

# MiraCosta College Police Department

Community Learning Center • Oceanside Campus  
Technology Career Institute • San Elijo Campus



MIRACOSTA COLLEGE

## Safety & Security

# REPORT

2017



# 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.–5 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)

**POLICE OFFICE HOURS:**

9 a.m.–5 p.m., Monday–Thursday  
9 a.m.–4 p.m., Friday

For further information please visit the website:

[miracosta.edu/police](http://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 student 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 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 Peace Officers Standards and Training (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 with local law enforcement agencies that details specific crimes the College Police and Safety Department will handle. College Police and Safety Department has an MOU with the local law enforcement agency 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 promptly and accurately report crimes and other emergencies (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 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 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 counselors (MiraCosta College does not have pastoral counselors) are encouraged to inform clients of voluntary, confidential crime reporting procedures, when appropriate. 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 student 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 student 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.

## **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. Call box 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 1.866.795.6640 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 faculty secretaries, 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 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 is timely, that withholds the names of victims as confidential, and that 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
<b>PRIMARY</b>					
Email	Chief of Police	Sergeant(s)	Chief of Police	Director of Public and Governmental Relations	Director of Community Education
Bulletins	Chief of Police	Sergeant(s)	Chief of Police	Director of Public and Governmental Relations	Director of Community Education
<b>SECONDARY</b>					
Bulletins/Posters Distributing Copies to Faculty/Staff Secretaries/College Switchboard	Chief of Police	Sergeant(s)	Chief of Police	Director of Public and Governmental Relations	Director of Community Education
Website	PIO/Director of Public and Governmental Relations	Director of Community Education	PIO/Director of Public and Governmental Relations	PIO/Director of Public and Governmental Relations	Director of Community Education

## EMERGENCY NOTIFICATION AND RESPONSE PLAN

This plan applies the principles of SEMS (Standardized Emergency Management System), the concept of ICS (Incident Command System), and NIMS (National Incident Management System) into a customized emergency operations plan. Emergency responses to any major emergency should be conducted within the framework of this plan. Exceptions or changes to the outlined procedures must be approved by the incident commander before implementation. The plan is designed to effectively coordinate the use of college and community resources to protect life and property immediately following a major natural, 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 the set of principles developed for coordinating state and local emergency response 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—the 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 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, and includes 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 shall include a description of the exercise, the 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 EOC director will approve the message. The public information officer will send out the message unless issuing a notification will, in the professional judgment of responsible authorities and first responders, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. In order to immediately notify the campus community, various sources (such as the national weather service, local first responders, health service departments, college administrators, etc.) will be used by the chief of police or designee 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 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 broadcasts the same information in direct communication to all students, faculty, and staff using voice, text messaging, and emails. The third key component is the Campus Outdoor Warning System. This outdoor public address 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 of 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
<b>PRIMARY REGROUP</b>	Director of Public and Governmental Relations	Director, Community Education	Vice President, Instructional Services	Director of Public and Governmental Relations	Director, Community Education
Email	Director of Public and Governmental Relations	Director, Community Education	Vice President, Instructional Services	Director of Public and Governmental Relations	Director, Community Education
Telephone/V-mail	Director of Public and Governmental Relations	Director, Community Education	Vice President, Instructional Services	Director of Public and Governmental Relations	Director, Community Education
<b>SECONDARY</b>	Director of Public and Governmental Relations	Director, Community Education	Vice President, Instructional Services	Director of Public and Governmental Relations	Director, Community Education
Campus Indoor and Outdoor Warning System	Director of Public and Governmental Relations	Director, Community Education	Vice President, Instructional Services	Director of Public and Governmental Relations	Director, Community Education
Posters	Director of Public and Governmental Relations	Director, Community Education	Vice President, Instructional Services	Director of Public and Governmental Relations	Director, Community Education
Distributing Copies to Faculty/Staff Secretaries/ College Switchboard	Director of Public and Governmental Relations	Director, Community Education	Vice President, Instructional Services	Director of Public and Governmental Relations	Director, Community Education
Website	Director of Public and Governmental Relations	Director, Community Education	Vice President, Instructional Services	Director of Public and Governmental Relations	Director, Community Education
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](http://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, but 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, utilizing 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](http://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](http://www.miracosta.edu/safetyreport). The report is prepared by the communication/records supervisor in cooperation with the chief of police and the vice president of student services. Statistics are collected from campus security authorities (including but not limited to) College Police, director of human resources, dean of San Elijo Campus, dean of community education, dean of counseling and student development, associate dean of San Elijo Campus, vice president of student services, vice president of instructional services, coordinator of student services, coordinator of DSPS, coordinator of EOPS, coordinator of health services, instructional deans/counselors, athletic director, head men's/women's basketball coach, head soccer coach, Student Activities Department, and law enforcement agencies having jurisdiction in the areas surrounding the campus and non-campus locations.

The college has established a CLERY Care Team. The team consists of members from the following departments and offices: Human Resources, Student Services, Disabled Student Programs and Services (DSPS), Academic Information Services, Counseling/Student Development, Health Services, College Police, Risk Management, Faculty/Student Support, and Governmental Relations, Marketing, and Communications. The team meets quarterly and is responsible for developing, reviewing, and revising protocols, policies, and procedures for addressing on-campus violence against women.

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. Many campus buildings are protected by intrusion alarms and should be entered only during scheduled work hours. For their own 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 facilities director. 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. Lighting surveys are conducted biannually by a team of staff, students, and College Police and Safety Department personnel. 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 to encourage individuals to be responsible for their own security, as well as 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 to report suspicious behavior. For additional questions regarding crime prevention, contact the department directly at 760.795.6640.

As part of the department's community-oriented policing philosophy, the College Police and Safety 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 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 the college campuses. Students should be aware that possession, use, or distribution of 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, MiraCosta College students under no circumstances may consume alcoholic beverages on campus.

Any student or employee in violation of 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**

MiraCosta College does not discriminate on the basis of sex 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, and include 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, whether the incident occurs on or off campus and when it is reported to a college official. In this context, MiraCosta College prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking and reaffirms its commitment to maintain 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 his/her age or because of his/her 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. 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 husband or wife 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 he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

## 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 the prevention of 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. Further information regarding bystander intervention may be found. 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](http://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 cash money.
- F. Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
- G. Avoid putting music headphones 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 in any situation or uncomfortable, 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 the punch bowls or other 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 him or her 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 what you are comfortable with.
  - 3. Have a code word with your friends or family so that if you don't feel comfortable, you can call 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

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

- A. Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome; and
- B. Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels. Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and faculty that:
  1. Identify domestic violence, dating violence, sexual assault, and stalking as prohibited conduct.
  2. Define what behavior constitutes domestic violence, dating violence, sexual assault, and stalking in the State of California.
  3. Define what behavior and actions constitute consent to sexual activity in the State of California.
  4. Provide safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than the bystander.
  5. Provide information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to avoid potential attacks.
  6. Provide an overview of information contained in the annual security report in compliance with the Clery Act.

The college has developed an annual educational campaign consisting of presentations that include distribution of educational materials to new students; participating in and presenting information and materials during new employee orientation; participating in the spring and fall faculty orientation programs; presenting programs throughout the year on at least a quarterly basis.

## PRIMARY PREVENTION AND AWARENESS PROGRAMS

MiraCosta College has held the following events in the past year:

RAD (Rape/Aggression/Defense) is a self-defense course that teaches self-defense techniques, along with risk reduction, awareness, recognition, and avoidance. Upcoming classes are posted on bulletin boards, sent to student activities and other departments, as well as posted on the MiraCosta College website events. Students are given a RAD manual to take home. 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 on sexual violence to new students during orientation. The college also offers a voluntary, online program to all new employees and students that addresses the same topics.

The Clothesline Project was held where students painted T-shirts to add their voices to the conversation about sexual violence. Educational and informational pamphlets were available at the Clothesline Project so students could have access to resources and know what steps to take to reduce the risk and provide a supportive response should a situation ever arise. This also included speakers from Las Valientes and other community partners.

NAMI hosted a sexual assault awareness rally featuring a keynote speaker. The speaker shared her experience and educated attendees about sexual assault on college campuses and acquaintance rape. Community partners that provide survivor support and resources in North County, including Las Valientes and other organizations, were in attendance. The RAD program was also in attendance and community officers spoke at the event as well.

Workshops for faculty and staff were held, entitled "Beyond the Classroom: Recognizing and Supporting Sexual Assault Victims," which helped educate faculty about the different types of sexual assault, the responsibility to respond effectively and support survivors, the role of coercion, and the concept of active consent.

NAMI hosted an evening movie screening of *No Visible Bruises* and *Please Write Back*, followed by faculty-led discussions and educational conversations about sexual assault. College Police were also in attendance and supported the conversation.

A Denim Day celebration was held where the entire campus was invited to wear denim as a unified voice against sexual assault. Flyers were provided outlining the history of Denim Day and the importance of maintaining an open dialogue and community alliance to end sexual violence.

A Notes of Love Campaign was held where students were asked to participate in an interactive activity and leave a note of encouragement and support to survivors of domestic violence or sexual assault, and included a bulletin board display on the cafeteria wall with educational pamphlets for students.

Oceanside Break the Silence Against Domestic Violence was an educational lecture about domestic violence and how to recognize signs of abuse, including physical, sexual, emotional, financial, and psychological. Later, there was a more in-depth conversation about domestic violence and recognizing abuse within relationships.

An Interpersonal Violence Resource Fair included multiple community programs that provide resources and support for survivors of domestic violence and sexual assault, including the Women's Resource Fair, Las Valientes, Vista Community Clinic, College Police and the RAD Program, the Jewish Alliance, Leap to Success, and Community Support Services.

Ten Points of Light–Shine Your Light Educational Rally featured student survivor stories, the Performance Writer's Club, and keynote speaker Dana Bristol Smith from Leap to Success. This event raised awareness about domestic violence and sexual assault and identified the often overlapping relationship between the two tragic circumstances. The Ten Points of Light Committee included members from Health Services, ASG, Service Learning, PIO, Human Resources, Psychology and Sociology, Veteran's Services, Business Services, NAMI On Campus, The Art Club, GSA, The Performance Writers, and the MiraCosta College Foundation.

Specifically, the college offered the following primary prevention and awareness programs for all incoming students in 2016:

Name of Program	Date Held	Location Held	Which Prohibited Behavior* Covered?
Clothesline Project	4/15/2016	SAN Clock tower	SA
Clothesline Project	4/21, 4/22, 4/23/2016	OCN HUB College Hour Event	SA
OCN Sexual Assault Awareness Rally featuring Katie Koestner	4/28/2016	The Little Theater	SA/DaV
SAN Sexual Assault Movie Screenings and Guided Discussion	4/28/2016	SAN Room 204	SA/DaV
Denim Day Closing Ceremony and Picture	4/29/2016	OCN HUB Fountain Area	SA
Notes of Love Campaign	10/19/16–10/29/16	OCN Cafeteria Hallway Bulletin Board	SA, DaV, DoV
Notes of Love Campaign	10/19/16–10/29/16	SAN Cafeteria Student Services Bulletin Board	SA, DaV, DoV
Break the Silence Against Domestic Violence Rally	10/28/16	OCN Concert Hall	DaV, DoV
Break the Silence Against Domestic Violence Rally	10/28/16	SAN Student Services Conference Room	DaV, DoV
Interpersonal Violence Community Partner Resource Fair	10/29/16	OCN Hub and Fountain Area	SA, DaV, DoV
Take Back the Night Interpersonal Violence Rally and Candlelight Vigil	10/29/16	OCN Hub and Fountain Area	SA, DaV, DoV
RAD	7/6/16–7/7/16	1 Barnard Dr	DoV, DaV and SA, S
RAD	11/14/16	CLC/1831 Mission Ave	DoV, DaV and 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 2016:

Name of Program	Date Held	Location Held	Which Prohibited Behavior* Covered?
New hire orientation	1/27/16, 6/14/16	1 Barnard Dr	DoV, DaV and SA
Preventing Sexual Harassment	10/1/16 through 12/31/16	Online	DoV, DaV and SA
RAD	7/6/16–7/7/16	1 Barnard Dr	DoV, DaV and SA, S
RAD	11/14/16	CLC/1831 Mission Ave	DoV, DaV and SA, S

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

## ONGOING PREVENTION AND AWARENESS CAMPAIGNS

The college has developed an annual educational campaign consisting of:

Healthy Relationships–Health Services provides educational materials from College Response® on relationships that include signs of a healthy relationship, signs of an unhealthy relationship, relationship violence, and what you can do to prevent relationship violence. Table tents are placed around campus throughout the year and during College Hour that offer mental health and alcohol/drug screening. Pamphlets are also distributed on an ongoing basis.

RAD (Rape/Aggression/Defense) is a self-defense course that teaches self-defense techniques, along with risk reduction, awareness, recognition, and avoidance. Upcoming classes are posted on bulletin boards, sent to Student Activities and other departments, as well as posted on the MiraCosta College website for events. Students are given a RAD manual to take home. 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 on sexual violence to new students during orientation. The college also offers a voluntary, online program to all new employees and students that addresses the same topics.

## PREVENTION AND AWARENESS CAMPAIGNS

Table tents are placed around campus throughout the year and during College Hour that offer mental health and alcohol/drug screening. Pamphlets are also distributed on an ongoing basis.

Healthy Relationships (Feb. 2016) – Health Services provided educational materials from College Response®, an online resource on relationships that included signs of a healthy relationship, signs of an unhealthy relationship, relationship violence and what you can do to prevent relationship violence.

Red Flag Campaign (Apr. 2016) – The Red Flag Campaign uses a bystander intervention strategy to address and prevent sexual assault, dating violence, and stalking on college campuses. The campaign encourages friends and other campus community members to say something when they see warning signs ("red flags") for sexual assault, dating violence, or stalking in a friend's relationship.

Sexual Assault Awareness (Yes Means Yes Info) (Apr. 2016) – Gov. Jerry Brown of California signed a law requiring the state's colleges and universities to adopt an "affirmative consent" standard defining that "only yes means yes"—that students engaging in sexual activity must signal they are willingly doing so.

How to Rock Your Bystander Interventions: Be Subtle, Be Safe, Be the Difference: (Jan. 2016) – Being an active bystander is crucial but not complicated. The best interventions happen early on. They're easy, subtle, and safe; a successful intervention might not look like an intervention to anyone else. This way, we can help build a community that doesn't tolerate casual disrespect and disregard. We also help prevent pressure and disrespect from escalating to coercion and violence.

Building a Better Community: How and Why to Work the Small Stuff: (Feb. 2016) – When we talk about sex and romance on campus and in our communities, we need to go holistic. This means recognizing the attitudes, assumptions, and expectations that we bring to our social and sexual interactions, and the ways these manifest in our traditions and day-to-day practices. Everyday negative interactions provide camouflage for the violence and coercion. When disrespect and disregard are normalized, it becomes more difficult for us to notice them escalating into behaviors that are undeniably harmful. A positive sexual culture makes space for encounters that are respectful, pleasurable, and satisfying for everyone.

How To Take Back the Night in 6 Steps: (Mar. 2016) – Events like Take Back the Night are designed to build a more positive climate around relationship and gender issues. Addressing any sensitive theme requires us to recognize and avoid certain pitfalls that could undermine the effectiveness of the message. These tactics will help you plan an inclusive and powerful event.

Let's Talk about Sex: How to Share What You Both Want: (Apr. 2016) – So trust your body language—and think about how to use it to express what you want. All communication skills can be impaired by alcohol and other substances. If you are unsure whether or not the other person (or you) is able to give consent, call a halt. Mutually enthusiastic sex can be rescheduled.

Sext Request? 6 Smart Ways to Respond: (May 2016) – Sexting is a type of cyber-flirting, an expression of sexuality. But if our words and images are forwarded, edited, or posted without your permission, there's nothing LOL about that. Indiscreet images posted can sabotage a job hunt, date, election campaign, etc. There's no such thing as risk-free sexting—limit the risks to yourself and others.

The Student Guide to Going Out (Sept. 2016) – On campuses, alcohol consumption is closely associated with sexual assault. This feature consists of two, 2-page infographics. "How to be a guest" highlights ways to support your own limits and other people's in social situations. "How to be a host" demos how to plan and manage a social gathering in ways that facilitate mindful decision making and comfortable experiences. Learning outcomes: (1) Be aware of ways to support one's own and others' mindful choices and comfort in social situations. (2) Be aware of ways to organize and host a social event (with or without alcohol) while safeguarding guests' autonomy and comfort. (3) Be aware of the association between alcohol use, campus parties, and sexual assault.

Finding Yourself: 8 Steps to Sexual Empowerment (Oct. 2016) – Sexual empowerment means identifying and learning to honor our own needs and desires. Finding our voices and self-agency in sexual encounters can be a transformative process, with benefits that extend across all areas of our lives. In this feature, three advocates outline 12 steps to sexual empowerment. Learning outcomes: (1) Understand the concept of sexual empowerment. (2) Be aware that sexual empowerment involves skills that can be practiced and consciously developed. (3) Be aware of strategies for self-empowerment.

Being Stalked? 8 Ways to Help a Friend (Nov. 2016) – Stalking is a common issue for many young people—and more so on campus than off. But stalking is often unrecognized and unreported. This 4-page feature defines stalking and 8 ways students can address it. The article looks at this from the perspective of how to support a friend who's been stalked, with a particular emphasis on the resources available in college settings. Learning outcomes: (1) Better understand the nature of stalking and how to recognize it. (2) Be aware of ways to address stalking and relevant resources. (3) Know how to support a friend who is being stalked.

Quiz: What's Your Bystander Style? (Dec. 2016) – Bystander intervention is a community approach to preventing sexual assault and other acts of harassment, discrimination, and violence. This quiz presents a range of realistic ways to interrupt a risky dynamic and helps students identify their own bystander style. Learning outcomes: (1) Be aware that effective bystander action is usually subtle and safe. (2) Be aware of a range of options for helping someone who is experiencing unwanted attention or pressure. (3) Identify with a particular bystander style or approach.

The college offered the following ongoing awareness and prevention programs for students in 2016:

Name of Program	Date Held	Location Held	Which Prohibited Behavior* Covered?
Healthy Relationships Tabling Event	Month of February 2016	College Hour—on campus	DaV
Red Flag Campaign	Month of April 2016	On campus	DoV
Sexual Assault Awareness and Prevention	Month of April	Resources on Facebook	SA
How to rock your bystander interventions: be subtle, be safe, be the difference	Month of January 2016	Online	SA
Building a better community: How and why to work the small stuff	Month of February 2016	Online	DaV, DoV, SA
How to take back the night in 6 steps	Month of March 2016	Online	SA
Let's talk about sex: How to share what you both want	Month of April 2016	Online	SA, DaV
Sext request? 6 smart ways to respond	Month of May 2016	Online	SA
Preventing sexual assault in LGBTQ student communities	Month of June 2016	Online	SA
The student guide to going out	Month of September 2016	Online	SA, S, DaV
Finding yourself: 8 steps to sexual empowerment	Month of October 2016	Online	SA
Being stalked? 8 ways to help a friend	Month of November 2016	Online	S
Quiz: What's your bystander style?	Month of December 2016	Online	SA, S, DaV
Pamphlets on "Yes Means Yes"; Condom covers with Yes Means Yes message	Available when Health Services is open; February 2016	Health Services  College Hour	DaV
Ongoing individual therapy and crisis counseling	Available when Health Services is open	Health Services	DoV, DaV, SA, S
Sexual Assault RAINN information	September 15, 2016	Peer Educator tabling at College Hour	SA
DV Awareness	October 20, 2016	Peer Educator tabling at College Hour	DoV
RAD	7/6/16-7/7/16	1 Barnard Dr	DoV, DaV & SA, S
RAD	11/14/16	CLC/1831 Mission Ave	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 ongoing awareness and prevention programs for employees in 2016:

Name of Program	Date Held	Location Held	Which Prohibited Behavior* Covered?
Preventing Sexual Harassment	10/1/16 through 12/31/16	Online	DoV, DaV and SA
RAD	7/6/16-7/7/16	1 Barnard Dr.	DoV, DaV and SA, S
RAD	11/14/16	CLC/1831 Mission Ave.	DoV, DaV and 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 rapes and sexual assaults, 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 director of human resources at 760.795.6865.

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
<b>Domestic Violence</b>	<ol style="list-style-type: none"> <li>1. Institution will assess immediate safety needs of complainant.</li> <li>2. Institution will assist complainant with contacting local police if complainant requests and complainant provided with contact information for local police department.</li> <li>3. Institution will provide written instructions on how to apply for protective order.</li> <li>4. Institution will provide written information to complainant on how to preserve evidence.</li> <li>5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate.</li> <li>6. Institution will provide the victim with a written explanation of the victim's rights and options.</li> <li>7. Institution will provide a "no trespass" (PNG) directive to accused party if deemed appropriate.</li> </ol>
<b>Dating Violence</b>	<ol style="list-style-type: none"> <li>1. Institution will assess immediate safety needs of complainant.</li> <li>2. Institution will assist complainant with contacting local police if complainant requests and provide the complainant with contact information for local police department.</li> <li>3. Institution will provide written instructions on how to apply for protective order.</li> <li>4. Institution will provide written information to complainant on how to preserve evidence.</li> <li>5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate.</li> <li>6. Institution will provide the victim with a written explanation of the victim's rights and options</li> <li>7. Institution will provide a "no trespass" (PNG) directive to accused party if deemed appropriate.</li> </ol>
<b>Sexual Assault</b>	<ol style="list-style-type: none"> <li>1. Depending on when reported (immediate versus delayed report), institution will provide complainant with access to medical care.</li> <li>2. Institution will assess immediate safety needs of complainant</li> <li>3. Institution will assist complainant with contacting local police if complainant requests and provide the complainant with contact information for local police department.</li> <li>4. Institution will provide complainant with referrals to on- and off-campus mental health providers.</li> <li>5. Institution will assess need to implement interim or long-term protective measures, if appropriate.</li> <li>6. Institution will provide the victim with a written explanation of the victim's rights and options.</li> <li>7. Institution will provide a "no trespass" (PNG) directive to accused party if deemed appropriate.</li> <li>8. Institution will provide written instructions on how to apply for protective order.</li> <li>9. Institution will provide a copy of the policy applicable to sexual assault to the complainant and inform the complainant regarding timeframes for inquiry, investigation, and resolution.</li> <li>10. Institution will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged, and the outcome of the hearing.</li> <li>11. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation.</li> </ol>
<b>Stalking</b>	<ol style="list-style-type: none"> <li>1. Institution will assess immediate safety needs of complainant.</li> <li>2. Institution will assist complainant with contacting local police if complainant requests and provide the complainant with contact information for local police department.</li> <li>3. Institution will provide written instructions upon complainants request on how to apply for a protective order.</li> <li>4. Institution will provide written information to complainant on how to preserve evidence.</li> <li>5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate.</li> <li>6. Institution will provide the victim with a written explanation of the victim's rights and options.</li> <li>7. Institution will provide a "no trespass" (PNG) directive to accused party if deemed appropriate.</li> </ol>

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/access to forensic nurse examiners/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 as 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, other communications, and keeping 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 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 also be reached directly by calling 760.931.2100, 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, x6640, or Health Services, x6675. You may also call 911. Additionally, the incident may be reported to the Title IX coordinator by phone 760.795.6865 or by email, or in person at 1 Barnard Dr., Room #1018 (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, he/she nevertheless should consider speaking with College Police or other law enforcement to preserve evidence in the event the victim changes her/his 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.

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 human resources 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 institution and in the community.
- D. The director of human resources or a College Police official shall provide all alleged victims of domestic violence, dating violence, sexual assault, or stalking with the following:
  1. A copy of the district's board policy and administrative procedure regarding sexual assault.
  2. A list of personnel on campus who should be notified of the assault and procedures for such notification, if the alleged victim consents (police chief).
  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 coordinator or referral to the MFT (marriage and family therapist) counseling program at MiraCosta College.
    - c. Notice to the police, if desired (police department).
    - d. A list of other available campus resources or appropriate off-campus resources (Health Services).
    - e. A description of each of the following procedures:
      - 1) Criminal prosecution (police department).
      - 2) Civil prosecution (i.e., lawsuit; police department).
      - 3) District disciplinary procedures, both student and employee (vice president of student services and/or director of human resources).
      - 4) Modification of class schedules (vice president of student services).
      - 5) Tutoring, if necessary (vice president of student services) per Administrative Procedure 3540.

## **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, director of human resources, or director of risk management of any ongoing investigation. Information shall include the status of any student or employee disciplinary proceedings or appeal. Alleged victims of domestic violence, dating violence, sexual assault, or stalking are required to maintain any such information in confidence, unless the alleged assailant has waived rights to confidentiality, 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 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	<p>You can ask for a domestic violence restraining order if:</p> <ul style="list-style-type: none"> <li>• Someone has abused you, and</li> <li>• 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).</li> </ul>	<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 such as but not limited to escorts, special parking arrangements, changing classroom assignments, or allowing the victim to complete assignments at a different campus or location.</p>
Elder or dependent adult abuse restraining order	<p>You can ask for an elder or dependent adult abuse restraining order if:</p> <ul style="list-style-type: none"> <li>• You are 65 or older, or</li> <li>• 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.</li> </ul>	<p>College Police will keep the order on file.</p> <p>College Police, Health Services, and Student Services will review the restraining order and offer services that are beneficial to the victim's case.</p>
Civil harassment restraining order	<p>You can ask for a civil harassment restraining order if:</p> <ul style="list-style-type: none"> <li>• You are being harassed, stalked, abused, or threatened by someone.</li> <li>• You are not as close to as is required under domestic violence cases, like a roommate, a neighbor, or more distant family members like cousins, aunts, uncles, nieces, or nephews.</li> </ul>	<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 such as but 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"> <li>• You are an employer, and</li> <li>• 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.</li> </ul>	<p>College Police and Human Resources will keep the order on file.</p> <p>The director of human resources 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"> <li>• You are a law enforcement officer</li> <li>• Immediate family member</li> </ul>	<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. Student 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
<b>Domestic violence civil protection order – up to 5 years, can be renewed**</b>	Family or household members including : <ul style="list-style-type: none"> <li>• Spouses, former spouses</li> <li>• Parent, child, foster parent</li> <li>• People who have kids together</li> <li>• Intimate partners who lived together in the last 5 years</li> <li>• Same sex couples are eligible</li> </ul>	Domestic Relations Court – where victim lives, where abuser lives or has a business, or where incident(s) occurred	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.)
<b>Stalking protection order – up to 5 years, can be renewed**</b>	Any person who is a victim of stalking. No relationship with stalker is required.	Common pleas court– where victim lives (if family or household member, can be filed as DV protection order, see above.)	Pattern of conduct (2 or more events), closely related in time, that cause distress or make a victim believe the stalker will cause harm.
<b>Sexually oriented offense protection order – up to 5 years, can be renewed**</b>	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.	Common pleas court– where victim lives	Sexual assault or unwanted sexual contact (see ORC 2950.01)
<b>Juvenile protection order – until abuser reaches age 19</b>	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

MiraCosta College may issue an institutional no-contact order if deemed appropriate or at the request of the victim or accused. 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 ensure the complainant's health, physical safety, work, and academic status are protected, 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 available to them, 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 director of human resources 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, withdraw and take a class at another time if there is no option for moving to a different section, etc. Possible changes to work situations may include changing working hours. Possible changes in transportation may include having the student or employee park in a different location, assisting the student or employee with a safety escort, etc.

To request changes to academic, transportation, and/or working situations or protective measures, the victim should meet with the director of human resources and complete an incident form.

Additionally, personal, identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are 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	760.795.6865
International Students—OC Campus	1 Barnard Dr., OC3400	760.795.6897

**Off-Campus Resources**

<b>Local Police</b>		
Oceanside Police	3855 Mission Ave., Oceanside	760.435.4900
Carlsbad Police	2560 Orion Way, Carlsbad	760.931.2197
San Diego County Sheriff	9621 Ridgehaven Ct., San Diego	858.565.5200
<b>Hospital</b>		
Palomar Hospital	2185 Citracado Pkwy., Escondido	760.739.2150
Pomerado Hospital	15615 Pomerado Rd., Poway	858.613.4457
<b>Battered Women’s Shelter</b>		619.234.3164 (24 hour)
Women’s Resource Center	1963 Apple St., Oceanside	760.757.3500
Rape Crisis Center	240 So. Hickory St., Suite 110, Escondido	888.385.4657
YWCA Advocacy Group		619.234.3164 (24 hour)
YWCA San Diego	1012 C St., San Diego	619.239.0355, press #4
LGBTQ Alliance	3909 Centre St., San Diego	619.692.2077
Domestic Violence Intake Center		866.933.4673 (closes at 5 p.m.)
San Diego Family Justice Center	1122 Broadway, Suite 200, San Diego	619.533.6000
Local County Courthouse	325 S. Melrose Dr. #100, Vista	760.207.8600
District Attorney’s Office		760.806.4004
Victim/Witness Assistance		760.806.4079

**Online State and National Resources:**

- [calcasa.org](http://calcasa.org)—California Coalition Against Rape
- [cpedv.org](http://cpedv.org)—California Coalition Against Domestic Violence
- [sapac.umich.edu/article/58](http://sapac.umich.edu/article/58)—for LGBTQ survivors of sexual or domestic violence
- [malesurvivor.org](http://malesurvivor.org)—for male survivors of abuse
- [rainn.org](http://rainn.org)—Rape, Abuse and Incest National Network
- [ovw.usdoj.gov/sexassault.htm](http://ovw.usdoj.gov/sexassault.htm)—Department of Justice
- [2.ed.gov/about/offices/list/ocr/index.html](http://2.ed.gov/about/offices/list/ocr/index.html)—Department of Education, Office of Civil Rights

**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 accuser and the accused 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 to the accuser and the accused of the delay and the reason for the delay. Typically resolution of domestic violence, dating violence, sexual assault, and stalking complaints is completed within 60 days of the report; however, each proceeding allows for extensions of timeframes for good cause with written notice to the accuser and the accused of the delay and the reason for the delay. The process includes timely notice of meetings at which the accuser or accused, or both, may be present; provides timely and equal access to the accuser, the accused,

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 accuser or the accused.

Investigators and hearing-board members 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 victim and promotes accountability. The accuser and the accused student each have the opportunity to be advised by a personal adviser of their choice, at their expense, 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 accuser or the accused in any meeting or institutional disciplinary proceeding; however, the role of the adviser is limited to representation where required by law and may allow for representation for the accused and complainant in other circumstances on a case-by-case basis. This policy can be found in the Academic Standards and Policies of the college catalog under Harassment and Unlawful Discrimination. The accuser and the accused will be notified simultaneously in writing of the outcome of any disciplinary proceeding 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 accuser and the accused will be notified simultaneously in writing of the procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding. 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 utilize 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**

**Short-Term Suspension**—If the vice president of student services, or designee, determines that a student is a danger to himself/herself or others, the student may be suspended for a period of ten (10) days during which MiraCosta College is in session (Education Code section 66017).

- A. The student will be notified either in person or in writing by the vice president of student services, or designee, of the reason for suspension within ten (10) days of the event that caused the decision to suspend.
- B. The student may request a meeting with the vice president of student services, or designee. The meeting will be held within ten (10) days of the student request. At the meeting, the student will be presented with the information that caused the decision to suspend and will be given an opportunity to respond to the accusation. If the suspension is lifted or modified as a result of the meeting, the student will be notified in writing by the vice president of student services, or designee. The decision of the vice president of student services, or designee for a suspension up to ten (10) days is final.

**Long-Term Suspension**—If the vice president of student services, or designee, determines that a student disciplinary infraction requires a long-term suspension, the student will be notified in person or in writing within ten (10) days of the incident that the vice president of student services, intends to impose a long-term suspension that may last from eleven (11) days up to one (1) calendar year.

- A. A student facing a long-term suspension has the right to request a formal hearing before a long-term suspension is imposed. The request must be submitted in writing to the vice president of student services, or designee, within ten (10) days of receipt of notice of intent to impose a long-term suspension. The hearing will take place within ten (10) days of the student request.
- B. The hearing to appeal a long-term suspension will be conducted by an academic administrator who is not involved with the incident that caused the decision to suspend. The student may bring an advocate to the hearing. If the advocate is an attorney, the vice president of student services must be notified at least five (5) days in advance of the formal hearing so that college legal representation may also be present. The vice president of student services, or designee, will present the case for suspension and the student will be provided an opportunity to respond and provide evidence in support of the appeal. If attorneys are present, they may provide advice to the people they represent, but they are not part of the formal hearing and will not participate unless invited to do so by the academic administrator in charge of the hearing.
  1. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in hearings. Relevant evidence, including hearsay, is admissible if it is the type of evidence that reasonable members of the college community would rely upon in the conduct of their affairs. The academic administrator conducting the hearing shall have the discretion to determine admissibility of evidence.
  2. The academic administrator in charge of the hearing makes a decision based on a preponderance of the evidence, which is whether it is more likely than not that the accused student violated the MiraCosta Community College District Student Code of Conduct .
- C. The hearing will be audio-recorded.
- D. The academic administrator will notify the student within five (5) days of the formal hearing whether or not the suspension will be upheld.
- E. If the suspension is upheld, the student may make a final appeal in writing to the superintendent/president who will respond in writing within five (5) days. The decision of the superintendent/president is final.

**Expulsion**—If the vice president of student services, or designee, determines that a student violation of the MiraCosta Community College District Student Code of Conduct is so egregious that it warrants expulsion from the college, the student will be notified in writing of the intention to expel within ten (10) days of the college administration being made aware of the incident. While an expulsion decision is pending, the student will be suspended from the college.

- A. If the student wishes to appeal the decision of the vice president of student services, or designee, to recommend expulsion to the Board of Trustees, he or she must request a formal hearing in writing to the vice president of student services within ten (10) days of receipt of the notice of intent to expel.
- B. The hearing for an appeal of an expulsion decision will be held within fifteen (15) days of receipt of the student request for a hearing. The hearing will be conducted by an academic administrator who is not involved with the incident that caused the decision to expel. The student may bring an advocate to the hearing. If the advocate is an attorney, the vice president of student services must be notified at least five (5)

days in advance of the formal hearing so that college legal representation may also be present. The vice president of student services, or designee, will present the case for expulsion, and the student will be provided an opportunity to respond and provide evidence in support of the appeal. If attorneys are present, they may provide advice to the people they represent, but they are not part of the formal hearing and will not participate unless invited to do so by the academic administrator in charge of the hearing.

1. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in hearings. Relevant evidence, including hearsay, is admissible if it is the type of evidence that reasonable members of the college community would rely upon in the conduct of their affairs. The academic administrator conducting the hearing shall have the discretion to determine admissibility of evidence.
  2. The academic administrator in charge of the hearing makes a decision based on a preponderance of the evidence, which is whether it is more likely than not that the accused student violated the student code of conduct .
- C. The hearing will be audio-recorded.
- D. The academic administrator will notify the student in writing within five (5) days of the formal hearing whether or not a recommendation for expulsion will be forwarded to the superintendent/president. The superintendent/president may support, modify, or reject the recommendation for expulsion. If the superintendent/president supports the recommendation for expulsion, the recommendation will be forwarded to the Board of Trustees for action within thirty (30) days of the superintendent/president's decision.
- E. The Board of Trustees will consider a recommendation for expulsion at the next regularly scheduled meeting after receipt of the recommendation from the superintendent/president. The board will consider an expulsion recommendation in closed session unless the student has requested the matter be considered in a public meeting (Education Code section 72122). The student will be notified in writing by certified mail at least three (3) days prior to the board meeting at which the expulsion recommendation will be considered. The notification will include the date, time, and place of the board meeting. The student may request the hearing be held as a public meeting. The request must be in writing to the superintendent/president and must be made at least forty-eight (48) hours prior to the meeting. If, despite the request for a public hearing, a right to privacy conflict occurs, the board may conduct the expulsion hearing in closed session. The board may accept, modify, or reject the recommendation for expulsion, and the decision of the board is final. The board decision shall be announced at a public meeting.
- F. If the student is expelled by the Board of Trustees, he or she will be permanently excluded from enrolling at MiraCosta College.

### **DECISION-MAKING COMPLAINT PROCESS – ADMINISTRATIVE PROCEDURE 5520**

Formal rules of process, procedure, and/or technical rules of evidence such as are applied in criminal or civil court are not used in hearings. Relevant evidence, including hearsay, is admissible if it is the type of evidence that reasonable members of the college community would rely upon in the conduct of their affairs. The academic administrator conducting the hearing shall have the discretion to determine admissibility of evidence.

### **STANDARD OF EVIDENCE – ADMINISTRATIVE PROCEDURE 5520**

The academic administrator in charge of the hearing makes a decision based on a preponderance of the evidence, which is whether it is more likely than not that the accused student violated the code of conduct for students.

### **RANGE OF PROTECTIVE MEASURES AVAILABLE TO A VICTIM ALLEGING MISCONDUCT**

Victims 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 DISCIPLINARY COMPLAINT – ADMINISTRATIVE PROCEDURE 3210, ADMINISTRATIVE PROCEDURE 3540**

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 human resources and/or the College Police Department. Staff members in those areas will assist students with the correct processes for resolution. The director of human resources or a 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. For issues that are not resolved at the campus level, these websites provide additional information:

- <http://www.miracosta.edu/studentservices/complaints/index.html>
- Students, employees, or community members wishing to file a complaint should work through the campus complaint process described in Administrative Procedure 3440–Campus Complaint Process first before escalating issues to any of the following resources. Issues that are not resolved at the campus level may be presented:
  - To the Accrediting Commission for Community and Junior Colleges (ACCJC) at <http://www.accjc.org/complaint-process>
- If the complaint is associated with the institution's compliance with academic program quality and accrediting standards. ACCJC is the agency that accredits the academic programs of the California Community Colleges.
- To the CCC Chancellor's Office by completing a form on the website <http://californiacommunitycolleges.cccco.edu/ComplaintsForm.aspx>
- If the complaint does not concern MiraCosta College's compliance with academic program quality and accrediting standards.
- To the Chancellor's Office website if the complaint involves unlawful discrimination  
<http://extranet.cccco.edu/Divisions/Legal/Discrimination.aspx>.”

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

Any sexual assault or physical abuse, including but not limited to, domestic violence, dating violence, rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, threat of 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.)

## STEPS IN THE DISCIPLINARY COMPLAINT PROCESS – ADMINISTRATIVE PROCEDURE 3435

When a person brings charges of unlawful discrimination to the attention of the district's responsible officer, that officer will:

- A. Undertake efforts to informally resolve the charges.
- B. Advise the complainant that he or she need not participate in informal resolution.
- C. Notify the person bringing the charges of his or her right to file a formal complaint and explain the procedure for doing so.
- D. Assure the complainant that he or she will not be required to confront or work out problems with the person accused of unlawful discrimination.
- E. Advise the complainant that he or she may file a non-employment-based complaint with the Office for Civil Rights of the U.S. Department of Education (OCR) where such a complaint is within that agency's jurisdiction.
- F. If the complaint is employment-related, the complainant should also be advised that he or she may file a complaint with the U.S. Equal Employment Opportunity Commission (EEOC) and/or the California Department of Fair Employment and Housing (DFEH) where such a complaint is within that agency's jurisdiction.

Before filing a formal, written complaint, the complainant should attempt to resolve the problem by an informal conference with the parties involved. This informal attempt must be completed within thirty (30) days. Students should contact the vice president of student services in order to utilize the student due-process procedure. Employees and job applicants should contact the director of human resources. The vice president of student services and the director of human resources will either serve as mediators in this informal process or will appoint someone to serve as the district's mediator. Efforts at informal resolution need not include any investigation unless the responsible district officer determines that an investigation is warranted by the seriousness of the charges. Selecting an informal resolution does not extend the time limitations for filing a formal complaint. Efforts at informal resolution may continue after the filing of a formal written complaint, but after a complaint is filed, an investigation is required to be conducted pursuant to Title 5, section 59334, and will be completed unless the matter is informally resolved and the complainant dismisses the complaint. Even if the complainant does dismiss the complaint, the responsible district officer may require the investigation to continue if he or she determines that the allegations are serious enough to warrant an investigation. Any efforts at informal resolution after the filing of a written complaint will not exceed the ninety (90) day period for rendering the administrative determination pursuant to Title 5, section 59336.

## DISCIPLINARY DECISION-MAKING PROCESS FACULTY/STAFF

**For Faculty – Administrative Procedure 7360-4:** The arbitrator or administrative-law judge shall determine whether there is cause to dismiss or penalize the employee. If the arbitrator finds cause, the arbitrator shall determine whether the employee shall be dismissed, the precise penalty to be imposed, and whether the decision should be imposed immediately or be postponed.

**For Classified Employees – Administrative Procedure 7365-3:** Any relevant evidence may be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rules that might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence that shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.

## DISCIPLINARY STANDARD OF EVIDENCE FACULTY/STAFF

**For Faculty and Staff – Administrative Procedure 3435:** The determination of the chief executive officer, or his/her designee, as to whether there is probable cause to believe a violation occurred with respect to each allegation in the complaint.

**For Classified Employees – Administrative Procedure 7365-3:** In a disciplinary appeal, the district has the burden of proof by preponderance of the evidence.

## POSSIBLE DISCIPLINARY SANCTIONS FACULTY/STAFF

**For Faculty – Page 89, Faculty Manual:** The sanctions against faculty include a written reprimand, notice of unprofessional conduct, suspension, and termination.

**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 his/her 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 his/her 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.
- Associate faculty are only hired for a semester at a time and rather than imposing discipline, an individual would just not be offered a future assignment.

When a complainant does not consent to the disclosure of his or her name or other identifiable information to the alleged perpetrator, the college's ability to respond to the complaint may be limited.

## **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**

In all cases, investigations that result in a finding that more likely than not a violation occurred will lead to the initiation of disciplinary procedures against the accused individual. College sanctions may be imposed upon those determined to have violated policy. The college may implement protective 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 the Student Code of Conduct. Employees who violate this policy 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 law.

The Title IX coordinator will determine whether interim interventions and protective measure should be implemented, and if so, take steps to implement those protective measures as soon as possible. Examples of interim protective measures include but are not limited to 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. Protective measures imposed 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 advising the college community where law enforcement agency information provided by a state concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in California to provide notice, as required under state law, of each institution of higher education in that state at which the person is employed, carries on a vocation, 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](http://meganslaw.ca.gov).

Information on registered sex offenders is also available at the San Diego County Sheriff's Department at 325 So. 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](http://meganslaw.ca.gov).

## REPORTED CRIMES: 2014-2016

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](http://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 Campus 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
	2014	2015	2016	2014	2015	2016	2014	2015	2016	2014	2015	2016	2014	2015	2016	2014	2015	2016	2014	2015	2016	
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	1	2	3	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	3	3	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	0	0	0	0	0	0	0	0	0	1	0	0
Burglary	1	2	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	2	1	0
Motor Vehicle Theft	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
Liquor Law Arrests	1	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	1	0
Drug Law Arrests	3	1	1	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	4	2	1	0
Weapons Law Arrests	1	2	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1	3	0	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	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0
Weapons Law Violations referred for Disciplinary Action	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	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	

One UNFOUNDED hate crime/vandalism/sexual orientation reported on the OCEANSIDE campus for 2014.

One hate crime/vandalism/race reported on the OCEANSIDE campus for 2015.

There were no reported hate crimes for the year 2016.

Offense Type (not reported by hierarchy)	2014	2015	2016	2014	2015	2016	2014	2015	2016	2014	2015	2016	2014	2015	2016	2014	2015	2016	2014	2015	2016
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 2016)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence (VAWA 2016)	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1
Stalking (VAWA 2014)	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1

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 the any of the college campuses.



MIRACOSTA COLLEGE

## Safety & Security

# REPORT 2017

The district, and each individual who represents the district, shall provide access to its services, classes, and programs without regard to age, ancestry, color, physical or mental disability, pregnancy, gender, gender identity, gender expression, marital status, medical condition, genetic information, national origin, parental status, race or ethnicity, religion, sexual orientation, military or veteran status, or because he or she is 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.

