraCosta Community College District engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome.

Educational campaigns consist of primary prevention and awareness programs for all incoming students and staff, and ongoing awareness and prevention that:

- A. Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
- B. Defines what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;

- C. Defines what behavior and actions constitute consent to sexual activity using the definition of consent found above;
- D. Provides a description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm; understanding institutional structures and cultural conditions that facilitate violence; overcoming barriers to intervening; identifying safe and effective intervention options, and taking action to intervene. Examples of active bystander intervention include: not leaving an overly intoxicated person in a bar/party alone; walking a classmate to their car after class; calling police when a potentially violent situation is unfolding; not leaving an unconscious person alone; or intervening when someone is being belittled, degraded or emotionally abused; walking a victim/survivor away from an abuser, and contacting others for help;
- E. Information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction and to increase empowerment for victims/survivors in order to promote safety; and to help individuals and communities address conditions that facilitate violence.
- F. The District provides annual training to the Title IX coordinator, investigators, decision-makers, and facilitators.

PRIMARY PREVENTION AND AWARENESS PROGRAMS

MiraCosta College is committed to providing a safe learning and working environment and, in compliance with federal law, has adopted policies and procedures to prevent and respond to incidents of sexual violence, including sexual assault, domestic violence, dating violence, and stalking. These guidelines apply to all students, faculty, staff, contractors, and visitors. MiraCosta College is committed to increasing the awareness of and prevention of sexual violence. All incoming students and new employees are provided with information intended to prevent sexual assault, domestic violence, dating violence, and stalking before it occurs. New students and employees are informed that MiraCosta College prohibits such acts, what the definition of each act is, the definition of consent, options for bystander intervention, information about risk reduction, and our policies and procedures for responding to these incidents. Ongoing prevention and awareness campaigns are also offered throughout the year.

The District will provide training to Title IX coordinators, investigators, decisionmakers, and any individual who facilitates an informal resolution process, regarding the definition of sexual harassment; the scope of the District's education program or activities; how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable; and how to serve impartially, including avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Any materials used to train the District's Title IX coordinator, investigators, decisionmakers, and any person who facilitates an informal resolution process, will not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

MiraCosta College provides training for all supervisors in the prevention of sexual harassment, including discussion of quid pro quo, hostile environment, and third-party harassment. Also discussed, is the college's obligation related to educational and preventative information regarding sexual misconduct, domestic violence, dating violence, and stalking. The college also offers an online program to all new employees and students that addresses the same topics.

New Student Orientation: Title IX—See it, Say it, Stop it—provided incoming students with information regarding what Title IX is, what behaviors it prohibits, and who it protects. The training also addressed "Yes Means Yes," an "affirmative consent" standard. It is designed to engage the entire campus community as allies in preventing sexual misconduct and relationship violence by increasing the knowledge and skills around bystander intervention and risk reduction and to provide students with an understanding of their rights and options regarding Title IX reporting and available interim remedies.

Title IX Training online module, Campus SaVE Act—Student Upstanders for Spring 2021 and Title IX Training online module, Voices for Change-Consent & Sexual Violence were offered in Fall 2021. These trainings were required of all MiraCosta College students, 18 years of age and older, to promote a healthier and safer campus community and comply with Title IX of the Educational Amendments of 1972 and the Campus Sexual Violence Elimination Act, also known as the "Campus SaVE Act." The training module examines the interconnected issues of sexual relationships, sexual violence, and healthy relationships through interactive content and realistic scenarios. It is designed to engage the entire campus community as allies in preventing sexual misconduct and relationship violence by increasing the knowledge and skills around bystander intervention and risk reduction. Additionally, alternative training options were offered to victims/survivors of sexual misconduct.

New Hire Orientation: Includes a section focused on what Title IX is, what behaviors it prohibits, and who it protects. The training provides new employees with an understanding of their rights and options regarding sexual misconduct reporting and information about resources for those in need of interim remedies.

Specifically, the college offered the following primary prevention and awareness programs for all incoming students in 2021:

Name of Program	Date Held	Location Held	Which Prohibited Behavior* Covered?
New Student Orientation: Title IX <i>(See it, Say it, Stop it)</i>	1/1/2021-12/31/2021	Online	DoV, DaV, SA & S
Title IX Training Module: Campus SaVE Act: Student Upstanders	1/1/2021-8/1/2021	Online	DoV, DaV, SA & S
Title IX Training Module: Voices for Change- Consent & Sexual Violence	8/1/2021-12/31/2021	Online	DoV, DaV, SA & S
Student Leader Title IX Training	1/1/2021- 12/31/2021	Online	DoV, DaV, SA & S
Student Athlete Title IX Training	1/1/2021- 12/31/2021	Online	DoV, DaV, SA & S

*DoV means domestic violence, DaV means dating violence, SA means sexual assault and S means stalking.

The college offered the following primary prevention and awareness programs for all new employees in 2021:

Name of Program	Date Held	Location Held	Which Prohibited Behavior* Covered?
Title IX Training	1/1/2021- 12/31/2021	Online	DoV, DaV, SA & S
Preventing Sexual Harassment	1/1/2021- 12/31/2021	Online	DoV, DaV, SA & S
New Hire Orientation	2/11/2021, 4/14/2021, 9/8/2021	Online	DoV, DaV, SA & S

*DoV means domestic violence, DaV means dating violence, SA means sexual assault and S means stalking.

The college offered free access to Student Health 101, an online publication designed for students to get evidence-based, actionable insights on their health, safety, and wellness. This monthly, interactive online magazine covers many topics including sex discrimination, sexual harassment, sexual violence, domestic violence, dating violence, and stalking. The articles focus on the safety and well-being of the students.

The college offered the following ongoing awareness and prevention programs for both students and employees in 2021:

Name of Program	Date Held	Location Held	Which Prohibited Behavior* Covered?
Stalking Awareness Month www.stalkingawareness.org	Month of January 2021	Online	DaV, SA & S
Supporting a Survivor of Dating Violence (Student Health 101 Digital)	Month of February 2021	Online	DaV, SA
Know Your Worth #TDVAM www.loveisrespect.org	Month of February 2021	Online	DaV, SA
Teal Tuesdays <i>(Wear teal in solidarity with survivors of sexual assault.)</i>	Month of April	Online	SA
Healthy boundaries in a Virtual World (webinar)	4/1/2021	Online	SA
Supporting a Survivor	4/6/2021	Online	SA

(webinar on effective strategies for communicating and working with survivors)				
Understanding Sexual Violence 101 (overview of sexual violence, sexual assault, harassment, and rape culture)	4/7/2021	Online	SA	
Technically Healthy (explore the role that technology plays in dating relationships)	4/8/2021	Online	SA	
Sexual Assault of Men and Boys (discuss how survivors who identify as men and boys need support in finding healing)	4/15/2021	Online	SA	
Live screening & discussion of film "Hush No More"	4/18/2021	Online	SA	
Denim Day (Wear denim to combat victim blaming & educate others about sexual violence)	4/28/2021	Online	SA	
What is Consent? (Student Health 101 Digital)	Month of May 2021	Online	DoV & DaV	
Sexual Assault and the LGBTQ+ Community (Student Health 101 Digital)	Month of June	Online	DoV, DaV, SA, S	
Myth Busting and Mandalas (panel discussion on myths about sexual assault)	10/7/2021	Online	DoV, DaV, SA, S	
One Love Bystander Awareness Training	10/14/2021	Online	DaV & SA	
Live screening & discussion of film "The Bystander Moment"	10/15/2021	Online	DoV & DaV	
Clothesline Collective (design t-shirts & learn self-care)	10/21/2021	Online	DaV & SA	
Domestic Violence Awareness Community Resources & Advocacy event	10/28/2021	Online	DoV & DaV	

*DoV means domestic violence, DaV means dating violence, SA means sexual assault and S means stalking.

The college offered the following ongoing awareness and prevention programs for employees in 2021:

Name of Program	Date Held	Location Held	Which Prohibited Behavior* Covered?
Title IX Training	1/1/2021- 12/31/2021	Online	DoV, DaV, SA & S
Athletic Dept. Title IX Training	1/1/2021-12/31/2021	Online	DoV, DaV, SA & S
Title IX Board Presentation	11/3/2021	Online	DoV, DaV, SA & S

*DoV means domestic violence, DaV means dating violence, SA means sexual assault and S means stalking.

MiraCosta Community College District is committed to creating and maintaining an environment that promotes safety and mutual respect for all members of the college community. MiraCosta Community College District is further committed to doing everything in its power to prevent rape and sexual assault, to apprehend assailants, and to provide compassionate services to students or staff who are victims of rape or sexual assault.

If you become a victim of a sexual assault:

- A. Get to a safe place.
- B. Contact College Police or local police if off campus.
- C. Don't shower, douche, change, or dispose of clothing or any other items present after/during the assault.
- D. Don't straighten up the area where the assault occurred.
- E. Seek medical attention.
- F. Seek support from a local rape crisis center.

PROCEDURES FOR REPORTING A COMPLAINT

The college has procedures in place that serve to be sensitive to those who report domestic violence, dating violence, sexual assault, and stalking, including informing individuals about their right to file criminal charges, the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services on and/or off-campus, additional remedies to prevent contact between a complainant and an accused party, such as housing, academic, transportation, and working accommodations, if reasonably available. The college will make such accommodations, if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to the College Police or local law enforcement. Students and employees should email or contact the Title IX coordinator at 760.795.6672.

If a report of domestic violence, dating violence, sexual assault, or stalking is reported to the college, below are the procedures that the college will follow:

Incident Being Reported	Procedure Institution Will Follow
Domestic Violence	<ol style="list-style-type: none"> 1. College will assess immediate safety needs of complainant. 2. College will assist complainant with contacting local police if complainant requests and provide the complainant with contact information for local police department. 3. College will provide written instructions on how to apply for protective order. 4. College will provide written information to complainant on how to preserve evidence. 5. College will assess need to implement interim or long-term supportive measures, if appropriate. 6. College will provide the victim with a written explanation of the victim's rights and options. 7. College will provide a "no trespass" (PNG) directive to accused party if deemed appropriate.
Dating Violence	<ol style="list-style-type: none"> 1. College will assess immediate safety needs of complainant. 2. College will assist complainant with contacting local police if complainant requests and provide the complainant with contact information for local police department. 3. College will provide written instructions on how to apply for protective order. 4. College will provide written information to complainant on how to preserve evidence. 5. College will assess need to implement interim or long-term supportive measures, if appropriate. 6. College will provide the victim with a written explanation of the victim's rights and options. 7. College will provide a "no trespass" (PNG) directive to accused party if deemed appropriate.
Sexual Assault	<ol style="list-style-type: none"> 1. Depending on when reported (immediate versus delayed report), college will provide complainant with access to medical care. 2. College will assess immediate safety needs of complainant. 3. College will assist complainant with contacting local police if complainant requests and provide the complainant with contact information for local police department. 4. College will provide complainant with referrals to on- and off-campus mental health providers. 5. College will assess need to implement interim or long-term supportive measures, if appropriate. 6. College will provide the victim with a written explanation of the victim's rights and options. 7. College will provide a "no trespass" (PNG) directive to accused party if deemed appropriate. 8. College will provide written instructions on how to apply for protective order. 9. College will provide a copy of the policy applicable to sexual assault to the complainant and inform the complainant regarding timeframes for complaint investigation and options for resolution. 10. College will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation.

Stalking

1. College will assess immediate safety needs of complainant.
2. College will assist complainant with contacting local police if complainant requests and provide the complainant with contact information for local police department.
3. College will provide written instructions upon complainant's request on how to apply for a protective order.
4. College will provide written information to complainant on how to preserve evidence.
5. College will assess need to implement interim or long-term supportive measures, if appropriate.
6. College will provide the victim with a written explanation of the victim's rights and options.
7. College will provide a "no trespass" (PNG) directive to accused party if deemed appropriate.

After an incident of sexual assault and domestic violence, the victim should consider seeking medical attention as soon as possible at Palomar or Pomerado Hospital, which offer physical evidence recovery kit collections and access to forensic nurse examiners and sexual assault nurse practitioners. In California, evidence may be collected even if you choose not to make a report to law enforcement. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing, or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence which may be necessary to the proof of criminal activity may be preserved. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, and other communications; and keep pictures, logs, or other copies of documents, if they have any, that would be useful to the college hearing boards, investigators or police. Although the college strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim's choice whether or not to make such a report, and victims have the right to decline involvement with the police. College Police will assist any victim with notifying local police if they so desire. The Oceanside Police Department (if the incident occurred at the Oceanside campuses) may be reached directly by calling 760.435.4911 or in person at 3855 Mission Ave., Oceanside.

The San Diego County Sheriff's Department (if the incident occurred at the San Elijo Campus) may be reached directly by calling 858.565.5200, or in person at 9621 Ridgehaven Ct., San Diego. The Carlsbad Police Department (if the incident occurred at the Technology Career Institute) may be reached directly by calling 760.931.2100, or in person at 2560 Orion Way, Carlsbad.

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the College Police and Safety Department by pushing the red emergency button on any district phone, or by calling College Police, x.6640, or Health Services, x.6675. You may also call 911. Additionally, the incident may be reported to the Title IX coordinator, Hayley Schwartzkopf, by phone at 760.795.6672, by email at hschwartzkopf@miracosta.edu, or in person at 1 Barnard Drive, T-220 (Oceanside Campus) in the Human Resources Office. The college will provide resources to persons who have been victims of domestic violence, dating violence, sexual assault, or stalking, and will apply appropriate disciplinary procedures to those who violate this policy.

As time passes, evidence may dissipate or become lost or unavailable thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, they nevertheless should consider speaking with College Police or other law enforcement to preserve evidence in the event the victim changes their mind at a later date.

ASSISTANCE FOR VICTIMS: RIGHTS AND OPTIONS

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the college will assist victims of domestic violence, dating violence, sexual assault, and stalking and will provide each victim with a written explanation of their rights. Information shall be available from the director of labor relations/Title IX coordinator, dean of student affairs, director of student services, or College Police, as appropriate, who shall maintain the identity and other information about the alleged sexual assault as confidential unless and until authorized to release such information, or as required by law.

Such written information will include:

- A. The procedures victims should follow if a crime of domestic violence, dating violence, sexual assault, or stalking has occurred.
- B. The district shall maintain in confidence the identity of any alleged victim, witness, or third-party reporter of domestic violence, dating violence, sexual assault, or stalking on district property unless the alleged victim, witness, or third-party reporter specifically waives that right to confidentiality. All inquiries from reporters or other media representatives about alleged domestic violence, dating violence, sexual assaults, or stalking on district property shall be referred to the district's director of public and governmental relations, marketing and communications, who shall work with the director of labor relations/Title IX coordinator and/or the College Police to assure all confidentiality rights are maintained per Administrative Procedure 3540.
- C. The district will provide written notification to students and employees about victim services within the college and in the community.
- D. The director of labor relations/Title IX coordinator, dean of student affairs, director of student services, or College Police, as appropriate, shall provide all alleged victims of domestic violence, dating violence, sexual assault, or stalking with the following:
 1. A copy of the district's policy and procedure regarding domestic violence, dating violence, sexual assault, or stalking.
 2. A list of personnel on campus who should be notified of the assault and procedures for such notification if the complainant consents.
 3. Information about the importance of preserving evidence and the identification and location of witnesses.

4. A description of available services and the persons on campus available to provide those services, if requested. Services and those responsible for providing or arranging them include:
 - a. Transportation to a hospital, if necessary (College Police).
 - b. Counseling by health services or referral to a counseling center.
 - c. Notice to the local police department, if desired (police department).
 - d. A list of other available campus resources or appropriate off-campus resources (Health Services).
- E. The complainant's options to:
 1. Notify proper law enforcement authorities, including on-campus and local police.
 2. Be assisted by campus authorities in notifying law enforcement authorities if the complainant chooses.
 3. Decline to notify such authorities.
- F. Information about the participation of victim advocates and other supporting people.
- G. The rights of the complainant and the institution's responsibilities regarding orders of protection, no contact orders, or similar lawful orders issued by a court.
- H. Information about how the district will protect the confidentiality of the complainant.
- I. Written notification about options for, and available assistance in, changing academic, living, transportation, and working situations, if requested, and if such accommodations are reasonably available, regardless of whether the complainant chooses to report the crime to College Police or local law enforcement.
- J. A description of each of the following procedures:
 1. Criminal prosecution (College Police).
 2. Civil prosecution (i.e., lawsuit) (College Police).
 3. District disciplinary procedures, both student and employee (director of labor relations/Title IX coordinator, dean of student affairs, director of student services, or designee).
 4. Modification of class schedules (dean of student affairs, director of student services, or designee).
 5. Tutoring, if necessary (director of labor relations/Title IX coordinator, dean of student affairs, director of student services, or designee)

KEEPING VICTIMS UP TO DATE ON THE INVESTIGATION PROCEEDINGS

All alleged victims of domestic violence, dating violence, sexual assault, or stalking on district property shall be kept informed by the College Police and Safety Department staff, the director of labor relations/Title IX coordinator, dean of student affairs, or director of student services, as appropriate, of any ongoing investigation handled by their respective offices. Information shall include the status of any student or employee disciplinary proceedings or appeal. Alleged victims of domestic violence, dating violence, sexual assault, or stalking are required to maintain any such information in confidence, unless the alleged assailant has waived rights to confidentiality, per Administrative Procedure 3540, page 3.

MiraCosta College complies with California law in recognizing orders of protection (EPO, CPO, and TRO). Any person who obtains an order of protection from California should provide a copy to College Police and the office of the Title IX coordinator. A complainant may then meet with College Police and/or Title IX coordinator to develop a safety action plan, which is a plan for College Police and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to, escorts, special parking arrangements, changing classroom location, or allowing a student to complete assignments from home.

Type of Order	Rights of Victims	Institution's Responsibilities
Domestic violence restraining order	You can ask for a domestic violence restraining order if: <ul style="list-style-type: none"> • Someone has abused you, and • You have a close relationship with that person (married, domestic partner, divorced, separated, dating or used to date, have a child together, or lived together or used to live together but more than roommates, or you are closely related: parent, child, brother, sister, grandmother, grandfather, in-law. 	College Police will keep the order on file. Title IX coordinator, College Police, or Student Services will review the restraining order and provide services to the victim to accommodate a stress-free educational environment. Services may include (but are not limited to) escorts, special parking arrangements, changing classroom assignments, or allowing the victim to complete assignments at a different campus or location.
Elder or dependent adult abuse restraining order	You can ask for an elder or dependent adult abuse restraining order if: <ul style="list-style-type: none"> • You are 65 or older, or • You are between 18 and 64 and have certain mental or physical disabilities that keep you from being able to do normal activities or to protect yourself. 	College Police will keep the order on file. College Police, Health Services, and Student Services will review the restraining order and offer services that are beneficial to the victim's case.

Civil harassment restraining order	<p>You can ask for a civil harassment restraining order if:</p> <ul style="list-style-type: none"> • You are being harassed, stalked, abused, or threatened by someone. • You are not as close to the person (as is required under domestic violence cases) such as a roommate, neighbor, or distant family members like cousins, aunts, uncles, nieces, or nephews. 	<p>College Police will keep the order on file. Title IX coordinator, College Police, or Student Services will review the restraining order and provide services to the victim to accommodate a stress-free educational environment. Services may include (but are not limited to) escorts, special parking arrangements, changing classroom assignments, or allowing the victim to complete assignments at a different campus or location.</p>
Workplace violence restraining order	<p>You can ask for a workplace violence restraining order if:</p> <ul style="list-style-type: none"> • You are an employer, and • You ask for a restraining order to protect an employee who has suffered stalking, serious harassment, violence, or a credible (real) threat of violence at the workplace. 	<p>College Police and Human Resources will keep the order on file. The Title IX coordinator will meet with the employee and may provide services such as (but not limited to) changing work assignments and/or hours, police escorts, special parking assignments, etc.</p>
Gun violence restraining order	<p>You can ask for a gun violence restraining order if:</p> <ul style="list-style-type: none"> • You are a law enforcement officer • Immediate family member 	<p>College Police will keep the order on file. If the order is initiated by College Police, the College Police will complete the search and seizure of all firearms from the suspected person/student. Students Services will conduct an investigation to determine if a student policy has been violated and if discipline may be warranted. College services may be offered to the suspect.</p>

CHART DEMONSTRATING TYPES OF ORDERS AVAILABLE IN JURISDICTION

Type of Order	Who Can File For One	Court	Based On
Domestic violence civil protection order – up to 5 years, can be renewed**	<p>Family or household members including :</p> <ul style="list-style-type: none"> • Spouses, former spouses • Parent, child, foster parent • People who have kids together • Intimate partners who lived together in the last 5 years • Same sex couples are eligible 	<p>Domestic Relations Court – where victim lives, where abuser lives or has a business, or where incident(s) occurred.</p>	<p>Causing or trying to cause injury or placing someone in fear of imminent serious harm. (Courts use different requirements for how recent the incident must be).</p>
Stalking protection order – up to 5 years, can be renewed**	<p>Any person who is a victim of stalking. No relationship with stalker is required.</p>	<p>Common pleas court– where victim lives (if family or household member, can be filed as DV protection order, see above).</p>	<p>Pattern of conduct (2 or more events), closely related in time, which cause distress or make a victim believe the stalker will cause harm.</p>
Sexually oriented offense protection order – up to 5 years, can be renewed**	<p>Any person who was a victim of a sexually oriented offense (see ORC 2950.01). No relationship with offender is required. Case does not have to be criminally prosecuted.</p>	<p>Common pleas court– where victim lives.</p>	<p>Sexual assault or unwanted sexual contact (see ORC 2950.01)</p>

Juvenile protection order – until abuser reaches age 19	Victim of abuse by a person who is under age 18, or the victim’s parent or other household member, or other parties the court approves.	Juvenile court—where victim lives.	Assault, stalking, sexual offenses, threats of harm or aggravated trespass.
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MiraCosta College may issue an institutional no-contact order if deemed appropriate or at the victim's or accused's request. If the college receives a report that such an institutional no-contact order has been violated, the college will initiate disciplinary proceedings appropriate to the status of the accused (student, employee, etc.) and will impose sanctions if the accused is found responsible for violating the no-contact order.

ACCOMMODATIONS AND PROTECTIVE MEASURES AVAILABLE FOR VICTIMS

To the extent of the victim’s cooperation and consent, college offices will work cooperatively to protect the complainant's health, physical safety, work, and academic status, pending the outcome of a formal college investigation of the complaint. For example, if reasonably available, a complainant may be offered changes to academic situations, in addition to counseling, health services, and assistance in notifying appropriate local law enforcement.

Upon receipt of a report of domestic violence, dating violence, sexual assault, or stalking, MiraCosta College will provide written notification to students and employees about accommodations, including academic, transportation, and working situations. The written notification will include information regarding the accommodation options, available assistance in requesting accommodations, and how to request accommodations and protective measures. The Title IX coordinator should be contacted to request the accommodations.

At the victim’s request and to the extent of the victim’s cooperation and consent, college offices will work cooperatively to assist the victim in obtaining accommodations. If reasonably available, a victim may be offered changes to academic, work, or transportation situations regardless of whether the victim chooses to report the crime to the College Police or local law enforcement. Examples of options for a potential change to the academic situation may be to transfer to a different section of a class or withdraw and take a class at another time if there is no option for moving to a different section, etc. Possible changes to work situations may include changing working hours. Possible changes in transportation may include having the student or employee park in a different location, assisting the student or employee with a safety escort, etc.

The victim should meet with the Title IX coordinator to request changes to academic, transportation, and/or working situations or protective measures.

Additionally, personal, identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who is investigating/adjudicating the complaint or delivering resources or support services to the complainant. The college does not publish the name of crime victims or house identifiable information regarding victims in the College Police Department daily crime log or online. Victims may request that directory information on file be removed from public sources by contacting the communication and records specialist supervisor in the College Police Department Office.

The following are resources available to victims of domestic violence, dating violence, sexual assault, and stalking:

On Campus

Counseling—OC Campus	1 Barnard Dr., OC3700	760.795.6670
Counseling—SAN Campus	3333 Manchester Ave., SAN800	760.795.6670
Counseling—CLC Campus	1831 Mission Ave.	760.795.6670
Health Services—OC Campus	1 Barnard Dr., OC3300	760.795.6675
Health Services—SAN Campus	3333 Manchester Ave., SAN900	760.795.7747
College Police	1 Barnard Dr., OC1100	760.795.6640
Office of the Title IX Coordinator	1 Barnard Dr., OC1018	760.795.6672
International Students—OC Campus	1 Barnard Dr., OC3400	760.795.6897

Off-Campus Resources

Local Police Oceanside Police Carlsbad Police San Diego County Sheriff	3855 Mission Ave., Oceanside 2560 Orion Way, Carlsbad 9621 Ridgehaven Ct., San Diego	760.435.4900 760.931.2197 858.565.5200
Hospitals Palomar Hospital Pomerado Hospital	2185 Citracado Pkwy., Escondido 15615 Pomerado Rd., Poway	760.739.2150 858.613.4457
Community Resources Women’s Resource Center	1963 Apple St., Oceanside	619.234.3164 (24 hour) 760.757.3500
Rape Crisis Center	240 So. Hickory St., Suite 110, Escondido	888.385.4657
YWCA Advocacy Group YWCA San Diego	1012 C St., San Diego	619.234.3164 (24 hour) 619.239.0355, press #4
LGBTQ Alliance	3909 Centre St., San Diego	619.692.2077
Domestic Violence Intake Center San Diego Family Justice Center	1122 Broadway, Suite 200, San Diego	866.933.4673 (closes at 5 p.m.) 619.533.6000
Local County Courthouse District Attorney’s Office Victim/Witness Assistance	325 S. Melrose Dr. #100, Vista	760.207.8600 760.806.4004 760.806.4079
Online State and National Resources: California Coalition Against Rape	calcasa.org	
California Coalition Against Domestic Violence	cpedv.org	
Rape, Abuse and Incest National Network	rainn.org	
Department of Justice	ovw.usdoj.gov/sexassault.htm	
Department of Education, Office of Civil Rights	2.ed.gov/about/offices/list/ocr/index.html	

ADJUDICATION FOR VIOLATIONS

Whether or not criminal charges are filed, the college or a person may file a complaint alleging that a student or employee violated the college’s policy. Reports of all domestic violence, dating violence, sexual assault, and stalking made to College Police will automatically be referred to the Title IX coordinator for investigation regardless if the complainant chooses to pursue criminal charges.

The college disciplinary process will include a prompt, fair, and impartial investigation and resolution process. In all instances, the process will be conducted in a manner that is consistent with the institution’s policy and that is transparent to the complainant; and the respondent and will be completed within reasonably prompt timeframes designated by the college’s policy, including a process that allows for the extension of timeframes for good cause with written notice about the delay and the reason for the delay. Typically, resolution of domestic violence, dating violence, sexual assault, and stalking complaints is completed within 90 calendar days of the report; however, each proceeding allows for extensions of timeframes for good cause with written notice to the parties about the delay and the reason for the delay. The process includes timely notice of meetings at which the complainant, respondent, or both, may be present; provides timely and equal access to the complainant, respondent, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings; and will be conducted by officials who do not have a conflict of interest or bias for or against the complainant or the respondent.

The Title IX coordinator, investigators, decisionmakers, and facilitators are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking; and are taught how to conduct an investigation and hearing process that protects the safety of the parties and promotes accountability. The complainant and respondent each have the opportunity to be accompanied by an adviser of their choice at any stage of the process and to be accompanied by that adviser at any meeting or hearing. MiraCosta College will not limit the choice of adviser or presence for either the complainant or respondent in any meeting or institutional proceeding; however, the role of the adviser is limited to representation where required by law and may allow for representation for the complainant and respondent in other circumstances on a case-by-

case basis. The college's policies and procedures can be found on the district's website (see *Board Policy and Administrative Procedure 3433 - Prohibition of Sexual Harassment Under Title IX; Administrative Procedure 3433 - Responding to Harassment Under Title IX; and Board Policy and Administrative Procedure 3540 - Sexual Misconduct*). The complainant and the respondent will be notified simultaneously in writing of the outcome of any hearing arising from an allegation of dating violence, domestic violence, sexual assault, or stalking, and any right to appeal, as well as any changes to those results or disciplinary actions prior to the time that such results become final. Where an appeal is permitted under the applicable policy, the complainant and the respondent will be notified simultaneously in writing of the procedures for the complainant and respondent to appeal the result of the hearing. When an appeal is filed, the accuser and the accused will be notified simultaneously in writing of any change to the result prior to the time that it becomes final, as well as of the final result once the appeal is resolved.

A person alleging domestic violence, dating violence, sexual assault, or stalking may also use the complaint and investigatory procedures set forth in the college's policy against sexual harassment in order to remedy any hostile environment.

STEPS IN THE DISCIPLINARY PROCESS AND POSSIBLE SANCTIONS – ADMINISTRATIVE PROCEDURE 5520

The superintendent/president has designated the dean of student affairs as the administrator responsible for student conduct procedures.

To protect lives, property, or to ensure the orderly operations of the district, the student may be suspended for an interim period of ten (10) days (Education Code section 66017). In the event of an interim suspension, the student rights and responsibilities meeting shall be held within ten (10) days of the notice of interim suspension. Reasonable opportunity, such as academic accommodations, may be provided to the responding party during their interim suspension.

When there is a finding of responsibility for a violation of a standard(s) of student conduct, one or more of the following resolutions may be implemented:

- **Warning:** A written warning is issued as a directive to cease the behavior in question and other violations of the standards of student conduct. Warnings may be issued to those found responsible for a first time, low-level violation with minimal impact. Following a written warning, any other violations of the standards of student conduct will result in an additional resolution.
- **Educational resolution:** An educational resolution may be issued when the student conduct officer deems appropriate. Educational resolutions may include reflection papers, research assignments, creation of art pieces, active participation at seminars, trainings, institutes, webinars, or any educational outcome that is deemed culturally relevant, equity-minded, proportionate and relevant to the behavior and/or impact of the reported behavior. Educational resolutions shall not be of cost to the responding party and shall not conflict with attendance at class requirements. The purpose of educational resolutions is to help students deepen their understanding of their behavior from a new perspective, learn about the impact of their behavior, identify their values and goals, or support their learning.
- **Restorative resolution:** Restorative resolutions focus on addressing impact of behavior and reintegrating responding parties into the community. A restorative resolution requires the full agreement and voluntary participation of the responding party and other parties involved in the case, including but not limited to reporting parties and impacted parties. Restorative resolutions are designed to assist the responding party with identifying the impact or harm that was caused by their behavior and provide a means for the responding party to repair that harm or impact as an active member of the community. Restorative resolutions should be timely in response. A responding party has the right to request a restorative resolution for consideration, and a student conduct officer retains the right to not issue a restorative resolution should they deem it inappropriate for the situation.
- **No contact order:** A no contact order is an administrative directive that may be implemented without a finding of responsibility for a violation of the standards of student conduct. The no contact order between two or more parties prevents any contact between the parties (physical or otherwise) including, but not limited to verbal, written, electronic, text message, email, and social media. Additionally, the parties may not request contact with the other through a third party. A violation of a no contact order will result in an additional violation of the standards of student conduct.
- **Restricted access to district property:** The student conduct officer has the right to restrict, modify, or limit a responding party's access to district property, including specific locations and equipment.
- **Withdrawal of Consent to Remain on Campus:** The student conduct officer has the right to issue a withdrawal of consent of any person to be on campus, in accordance with California Penal Code Section 626.4, when there is reasonable cause to determine that the person has willfully disrupted the orderly operation of the district.
- **Two-Day Removal:** A faculty-initiated class removal that involves exclusion of the student from class by an instructor for the day of the exclusion and the next class meeting. If the exclusion is from an online class, then the instructor/faculty member may remove the student for a period of time that equates to two (2) class sessions. This decision cannot be appealed, and the instructor must report the removal to the Office of Student Affairs (Education Code section 76032).
- **Hold on Student Account:** A student conduct officer may place a hold on a student's account when deemed appropriate. For example, a hold on a student account will be placed while a student is on an interim suspension, long-term suspension, has a withdrawal of consent to remain on campus, has been issued a recommendation for expulsion, or has been expelled from the district. This hold may be temporarily or permanently lifted when deemed appropriate by the respective student conduct officer.
- **Disciplinary Probation:** When the behavior for a violation rises beyond a warning, or is repeated conduct, the student conduct officer may place a student on disciplinary probation. During disciplinary probation, any other violation of the standards of student conduct may result in an additional resolution, including suspension or expulsion from the district.
- **Long-Term Suspension:** Following a finding of responsibility, a long-term suspension may be implemented. A long-term suspension is exclusion of the student from one or more classes by the student conduct officer for good cause for the remainder of the school term, or for one or more terms. If a student wishes to enroll after the completion of a long-term suspension, the student should contact the Office of Student Affairs to request a reinstatement meeting. During the reinstatement meeting, the student conduct officer, or designee, will meet with the

student to review the gravity of the offense, evidence of any subsequent offenses, the likelihood that the student would cause substantial disruption if they are reinstated, and any other relevant matters to either permit or deny the student's request for reinstatement. The student conduct officer may permit conditional reinstatement and specify the conditions under which reinstatement will be permitted (Education Code section 76030).

- **Expulsion:** An expulsion is permanent exclusion of the student from the district by the Board of Trustees (Education Code Section 76030). Following a finding of responsibility, an expulsion may be implemented for good cause when other means of correction fail to bring about proper conduct, or when the presence of the student causes a continuing danger to the physical safety of the student or others. Expulsions are noted on student transcripts. Students have the right to appeal a student conduct officer's decision when the decision includes a resolution that is a long-term suspension, withdrawal of consent to remain on campus, and/or a recommendation for expulsion. No other decisions or resolutions can be appealed.

Read the full campus policies at Administrative Procedure 5520 - Student Conduct Procedures.

STANDARD OF EVIDENCE – ADMINISTRATIVE PROCEDURE 5520

Preponderance of the evidence: the standard by which a decision is made by the student conduct officer or the hearing officer. The standard is such that a reasonable person would find it more likely than not that a behavior occurred and that it violated one or more of the standards of student conduct.

RANGE OF PROTECTIVE MEASURES AVAILABLE TO THE IMPACTED PARTY OR COMPLAINANT ALLEGING MISCONDUCT

Complainants will be offered protective measures such as no-contact orders, remote participation during hearings (telephone, videoconferencing, use of a private screen), separate waiting areas during hearing, safety escorts, and prohibition against retaliation.

BOARD POLICIES/ADMINISTRATIVE PROCEDURES APPLICABLE TO EMPLOYEES ACCUSED OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

Workplace violence (Board Policy/Administrative Procedure 3510), academic administrators (Board Policy /Administrative Procedure 7360.1), academic employees (Board Policy/Administrative Procedure 7360.4), and classified administrators/classified employees (Board Policy/Administrative Procedure 7365.3).

HOW TO FILE A COMPLAINT

Students, employees, or community members wishing to file a complaint or grievance, including sexual harassment, sexual assault, and physical abuse, should contact the director of labor relations/Title IX coordinator, dean of student affairs, director of student services, or College Police Department. Staff members in those areas will assist students with the correct processes for resolution. The director of labor relations/Title IX coordinator, dean of student affairs, director of student services, or College Police Department official shall provide all alleged victims of domestic violence, dating violence, sexual assault, or stalking with copy of the district's board policy and administrative procedure regarding sexual assault. The district is required to assess the complaint, investigate (where appropriate) the allegations made, and communicate the district's determination to both the complainant and the respondent(s).

Complaints may be filed through a CARE Referral form at the following website: miracosta.edu/care.

HOW THE COLLEGE DETERMINES WHETHER THIS POLICY WILL BE USED – ADMINISTRATIVE PROCEDURE 3540

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

POSSIBLE DISCIPLINARY SANCTIONS FACULTY/STAFF

Full-time Faculty: The sanctions against full-time faculty include a written reprimand, training, notice of unprofessional conduct, suspension, and dismissal. Refer also to the Collective Bargaining Agreement, Article L, and California Education Code sections 87666-87681, 87732, and 87740.

Associate faculty: Associate faculty are only hired for one semester at a time. Associate faculty may receive a written reprimand, training, or lose future assignments based on the severity of the conduct.

For Classified Employees – Administrative Procedure 7365-3: Disciplinary action taken by the district against a permanent member of the classified service may include, but not be limited to, the following:

- **Warning.** The employee shall be notified verbally and/or in writing by their immediate supervisor of the basis for the action and their right to respond. If written, the notice shall remain in the supervisor's file for a period not to exceed two (2) years. Any further violations will result in the warning being immediately transferred to the employee's permanent personnel file.

- Written reprimand. The employee shall be notified in writing by their immediate supervisor and/or the department head of the basis for the action. The notice will be placed in the employee's permanent personnel file. This may include a written performance improvement plan (PIP) associated with a performance assessment. The employee shall have five (5) working days from receipt of the notice to submit a written response. The response will be attached to the reprimand and be made a part of the employee's permanent personnel file.
- Suspension. An employee may be suspended for disciplinary purposes with or without pay.
- Demotion. The district may demote an employee whose performance of the required duties falls below standard, or for misconduct.
- Dismissal. A permanent member of the classified service may be dismissed for just cause at any time. Formal written notice of dismissal may be made after considered action during a period of suspension.

CONFIDENTIALITY

The college will protect to the fullest extent of the law, the identity of persons who report having been victims of sexual assault, domestic violence, dating violence, or stalking.

SANCTIONS AND PROTECTIVE MEASURES

All forms of sexual violence and harassment, including the acts described and defined in this report, violate the MiraCosta College policy on Sexual Misconduct, Standards of Student Conduct, and other College policies and may violate federal and state laws. Violations of these policies are subject to disciplinary sanctions.

College sanctions may be imposed upon those determined to have violated policy. The college may implement supportive measures following the report of domestic violence, dating violence, sexual assault, and/or stalking. For students, domestic violence, dating violence, sexual assault, and stalking are violations of Administrative Procedure 5500: Standards of Student Conduct. Employees who violate Administrative Procedure 3540: Sexual Misconduct will be subject to discipline up to and including termination of employment. Domestic violence, dating violence, sexual assault, and stalking are criminal acts that may also subject the perpetrator to criminal and civil penalties under federal and state laws.

The Title IX coordinator will determine whether interim interventions and supportive measures should be implemented, and if so, take steps to implement those protective measures as soon as possible. Examples of supportive measures include, but are not limited to, an order of no contact, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties involved. Violations of the Title IX coordinator's directives and/or protective measures will constitute related violations that may lead to additional disciplinary action. Supportive measures may be temporary, pending the results of an investigation, or may become permanent as determined by the college.

NOTIFICATION TO VICTIMS OF CRIMES OF VIOLENCE

The MiraCosta Community College District will upon written request disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as the 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.

SAFETY ESCORT SERVICE INFORMATION

Anyone may request an escort through the College Police and Safety Department. The service is provided during all regular operating hours at each campus. For more information or to schedule an escort, contact the College Police and Safety Department at 760.795.6640.

REGISTERED SEX OFFENDER INFORMATION

The Federal Campus Sex Crimes Prevention Act, enacted on Oct. 28, 2000, requires institutions of higher education to issue a statement that advises the college community where state law enforcement agency information concerning registered sex offenders may be obtained. It also requires sex offenders who are required to register in California to provide notice, as required under state law, of each institution of higher education in the state of which the person is employed, carries on a vocation, volunteers services, or is a student.

Pursuant to Section 290 of the California Penal Code, convicted sex offenders are required by law to register within five days of changing residence locations (every 30 days if they do not have a permanent residence), starting school and ending school, becoming employed at a school, or within five days of each birthday. An offender's campus involvement will be listed as a secondary registration location.

Section 290.45(b) of the California Penal Code authorizes law enforcement agencies throughout the state to inform the public of a high-risk sex offender's presence when the release of such information is deemed necessary to ensure public safety. College Police does not maintain a public database of registrants at MiraCosta College. Public information on local high-risk sex offenders, including names, addresses, and photos is available online at meganslaw.ca.gov.

Information on registered sex offenders is also available at the San Diego County Sheriff's Department at 325 S. Melrose Dr. in Vista. For more information on Megan's Law and registered sex offenders, visit the California Department of Justice website at meganslaw.ca.gov.

REPORTED CRIMES: 2020-2022

Reported in accordance with the Uniform Crime Reporting Procedures and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

A copy of this report is also available at miracosta.edu/safetyreport.

For a more comprehensive list of daily crime activity, please visit any College Police office during operating hours and ask to view the Daily Crime Log. This incident log is updated regularly and includes information on ALL reported crimes that occur on District property. Contact College Police for more information.

Offense Type (reported by hierarchy)	Oceanside Campus			San Elijo Campus			Community Learning Center			Technology Career Institute			Non-Campus Locations			Public Property			Totals			Unfounded Crimes
	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022	
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	2	0	0
Burglary	0	1	1	4	0	0	0	1	0	0	0	3	0	0	0	0	0	0	4	2	4	0
Motor Vehicle Theft	0	0	0	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	1	0
Liquor Law Arrests	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Arrests	0	1	1	0	0	0	0	0	0	0	0	0	2	2	0	0	0	0	2	3	1	0
Weapons Law Arrests	0	0	1	0	0	0	0	0	0	0	0	0	1	3	0	0	0	0	1	3	1	0
Liquor Law Violations referred for Disciplinary Action	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations referred for Disciplinary Action	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Weapons Law Violations referred for Disciplinary Action	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Crimes listed above or other crimes of bodily injury classified as hate crimes, listed below by category of prejudice.

Hate Crime Reporting

Race
Gender
Religion
Sexual Orientation
Ethnicity/National Origin
Disability
Gender Identity

There were no reported hate crimes for the year 2020.

There were no reported hate crimes for the year 2021.

There were no reported hate crimes for the year 2022.

Offense Type (not reported by hierarchy)	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022	
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Domestic Violence (VAWA 2018)	0	0	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	2	0
Dating Violence (VAWA 2018)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Stalking (VAWA 2016)	0	0	3	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	5	0

Some of the VAWA reports involved different incidents with the same individuals for the year 2022

MiraCosta College campuses include buildings and property owned and/or controlled by the college within the same contiguous geographic area and used in direct support of the college's educational or institutional purposes. Non-campus buildings or property includes those owned or controlled by the college and are used in direct support of educational purposes, used frequently by students, and are not within the same contiguous geographic area as the campus. Public property includes city thoroughfares, streets, sidewalks and parking facilities that are within or immediately adjacent to any of the college campuses.



MIRACOSTA COLLEGE

Safety & Security

REPORT 2023

The MiraCosta Community College District, and each individual who represents the District, shall provide access to its services, classes, and programs without regard to national origin, immigration status, religion, age, gender, gender identity, gender expression, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, pregnancy, physical or mental disability, or veteran status, or because they are perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics. In addition to the aforementioned legally protected characteristics, the District also has an interest in nondiscrimination based on additional factors such as accent, citizenship status, economic status, and ethnic group identification even though students or employees could not make a legal claim of discrimination based on these factors.

