

*CAMPUS SECURITY REPORT*

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**SAN JOAQUIN DELTA COMMUNITY COLLEGE DISTRICT  
POLICE DEPARTMENT**



**2013-2014**

**San Joaquin Delta Community College**

**South Campus at Mountain House**

**Manteca Farm Center**

Lourn Phelps Police Services Building  
5151 Pacific Avenue, Stockton, CA 95207  
Tel: 209-954-5000

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## A Message from the Chief



On behalf of the San Joaquin Delta Community College District Police Department, I am pleased to present our 2013 Annual Security Report.

This report is compiled by the San Joaquin Delta College District Police Department in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The report is intended to provide important information relative to crime statistics and campus safety information for our college community.

This publication is intended to go well beyond merely reporting crime statistics. It is intended to educate students, prospective students, family members, staff, faculty and visitors about crime, safety, prevention and the multifaceted approach your district police department takes to create a safe campus community.

Your District Police Department is a California P.O.S.T. certified Police Agency with highly trained officers and support staff committed to the highest standards of professionalism and service. Our department strives to provide an atmosphere of safety for our students, faculty, staff and visitors.

The San Joaquin Delta Community College District Police Department is part of a team effort to ensure students can pursue their educational interests in a safe environment. We are committed to the philosophy of community-oriented policing and providing outstanding customer service. Having your trust and confidence is paramount.

Having received a significant portion of my own education here at Delta, I take great pride in the college and its fine reputation for providing quality education.

## **The College Mission and Safety on Campus**

San Joaquin Delta Community College District is committed to excellence in the provision of post-secondary education throughout the college district. This commitment is reflected in comprehensive instructional programs, services to students and the public, professionalism of faculty and staff and campus beauty and utility. The primary mission of the San Joaquin Delta Community College District is to provide rigorous, high-quality degree and certificate curricula in lower division arts and sciences and in vocational, technical, and occupational fields. The college's commitment is to prepare students with the knowledge, skills, and competencies they will need to excel in their educational, professional and personal endeavors. It is equally committed to providing students a general education, which will provide a cultural context for their knowledge and expand their intellectual horizons.

To assist in the fulfillment of the District mission the Board of Trustees of San Joaquin Delta Community College recognizes the fundamental right of employees, students, and the public to a safe environment. Violence or the threat of violent activity shall not be tolerated. The college administration enforces this basic right at all levels per Board Policy, 1700.

The Police Department contributes to the District mission by providing services that assist in maintaining a safe and secure environment. Safety at the college campuses is the primary concern of the District Police Department.

### **The District Police Department - Your Community Oriented Policing Agency**

## **What is the “Jeanne Clery” Disclosure Act?**

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, codified at 20 USC 1092(f) as a part of the Higher Education Act of 1965, is a federal law that requires colleges and universities to disclose certain timely and annual information about campus crime and security policies. All public and private post-secondary educational institutions participating in federal student aid programs are required to comply with it. The law, originally enacted by congress in 1990 as the Campus Security Act, was initiated by

Howard and Connie Clery after their daughter, Jeanne, was tragically murdered at Lehigh University in 1986. Amendments to the Act in 1998 renamed it in memory of Jeanne Clery.

The Clery Act requires colleges and universities to publish an annual report every year by October 1 that contains three years of crime statistics and certain policy statements including sexual assault policies, which assure basic victims’ rights; the law enforcement authority of campus police; and where the students should go to report crimes. The complete text of the Clery Act can be found on the website at <http://clerycenter.org/partnership-prevention>.

## **Law Enforcement Authority, Memorandum of Understanding, and Minimum Training Standards**

San Joaquin Delta Community College District Police are a fully accredited law enforcement agency and not a branch of any other law enforcement agency. The Department employs sworn peace officers who are vested with full arrest authority in the State of California, pursuant to California Penal Code section 830.32(A). All District Police Officers are armed. They conduct foot, bicycle and vehicular patrol on and around campus 24 hours a day, 365 days a year. The Police Officers' arrest authority may extend to any place within the State of California and maintain primary law enforcement jurisdiction for all crimes occurring on District properties. Police officers all meet the requirements specified by the California Peace Officer's Standards and Training Commission, which are mandated for all sworn California law enforcement officers. Law enforcement duties and responsibilities of police officers mirror those of municipal and county law enforcement agencies in your home communities.

San Joaquin Delta Community College Police focus enforcement and prevention efforts in our primary jurisdiction to include all property owned, leased and/or operated by the District. District Police share concurrent law enforcement jurisdiction on all adjacent public streets, areas, and in communities surrounding the District properties and cooperate fully with all local, state and federal law enforcement agencies. San Joaquin Delta Community College District maintains operational agreements/memorandums of understanding that comply with the Kristin Smart Campus Safety Act and Higher Education Opportunity Act clarifying that District Police are the primary law enforcement agency for all crimes occurring on District properties or facilities.

Our non-sworn Campus Safety Officers and Student Service Officers assist with: patrolling the campuses, working special events, crime prevention and outreach efforts. They have authority to issue parking citations. They each have the same powers of arrest as a private citizen.

The department prides itself in offering intensive, individualized quality service to those it serves through collaboration, maintaining trust and confidence and employing problem solving strategies.

## **Timely Warning Policy**

On occasion, one may see timely warning notices describing recent crime trends or dangerous incidents. Once all relevant information is received, these notices will be posted within 24 to 48 hours. Methods of dissemination may include, but are not limited to, electronic distribution through mass email, text messaging, posting of hard copies in public areas, posting on college and District Police web sites, voice mail recordings, campus staff, and dissemination via local media outlets and District Police social media sites.

Bulletins shall include, but are not limited to, those crimes that are listed in the Clery Act.

If appropriate, status updates as to the resolution and/or unfounded status of the crime or issued Crime Alert will be similarly disseminated and updated as soon as possible.

Reporting Members of the community who know of a crime or other serious incident should report that incident as soon as possible to the District Police, so a determination can be made as to issuing an alert.

### **TipSoft Alerts**

TipSoft is an informational text messaging and email alert service that allows the District Police Department to communicate with the public regarding events in our area such as crime, fugitives, Amber Alerts, and other emergencies.

For more information and to sign up for TipSoft go to:  
<https://www.tipsoftonline.com/Push/index2.aspx?ID=1117>

## **Reporting the Annual Disclosure of Crime Statistics**

The District Police Department prepares an annual report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. It includes crime data on and around the main Stockton Campus, South Campus at Mountain House and the Manteca Farm Center and is prepared in cooperation with the Office of the Vice President of Student Services, the Stockton Police Department and the San Joaquin County Sheriff's Office. A copy of the report is obtainable at the District Police Department, or, on-line at <http://police.deltacollege.edu>. San Joaquin Delta Community College District Police Department headquarters is located on the north side of the campus near the corner of District Rd. and Service Rd.

## **Report all suspicious or criminal activity**

All suspicious, criminal, violent or potentially violent activity on campus should be reported to the District Police Department by college emergency phone, dialing 911, or extension 5000 (from classrooms and offices), or 209-954-5000 from any phone. For off campus emergencies dial 911 for your local municipal or county police agency. We encourage students and staff to list the District Police Emergency number 209-954-5000 as a quick dial feature for their personal cell phones.

## **Confidential Reporting of Crime**

The District Police Department accepts reports of criminal activity in confidence. This particularly applies to crimes of sexual violence and allows the victim to report through a third party and/or remain anonymous. We accept reporting anywhere on campus you feel comfortable, such as the Office of the Vice President of Student Services or any campus administrative office. It is our goal to provide assistance wherever the report is made and to ensure that we include the appropriate crime information in our annual security report.

## **Safe Environment Action Team**

Board Policy 1700 and Procedure 1701 provides for the maintenance of a safe environment and establishment of a Safe Environment Action Team. This group serves as the immediate support team to staff and students who encounter situations that may be potentially violent. Each incident is evaluated on its own merit. The team is composed of the Vice President of Student Services, the Director of Police, the Director of Human Resources and Employee Relations, the Risk Manager and other support personnel. The purpose of the Team is to resolve issues that may become violent. The Director of Police serves as the manager responsible for hearing concerns and coordinating actions related to the threat of violence at District facilities or activities. Employees, students, or other individuals who believe they have reason to feel fear or intimidation by a co-worker, supervisor, student, or other person should report this immediately to the Director of Police at 209-954-5000.

## **Campus Security Authorities**

Campus Security Authorities (CSAs) are individuals who have significant responsibility for students and student activities and who are required to report Clery Act crimes they may have become aware of in their daily contact with students to the District Police. Any Clery Act crimes reported to these individuals are included in the annual disclosure of statistics. While crimes may be reported to these individuals, the SJDCCD encourages students, staff and faculty to promptly



report all crimes to the District Police. If you wish to have your case reviewed by the District police department and possibly pursue criminal charges, you must file a report with the San Joaquin Delta Community College District Police Department.

As defined under the Clery Act, CSA's include college deans and assistant deans, college directors and assistant directors, athletic team coaches, athletic assistant coaches, faculty advisors to student groups, and campus staff involved in disciplinary and judicial proceedings. Please be aware that information forwarded by CSA's is for statistical purposes only.

## **Security access, lighting, visibility and maintenance of facilities**

The Stockton and South Campus are open to the general public during normal business hours. Classes begin at 6:00 A.M. and end at 10:00 P.M., during the week. Utility workers unlock gates and open the campus at 5:30 A.M., Monday through Friday. District Police personnel secure and lock gates at 11:00P.M. Monday through Friday. District Police personnel open and secure various centers and doors on weekends to accommodate college classes and special events. The Police Department recognizes that there is a need for after hour and weekend access to buildings and offices. Anyone working late or on weekends should notify the District Police Department. Students are discouraged from utilizing buildings after hours without supervision by college personnel.

Lighting improvements are continuously being evaluated. Parking lots, pathways and some interior locations have been upgraded to a high intensity, metal halide lighting system. The college landscape is continuously monitored to provide the greatest amount of visibility by keeping the canopy (tree line) high and ground cover low.

Surveillance cameras provide the District Police Department with the ability to monitor specific locations, such as walkways, parking lots, cafeteria, and bookstores, which greatly assist with overall student safety.

Physical structures of the campus are continually monitored to maintain a safe environment. Staff members of the Office of Maintenance and Operations engage in the observation, renovation and repair of facilities, equipment and other objects that may pose a threat to the physical safety of members of the campus community.

## **Crime “Media” Log**

The District Police Department maintains a daily log of crimes reported to the department. The log is kept in the Communication Center and is available upon request. The log is open for public inspection during normal business hours of 8:00 a.m. – 4:30 p.m., Monday – Friday. Log entries older than 60 days can be obtained by request within two business days.

## **Emergency– Blue Light Phones**

The District provides emergency direct dial emergency/Blue phones to contact the District Police Department for an urgent, non-urgent and emergency response. Emergency/Blue light telephones are located at various locations around the Stockton and Mountain House campuses and are distinguished by a blue light located on top of the phone.

Using an Emergency/ Blue phone is the same as calling 911. When a call is made from an emergency phone, the Police Communications Center is automatically notified which phone is in use and can dispatch fire or police personnel to the appropriate location even when a caller cannot speak. All emergency phone activations are investigated for this reason, just as all 911 calls are investigated.

In addition to the Emergency / Blue phones, there is also an emergency phone located in most elevators on campus. These elevator emergency phones also connect directly to the Police Communications Center.

Blue phones may be used to request escort services.

## **Medical Emergencies**

Emergencies on campus, including medical and first aid emergencies, should be reported directly to the District Police Department by dialing (209) 954-5000 or 9-1-1. Upon receipt of the call, police personnel are dispatched immediately to the site of the emergency.

### **Emergencies Off-Campus and Non-Campus Facilities**

The emergency telephone number in San Joaquin County is 9-1-1. Use this number for fire, police and medical emergencies. This call is free from all payphones. When dialing 9-1-1 from a cellular telephone, you will be connected to the California Highway Patrol Dispatch.

## Crime Prevention Presentations

The Department also practices proactive policing by offering its citizens preventative safety tips. As members of the Delta College community we all share the responsibility of maintaining a safe and secure environment. Numerous presentations are provided each semester to students, faculty, classified employees and managers on techniques in maintaining personal and material safety. These include seminars on the prevention of crime on campus, the prevention of violence in the workplace, critical incident management, personal safety awareness, sexual assault prevention, prevention of burglary and theft and other topics that concern members of the community.

\*Highlights and descriptions of programs and services that were offered in 2013 include:

- Personal Safety and Crime Prevention training for New Employee
- Student Safety Presentation
- Crime Prevention and Self-Defense Presentation
- Crime Prevention Fair

\*Information on safety and security may be obtained at:

- District Police Department located on the Stockton Campus.
- District Police Sub –Station located at the South Campus at Mountain House.
- District Police Web site. <http://www.deltacollege.edu/dept/police/>

## Student Discipline

San Joaquin Delta Community College's Board of Trustees is committed to providing its students with a safe learning environment and believes that each student has an obligation to observe the college's standards of conduct and regulations. The Board has authorized the Superintendent/President to establish procedures for the imposition of discipline on students in accordance with the requirements for due process of federal and state laws and regulations.

The procedures identify potential disciplinary actions, including, but not limited to, the removal, suspension, or expulsion of a student and are available through the College Catalog, Schedule of Classes, Student Handbook and Internet (Board Policy, 5470).

## **Alcohol, Drugs and Weapons Policies**

The unlawful manufacture, distribution, dispensing, possession or use of illegal drugs on campus, or property maintained by the District, or any District sponsored event off campus is prohibited. The use of illegal substances or abuse of legal substances, including alcohol, in a manner that impairs performance of assigned tasks is not allowed. All students, faculty members, staff members and administrators are subject to local, state and federal laws that regulate illegal substances.

The Department educates the campus community that excessive use of alcohol and other drugs creates a serious health problem. Moreover, alcohol and drug abuse may also contribute to other physical and mental health problems including, but not limited to, unwanted pregnancy, violent behavior, HIV infection and other sexually transmitted diseases and psychological depression.

The use of alcoholic beverages must be in compliance with California state law and is strictly limited to persons 21 years of age or older. Alcoholic beverages may not be consumed in public areas. No alcoholic beverages may be served on the San Joaquin Delta Community College campus or at other college facilities except as authorized by the Board of Trustees for an individual event as provided by law (Board Policy, 9061).

The District Police Department strictly enforces federal, state and local laws, as well as the college's zero tolerance policy for the use and sale of illegal drugs. Violators are subject to college discipline, criminal prosecution and suspension and expulsion from the campus.

Firearms and other dangerous weapons of any kind are not permitted on campus or any other location or event sanctioned by the college. State law strictly prohibits intentional use, possession, or sale of firearms or any other dangerous weapons on campus. All violators will be prosecuted to the fullest extent of the law. (See end of report for Policy)

## Commonly Used and Abused Substances

Drugs commonly used and abused include: alcohol, marijuana, cocaine, amphetamines, methamphetamine (crystal meth), prescription drugs (such as Vicodin, Oxycodone, Xanax and Anabolic Steroids). While some of these substances are legal, they all may result in serious health problems; such as addiction and sometimes death. Illicit substance use can also result in financial and legal challenges.

<b>Alcohol</b>	<b>Marijuana (pot, grass, weed, Bud)</b>
<p>The effects of alcohol are primarily determined by the amount of alcohol that has been consumed and can include:</p> <ul style="list-style-type: none"> <li>• Euphoria</li> <li>• Excitement</li> <li>• Confusion</li> <li>• Stupor</li> <li>• Coma</li> <li>• Death</li> </ul>	<p>Effects of marijuana can include:</p> <ul style="list-style-type: none"> <li>• impaired short-term memory and concentration</li> <li>• distorted perception and judgment</li> <li>• diminished motor skills</li> <li>• accelerated heart rate and increased blood pressure</li> <li>• apathy</li> </ul>

<b>Cocaine (coke, rock, toot, blow, snow)</b>	<b>Methamphetamines (crystal, crack, crank)</b>
<p>Effects of cocaine can include:</p> <ul style="list-style-type: none"> <li>• accelerated heart rate and increased blood pressure</li> <li>• dilated pupils</li> <li>• seizures and strokes</li> <li>• nasal damage requiring medical or surgical intervention</li> </ul>	<p>Effects of methamphetamines can include:</p> <ul style="list-style-type: none"> <li>• loss of appetite</li> <li>• delusions, hallucinations, psychosis</li> <li>• psychological and physical dependence</li> </ul>

<b>Steroids</b>	<b>Opioids (Heroin, Vicodin, and Oxycodone)</b>
<p>Effects of steroid use can include:</p> <ul style="list-style-type: none"> <li>• Excessive acne and feminine breast growth in men</li> <li>• Increased blood pressure</li> <li>• Testicular shrinking, decreased sperm count, and infertility</li> <li>• Dramatic mood swings, depression, paranoia</li> </ul>	<p>Effects of opioids use can include:</p> <ul style="list-style-type: none"> <li>• Decreased pulse</li> <li>• Drowsiness</li> <li>• Constricted pupils</li> <li>• Delirium</li> </ul>

## Sexual Assault

It is the policy of San Joaquin Delta Community College District to provide a campus environment in which individuals can interact freely without fear of experiencing sexual assault. The college recognizes that awareness is the best tool for avoidance of sexual assault. Seminars, student and employee orientations, announcements, staff meetings, classroom discussions, and other means will be utilized periodically to inform students and staff of this issue (Policy listed at the end of the report).

All allegations of sexual assault occurring at college controlled facilities and/or activities should be immediately reported to the District Police. The Police Department, with the victim's consent, will immediately conduct a criminal investigation of a reported assault. They will also place the victim in contact with support services for those who are victims of violent crimes including sexual assault. Those who are victims of violent crimes, including sexual assault, will be placed in contact with the appropriate support services.

### **If you become the victim of a sexual assault on or off campus**

- **GET** to a safe place
- **CONTACT** the District Police Department (or your local police if off campus) by dialing 911
- **DO NOT** shower, bathe, douche, change or destroy clothing
- **DO NOT** straighten up or clean the area
- **SEEK** medical attention
- **SEEK** emotional support from the local Women Center at (209) 465-4997

## Support Resources List

The following is a list of some of the law enforcement agencies, SJDC departments, and off-campus support services that provide a variety of support options and resources for survivors of sexual assault.

### Resources for Victim(s)

#### On-Campus Support Resources

District Police Department (24 hours emergency)	(209) 954-5000
Health Unit	(209) 954-5077
Department of Guidance and Counseling	(209) 954-5151 ext. 6279 (209) 954-5151 ext. 6280

#### Community Resources

San Joaquin County Victim/Witness	(209) 468-2500
San Joaquin General Hospital	(209) 468-6000
San Joaquin Substance Abuse Services	(209) 468-3800
Women Center of San Joaquin County <u>Sexual Assault</u>	Stockton (209) 465-4997 (24 hr hotline)
	Lodi (209) 368-3406
	Tracy (209) 833-0300
South County Crisis Center	Manteca (209) 824-0586
Calaveras Crisis Center	San Andreas (209) 736-4011 (24 hr hotline)
Women Center of San Joaquin County <u>Domestic Violence</u>	Stockton (209) 465-4878 (24 hr hotline)
Deaf Women's Legal Project	(510) 538-0152 (TTY)
National Domestic Violence Hotline	(800) 799-SAFE (24 hr hotline)

#### San Joaquin County Law Enforcement Agencies

San Joaquin Community College District Police Department	(209) 954-5000
San Joaquin County Sheriff Office	(209) 468-4421
San Joaquin County Probation Department	(209) 468-4100
Stockton Police Department	(209) 937-8377
Stockton Unified School District Police Department	(209) 933-7085
Stockton Port Police	(209) 946-0246
University of the Pacific Police Department	(209) 946-2537
Lodi Police Department	(209) 333-6727
Tracy Police Department	(209) 831-4550
Manteca Police Department	(209) 239-8401
Ripon Police Department	(209) 599-2102
Escalon Police Department	(209) 838-7093
Lathrop Police Services	(209) 858-5551

## Convicted Sexual Offender Registration Laws

Effective October 28, 2002, Penal Code 290.1 was expanded and requires sexual offenders to register with the District Police Department. Convicted sexual offenders are required to register under Section 290 if they are residing on campus; enrolled as a student; employed by the District, either part-time or full-time (includes paid employees or volunteers); or working or carrying on a vocation at the campus for more than 14 days or for an aggregate period exceeding 30 days in a calendar year (including paid workers as well as volunteers).

Persons listed above must register with the District Police within five working days of commencing enrollment or employment with the District. Registrants are also required to notify the District Police within five working days of ceasing to be enrolled or employed, or ceasing to carry on a vocation within the District.

Public information regarding sex offenders in California may be obtained by viewing the Department of Justice online Megan's Law web site. Persons desiring information regarding sex offenders within San Joaquin County may contact the Sheriff's Office at 209-468-4400, or the Stockton Police Department at 209-937-8377.

Information on registered sex offenders is available on the Megan's Law website at <http://www.meganslaw.ca.gov>.

## Title IX notice of non-discrimination

The San Joaquin Delta Community College District does not discriminate on the basis of sex, gender or sexual orientation in its education programs or activities. Title IX of the Education Amendments of 1972, and certain other federal and state laws, prohibit discrimination on the basis of sex in all education programs and activities operated by the District (both on and off campus). Title IX protects all people regardless of their gender or gender identity from sexual discrimination, which includes sexual harassment and violence:

- Sexual Discrimination means an adverse act of sexual discrimination (including sexual harassment and sexual violence) that is perpetrated against an individual on a basis prohibited by Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et seq., and its implementing regulations, 34 C.F.R. Part 106 (Title IX); California Education Code §66250 et seq. and/or California Government Code §11135.
- Sexual Harassment is unwelcome conduct of a sexual nature that includes, but is not limited to, sexual violence, sexual advances, requests for sexual favors, indecent exposure and other verbal, nonverbal or physical unwelcome conduct of a sexual nature, where such conduct is sufficiently severe, persistent or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the individual, and is in fact considered by the individual, as limiting the



individual's ability to participate in or benefit from the services, activities or opportunities offered by the District. Sexual harassment also includes gender-based harassment, which may include acts of verbal, non-verbal or physical aggression, intimidation or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

- Sexual Violence means physical sexual acts (such as unwelcome sexual touching, sexual assault, sexual battery and rape) perpetrated against an individual without consent or against an individual who is incapable of giving consent due to that individual's use of drugs or alcohol, or disability.

### Who to Contact If You Have Complaints, Questions or Concerns

Title IX requires the District to designate a Title IX Coordinator to monitor and oversee overall Title IX compliance. Your campus Title IX Coordinator is available to explain and discuss: your right to file a criminal complaint (sexual assault and violence); the District's complaint process, including the investigation process; how confidentiality is handled; available resources, both on and off campus; and other related matters. If you are in the midst of an emergency, please call the District police immediately by dialing 209-954-5000 if off campus please call 9-1-1.

#### District Title IX Coordinators

Director of Human Resources & Risk Management	(209) 954-5059 Coordinator
Athletics Instructor, Head Baseball Coach/PE/Health	(209) 954-5183 Co-Coordinator
Vice President of Student Services	(209) 954-5632 Co-Coordinator
District Police	(209) 954-5000
U.S. Department of Education, Office for Civil Rights	(800) 421-3481 ocr@ed.gov

If you wish to fill out a complaint form online with the OCR, you may do so at: <http://www2.ed.gov/about/offices/list/ocr/complaintintro.html>.

Except in the case of a privilege recognized under California law (examples of which include Evidence Code §§1014 (psychotherapist-patient); 1035.8 (sexual assault counselor-victim); and 1037.5 (domestic violence counselor-victim)), any member of the District community who knows of or has reason to know of sexual discrimination allegations shall promptly inform the campus Title IX Coordinator.

## Missing Persons

### **Missing Students who reside in on-campus housing (Manteca Farm Center Campus):**

The District Police Department will take any missing persons report which is reported to them without delay regardless of jurisdiction. A missing person report will be given investigative priority over non-emergency property crimes.

When an officer receives a report of a missing person, the officer will determine the category of missing person and complete a report. The reporting officer will ensure that the appropriate information is entered into the California and National Missing Persons data base. If the missing person is under 18 and not emancipated, police officer will notify a custodial parent or guardian. (See end of report for Policy)

## Counseling and Psychological Services

Board Policy charges the Guidance and Counseling Division with responsibility for providing academic, career, and personal counseling services. Personal counseling services include support for students who are in crisis. Students, whose short or long term mental health becomes a barrier to successful completion of their educational goals, may find support through one-to-one counseling services.

Often, this help is provided during times of crisis involving such issues as: physical/emotional abuse; health; relationship difficulties; chronic depression or stress, etc.

Crisis counseling is most often short term. Counselors may refer students to Mental Health Services in acute crisis situations involving the health and safety of students and others. Counselors refer students to other mental health professionals in the community for longer-term therapeutic support.

Students in crisis should be referred immediately to: Guidance and Counseling Office, De Ricco Building second floor, 209-954-6276. The referring staff member should clearly state that the student is in need of 'crisis counseling'.

## **Smoking on District Property**

Due to health and safety concerns, San Joaquin Delta Community College District has approved a new Smoke Free Campus Policy effective July 14, 2014. (See end of report for Policy)

There shall be no smoking, use or sale of tobacco-related products on District property including all indoor and outdoor spaces owned, leased, licensed, or otherwise controlled by the District. The District shall provide and maintain a workplace and learning environment that is smoke and tobacco-free to promote the safety and health of students, employees, and the public. For additional policy language, review the following website:

[http://www.deltacollege.edu/dept/police/smoking\\_info.html](http://www.deltacollege.edu/dept/police/smoking_info.html)

## **Escorts for Students and Staff (Stockton and South Campus)**

Students, Staff and Visitors may request a safety escort by dialing extension 5000 from any campus phone, Emergency/Blue phone or (209) 954-5000 from other phones.

Provide the dispatcher with your current location and intended destination. If there are special circumstances or risks that you know about, be sure to share them with the dispatcher and officer. Subject to availability, an officer will be dispatched to your location to walk with you to your destination. An officer may wish to transport you in a vehicle if it is more practical based on conditions.

## **Hate Crimes**

Hate violence as defined by law means “any act of physical intimidation or physical harassment, physical force or physical violence, or the threat of physical force or physical violence, that is directed against any person or group of persons because of the ethnicity, race, national origin, religion, sex, sexual orientation, disability, or political/religious beliefs of that person or group.”

Incidents of hate violence should be immediately reported to the District Police Department. The College is charged with ensuring that the rights guaranteed by state law and the United States Constitution are protected for all people regardless of their ethnicity, race, national origin, religion, sex, sexual orientation, disability, or political/religious beliefs.

## **Emergency Response Plan**

San Joaquin Delta Community College District has adopted a Contingency Plan to facilitate the management of critical incidents that occur on campus. Every classroom and office contains an Emergency Procedures flip chart. Please take time to familiarize yourself with this document. Should a building, center or the entire campus need evacuation, you will be directed to a safe location to facilitate your exit. Always remain calm and follow the directions of college and emergency personnel to assure your safety. You may determine the date and time to return to campus by calling 209-954-5000.

Information on the Emergency Response Plan is available on the District Police website at: <http://www.deltacollege.edu/dept/police/index.html> click on the Emergency Preparation Link.

## District Crime Statistics

<b>MAIN CAMPUS - STOCKTON</b>			
<b>CRIMINAL OFFENSES – On Campus</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Sex offenses – Forcible			
• Rape	0	0	0
• Forcible Fondling (Sexual Battery)	2	1	4
• Forcible Sodomy	0	0	0
• Sexual Assault With An Object	0	0	0
Sex Offenses – Non-forcible			
• Incest	0	0	0
• Statutory Rape	0	0	0
Robbery	6	6	9
Aggravated assault	0	0	2
Burglary	5	8	8
Motor vehicle theft	2	11	6
Arson	1	0	0
Domestic Violence	-	-	2
Dating Violence	-	-	1
Stalking	-	-	1
<i>Caveat: Reports only burglaries of structures</i>			

<b>CRIMINAL OFFENSES – Public Property</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Sex offenses – Forcible	0	0	0
Sex Offenses – Non-forcible (incest and statutory rape only)	0	0	0
Robbery	1	2	0
Aggravated assault	0	0	1
Burglary	0	0	0
Motor vehicle theft	0	0	3
Arson	0	0	0
Domestic Violence	-	-	0
Dating Violence	-	-	0
Stalking	-	-	0

<b>HATE OFFENSES – On Campus</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Sex offenses – Forcible	0	0	0
Sex Offenses – Non-forcible (incest and statutory rape only)	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	0	0
Arson	0	0	0

Any other crime involving bodily injury	0	0	0
Larceny – Theft	0	0	0
Destruction/damage/vandalism of property	0	0	0
Intimidation	0	0	1
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0

<b>HATE OFFENSES – Public Property</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Sex offenses – Forcible	0	0	0
Sex Offenses – Non-forcible (incest and statutory rape only)	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	0	0
Arson	0	0	0
Any other crime involving bodily injury	0	0	0
Larceny – Theft	0	0	0
Destruction/damage/vandalism of property	0	0	0
Intimidation	0	0	0
Domestic Violence	-	-	0
Dating Violence	-	-	0
Stalking	-	-	0

<b>Arrests – On Campus</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Illegal weapons possession	6	12	6
Drug law violations	15	18	15
Liquor law violations	1	4	5

<b>Disciplinary Actions/Judicial Referrals – On Campus</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Illegal weapons possession	3	0	0
Drug law violations	2	0	0
Liquor law violations	2	0	0

<b>Arrests – Public Places</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Illegal weapons possession	0	0	0
Drug law violations	0	0	3
Liquor law violations	0	0	0

<b>Disciplinary Actions/Judicial Referrals – Public Places</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Illegal weapons possession	0	0	0
Drug law violations	0	0	0
Liquor law violations	0	0	0

<b>MANTECA FARM CENTER - Manteca</b>			
<b>CRIMINAL OFFENSES – On Campus</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Sex offenses – Forcible			
• Rape	0	0	0
• Forcible Fondling (Sexual Battery)	0	0	0
• Forcible Sodomy	0	0	0
• Sexual Assault With An Object	0	0	0
Sex Offenses – Non-forcible (incest and statutory rape only)			
• Incest	0	0	0
• Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	1	0	1
Motor vehicle theft	1	0	0
Arson	0	0	0
Domestic Violence	-	-	0
Dating Violence	-	-	0
Stalking	-	-	0
<i>Caveat: Reports only burglaries of structures</i>			

<b>CRIMINAL OFFENSES – On Campus – Residence Hall</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Sex offenses – Forcible	0	0	0
Sex Offenses – Non-forcible (incest and statutory rape only)	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	0	0
Arson	0	0	0
Domestic Violence	-	-	0
Dating Violence	-	-	0
Stalking	-	-	0

<b>CRIMINAL OFFENSES – Public Property</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Sex offenses – Forcible	0	0	0
Sex Offenses – Non-forcible (incest and statutory rape only)	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	0	0
Arson	0	0	0
Domestic Violence	-	-	0
Dating Violence	-	-	0

Stalking	-	-	0
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<b>HATE OFFENSES – On Campus</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Sex offenses – Forcible	0	0	0
Sex Offenses – Non-forcible (incest and statutory rape only)	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	0	0
Arson	0	0	0
Any other crime involving bodily injury	0	0	0
Larceny – Theft	0	0	0
Destruction/damage/vandalism of property	0	0	0
Intimidation	0	0	0
Domestic Violence	-	-	0
Dating Violence	-	-	0
Stalking	-	-	0

<b>HATE OFFENSES – Public Property</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Sex offenses – Forcible	0	0	0
Sex Offenses – Non-forcible (incest and statutory rape only)	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	0	0
Arson	0	0	0
Any other crime involving bodily injury	0	0	0
Larceny – Theft	0	0	0
Destruction/damage/vandalism of property			
Intimidation	0	0	0
Domestic Violence	-	-	0
Dating Violence	-	-	0
Stalking	-	-	0

<b>Arrests – On Campus</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Illegal weapons possession	0	0	0
Drug law violations	0	1	1
Liquor law violations	0	0	0

<b>Disciplinary Actions/Judicial Referrals – On Campus</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Illegal weapons possession	0	0	0
Drug law violations	0	0	0
Liquor law violations	0	0	0

<b>Arrests – Public Places</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
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Illegal weapons possession	0	0	0
Drug law violations	0	0	0
Liquor law violations	0	0	0

<b>Disciplinary Actions/Judicial Referrals – Public Places</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Illegal weapons possession	0	0	0
Drug law violations	0	0	0
Liquor law violations	0	0	0

<b>South Campus at Mountain House – Mountain House</b>			
<b>CRIMINAL OFFENSES – On Campus</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Sex offenses – Forcible			
• Rape	0	0	0
• Forcible Fondling (Sexual Battery)	0	0	0
• Forcible Sodomy	0	0	0
• Sexual Assault With An Object	0	0	0
Sex Offenses – Non-forcible (incest and statutory rape only)			
• Incest	0	0	0
• Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	0	0
Arson	0	0	0
Domestic Violence	-	-	0
Dating Violence	-	-	0
Stalking	-	-	0

<b>CRIMINAL OFFENSES – Public Property</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Sex offenses – Forcible	0	0	0
Sex Offenses – Non-forcible (incest and statutory rape only)	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	0	0
Arson	0	0	0
Domestic Violence	-	-	0
Dating Violence	-	-	0
Stalking	-	-	0

<b>HATE OFFENSES – On Campus</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Sex offenses – Forcible	0	0	0
Sex Offenses – Non-forcible (incest and statutory rape only)	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	0	0
Arson	0	0	0
Any other crime involving bodily injury	0	0	0
Domestic Violence	-	-	0
Dating Violence	-	-	0

Stalking	-	-	0
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<b>HATE OFFENSES – Public Property</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Sex offenses – Forcible	0	0	0
Sex Offenses – Non-forcible (incest and statutory rape only)	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	0	0
Arson	0	0	0
Any other crime involving bodily injury	0	0	0
Domestic Violence	-	-	0
Dating Violence	-	-	0
Stalking	-	-	0

<b>Arrests – On Campus</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Illegal weapons possession	0	0	0
Drug law violations	0	0	0
Liquor law violations	0	0	0

<b>Disciplinary Actions/Judicial Referrals – On Campus</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Illegal weapons possession	0	0	0
Drug law violations	0	0	0
Liquor law violations	0	0	0

<b>Arrests – Public Places</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Illegal weapons possession	0	0	0
Drug law violations	0	0	0
Liquor law violations	0	0	0

<b>Disciplinary Actions/Judicial Referrals – Public Places</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Illegal weapons possession	0	0	0
Drug law violations	0	0	0
Liquor law violations	0	0	0

## Crime Definitions

### General Crimes

The following crime definitions are used in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting Program.

#### Aggravated Assault

The unlawful attack by one person, upon another, for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

#### Arson

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

#### Burglary

(Dept. of Ed) - The unlawful entry of a structure to commit a felony, or a theft.

(UCR Definition) - The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

#### Criminal Homicide -Manslaughter by Negligence

The killing of another person through gross negligence.

#### Criminal Homicide - Murder and Non Negligent Manslaughter:

The willful (non-negligent) killing of one human being by another.

#### Drug Abuse Violations

Violations of State and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone's); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

#### Liquor Law Violations

The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and

all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

#### Motor Vehicle Theft

The theft, or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned—including joyriding.)

#### Robbery

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

#### Weapon Law Violations:

The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.

### **Sex Offenses**

The following sex offense definitions are excerpted from the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Program.

#### Sex Offenses – Forcible

Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

#### Forcible Rape

The carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).

#### Forcible Sodomy

Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

### Sexual Assault with an Object

The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

### Forcible Fondling

The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

### Sex Offenses - Non Forcible

Unlawful, non-forcible sexual intercourse

### Incest

Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

### Statutory Rape

Non-forcible sexual intercourse with a person who is under the statutory age of consent.

## **Hate Crimes**

"Hate crimes" are crimes that, upon investigation, manifest evidence that the victim was intentionally selected because of the perpetrator's bias. Clery Act statistics for hate crimes are derived from any of the Clery Act reportable crimes listed in the Crime Definitions section and, beginning in 2009, the following additional crimes.

### Larceny/Theft

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. (Note: Constructive possession is defined by Black's Law Dictionary, 6th ed. as "where one does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.")

### Simple Assault

An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury

involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

#### Intimidation

To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

#### Destruction/Damage/Vandalism of Property (Except Arson)

To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

### **Domestic Violence, Dating Violence and Stalking**

The Higher Education Act (HEA) of 1965 defines the new crimes categories of domestic violence, dating violence, and stalking in accordance with section 4002(a) of the Violence Against Woman Act of 1994 as follows:

#### Domestic Violence

Means a felony or misdemeanor crime of violence committed by:

- A current or former spouse or intimate partner of the victim
- A person with whom the victim shares a child in common
- A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies [under VAWA], or
- 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."

#### Dating violence

Means violence committed by a person:

- who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- where the existence of such a relationship shall be determined based on consideration of the following factors:
  - the length of the relationship;
  - the type of relationship; and

- the frequency of interaction between the persons involved in the relationship.

### Stalking

Means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for his or her safety of others; or
- Suffer substantial emotional distress



## Administrative Procedure / Board Policy

### Administrative Procedure 3500 Campus Safety

#### AP 3500 Campus Safety

**Reference:** Education Code Sections 212, 67380, and 87014; Penal Code Section 245; 20 U.S. Code Sections 1232g, 1292(f), 34 Code of Federal Regulations 668.46; 34 Code of Federal Regulations 99.31(a) (13), (14); Campus Security Act of 1990

#### A. Safe Campus Environment Complaint Procedure

The District commits itself to the maintenance of a safe environment in which to work and learn for all employees and students. The following procedures will govern the maintenance of this environment:

1. Director of Police Services and Public Safety Programs shall serve as the manager responsible for hearing concerns and coordinating actions related to threats of violence at District facilities. Employees, students, or other individuals who believe they have reason to feel fear or intimidation by a co-worker, supervisor, student, or other person while in the performance of their job or studies, should report this immediately to the Director of Police Services, and, for off-campus sites, a law enforcement agency of local jurisdiction.
2. The Director of Police Services and Public Safety Programs shall make a determination as to what action is required. The following actions may be considered:
  - a. Resolution of the employee, student, or other individual concern at an informal level through the initial conference with the employee, student, and/or the person who is the subject of the complaint.
  - b. Referral of the employee, student, or other individual to a more appropriate existing grievance or complaint process.
  - c. Convening of the Safe Environment Action Team to review the employee's or student's complaint and alternative courses of action. The affected employee/student may request an immediate convening of the Safe Environment Action Team. If such a request is made, the Safe Environment Action Team must convene no later than within two working days of the request.

#### B. The Safe Environment Action Team

The Safe Environment Action Team shall serve as the immediate support team available to staff and students in situations which are perceived as potentially violent. The team

shall be composed of: the Director of Police Services and Public Safety Programs (or designee), the Assistant Superintendent/Vice President of Student Services (or designee), the Director of Human Resources, and representatives from appropriate collective bargaining units. Other staff or consulting resources may be asked to join deliberations on a case by case basis. The Safe Environment Action Team shall:

1. At the request of the Director of Police Services and Public Safety Programs or the complaining employee, student, or other individual, convene within two working days of a complaint.
2. When the complainant is a member of the District's staff, and within the authority provided by Board Policy and applicable statute, consider: referral through a more appropriate grievance/complaint process; employee reassignment; administrative or other leave arrangements; short/long term disciplinary action; restraining or other orders for legal separation; student suspension or other student disciplinary proceedings; other strategies to support the employee including counseling, assignment of leave, referral for legal guidance, etc.
3. When the complainant is a student, and within the authority provided by Board Policy and applicable statute, consider: referral through a more appropriate grievance/complaint process; class or employment reassignment; disciplinary action; restraining or other orders for legal separation; other strategies to support students including counseling support.
4. When the complainant is a member of the public, and within the authority provided by Board Policy and applicable statute, consider: referral through a more appropriate grievance/complaint process; restraining or other orders for legal separation; other strategies to support the individual including referral to counseling, legal guidance, or other community support resources.

#### C. Appeals

If at any point in the process the complainant is unsatisfied with the decisions of the Director of Police Services and Public Safety, the Safe Environment Action Team, or other officers of the District, the following procedures are available:

1. **Grievance**  
Board Policy offers opportunity for employee and student grievance on issues related to safety. Complainants may pursue an appeal of any decision through the established grievance policies.
2. **Appeal**  
Upon request by the complainant, the Superintendent/President will review the complainant's concerns, the recommendations of the Safe Environment Action Team, and other relevant information. The Superintendent/President will render a decision or recommendation in writing within two working days and this decision shall be final.

D. Documentation

The Director of Human Resources and Employee Relations shall maintain a printed record of any actions related to District employees. The Assistant Superintendent/Vice President of Student Services shall maintain similar records on student related actions. Campus Police shall maintain records on all others. The Director of Human Resources and Employee Relations shall maintain a written record of Safe Environment Action Team activities.

E. Campus Safety Plan

The Director of Police Services and Public Safety Programs shall develop on an annual basis a campus safety plan that shall be made available to students via a student handbook and web page posting. The safety plan shall contain:

- methods and means to contact Campus Police
- tips for reporting threats or criminal activity
- tips for promoting a safe campus environment
- what to do in cases of emergency

F. Campus Safety Report

The Director of Police Services and Public Safety Programs shall prepare and annually update a report of all occurrences reported to campus of arrests for crimes that are committed on campus and that involve violence, hate violence, theft or destruction of property, illegal drugs, or alcohol intoxication, and of all occurrences of noncriminal acts of hate violence reported to campus authorities. A written report will be submitted to the Board.

Written records of noncriminal acts of hate violence shall include at least a description of the act of hate violence, the victim characteristics, and offender characteristics, if known.

## **Administrative Procedure 3503 Missing Student Notification**

### **AP 3503 Missing Student Notification**

**Reference:** 34 Code of Federal Regulations Section 668.46(h)

If a member of the campus community has reason to believe that a student who resides in on campus housing is missing, he/she should immediately notify the District who will generate a missing person report and initiate an investigation.

In addition to registering a general emergency contact, students residing in on-campus housing have the option to identify confidentially an individual to be contacted by the District in the event the student is determined to be missing for more than 24 hours. If a student has identified such an individual, the District will notify that individual no later than 24 hours after the student is determined to be missing. A student who wishes to identify a confidential contact can do so with District police. A student's confidential contact information will be accessible only by authorized campus officials and law enforcement in the course of the investigation.

## **Administrative Procedure 3540 Sexual and Other Assaults on Campus**

### **AP 3540 Sexual and Other Assaults on Campus**

**Reference:** Education Code Section 67385; 20 U.S.C. § 1092(f); 34 C.F.R. § 668.46(b) (11); Penal Code 240-248

Any sexual assault or physical abuse, including, but not limited to, rape, as defined by California law, whether committed by an employee, student, or member of the public, occurring on District property, or on an off-campus site or facility maintained by the District, or on grounds or facilities maintained by a student organization, is a violation of District policies and regulations, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. (See also AP 5500, Standards of Student Conduct.)

#### **Definitions:**

“Sexual assault” – includes but is not limited to, rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or threat of sexual assault.

“Assault” – an unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another.

These written procedures and protocols are designed to ensure victims of sexual assault receive treatment and information.

All students, faculty members or staff members who allege they are the victims of a sexual assault on District property shall be provided with information regarding options and assistance available to them. Information shall be available from the District's Police Services Department, which shall maintain the identity and other information about alleged sexual assault victims as confidential unless and until the Director of Human Resources Services is authorized to release such information.

The District Police Services Department shall provide all alleged victims of sexual assault with the following, upon request:

- A copy of the District's policy and procedure regarding sexual assault;
- A list of personnel on campus who should be notified of the assault which shall be maintained by the District's Police Services Department, and procedures for such notification if the alleged victim consents;
- A description of available services, and the persons on campus available to provide those services if requested.
  - transportation to a hospital, if necessary;
  - counseling or referral to a counseling services;

- notice to the police, if desired;
  - a list of other available campus resources or appropriate off-campus resources.
- A description of each of the following procedures:
    - criminal prosecution;
    - civil prosecution (i.e., lawsuit);
    - District disciplinary procedures, both student and employee;
    - Modification of class schedules;
    - Tutoring if necessary.

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

The District shall maintain the identity of any alleged victim or witness of sexual assault on District property, as defined above, in confidence unless the alleged victim or witness specifically waives that right to confidentiality. All inquiries from reporters or other media representatives about alleged sexual assaults on District property shall be referred to the District's Police Services Department, which shall work with the Director of Human Resource Services to assure that all confidentiality rights are maintained.

Additionally, the Annual Security Report will include a statement regarding the District's programs to prevent sex offenses and procedures that should be followed after a sex offense occurs. The statement must include the following:

- A description of educational programs to promote the awareness of rape, acquaintance rape, and other forcible and non-forcible sex offenses;
- Procedures to follow if a sex offense occurs, including who should be contacted, the importance of preserving evidence to prove a criminal offense, and to whom the alleged offense should be reported;
- Information on a student's option to notify appropriate law enforcement authorities, including on-campus and local police and a statement that campus personnel will assist the student in notifying these authorities, if the student so requests;
- Information for students about existing on-and off-campus counseling, mental health, or other student services for victim of sex offenses;
- Notice to students that the campus will change a victim's academic situation and living situation after an alleged sex offense and of the options for those changes, if those changes are requested by the victim and are reasonably available;

- Procedures for campus disciplinary action in cases of an alleged sex offense, including a clear statement that:
  - The accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding; and,
  - Both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding resulting from an alleged sex offense.
- A description of the sanctions the campus may impose following a final determination by a campus disciplinary proceeding regarding rape, acquaintance rape, or other forcible or non-forcible sex offenses.

### **Education and Prevention Information**

The District's Police Services Department and the Office of Human Resources shall collaborate to:

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

### **Sexual Assault Complaint Procedures**

#### A. Reporting:

All allegations of sexual assault occurring at District controlled facilities and/or activities must be reported to the District's Police Department immediately upon discovery.

#### B. Rights of the Parties

Filing a complaint under Administrative Procedure 3540 "Sexual Assault" shall not preclude filing of a complaint under Administrative Procedure 3435 Unlawful Discrimination and Harassment Complaint Procedure and Investigative Process. "It is important during this process that the rights of the victim(s) and the suspect are protected. The protection should include the following:

##### 1. Rights of the Victim(s):

- a. The victim shall have the right to seek support from the San Joaquin County Victim Assistance support program.

- b. Reasonable steps will be taken to maintain the reputation of the victims(s) during the entire process and/or restore the person(s) reputation if it is damaged by the proceedings.
- c. To keep the complaint confidential until the complaint gives the Director of Human Resource Services permission to move the complaint to the next level or until a formal complaint is filed.

2. Rights of the Suspect(s):

- a. The suspect(s) will be afforded all rights guaranteed by the Constitution of the United States of America and the State of California.
- b. Reasonable steps will be taken to maintain the reputation of the accused during the entire process.
- c. In the event that the charges are not substantiated, the District shall take reasonable steps in consultation with the accused to restore his/her reputation if it was damaged by the proceedings.

C. District Action

For District actions regarding sexual harassment and sexual assault, refer to Administrative Procedure 3435.

D. Complaint Handling Procedures

- 1. The Director of Police Services and Public Safety Programs shall have the responsibility for coordinating a criminal investigation regarding allegations of sexual assault.
- 2. Laws designated to protect juveniles require the reporting of crimes committed against persons under 18 years of age, if there is sufficient evidence. Persons over 18 years of age may elect whether or not to file charges. If charges are filed, an arrest may be made and appropriate legal channels will be followed through the appropriate district Attorney's Office.
- 3. If a formal legal complaint is not filed, but academic discipline is in order, refer to policy and procedure on harassment (Board Policy and Administrative Procedure 3430, Prohibition of Harassment, and Administrative Procedure 3435, Unlawful Discrimination and harassment Complaint Procedure and Investigative Process), Section I. Unlawful Discrimination Harassment Complaint Procedure.



## **Administrative Procedure 3570 Smoking on Campus**

### **AP 3570 Smoking on Campus**

**Reference:** Government Code Sections 7596, 7957, and 7598; Labor Code Section 6404.5; Title 8, Section 5148

There shall be no smoking, use or sale of tobacco-related products on San Joaquin Delta Community College District property including all indoor and outdoor spaces owned, leased, licensed, or otherwise controlled by the District. The District shall provide and maintain a workplace and learning environment that is smoke and tobacco-free to promote the safety and health of students, employees, and the public. Tobacco use is prohibited in all District owned and leased vehicles including vans, automobiles, busses, and all types of delivery, maintenance, and service vehicles.

The District will support and assist efforts to stop smoking by providing literature, referrals to community cessation programs, and by sponsoring periodic campus smoking cessation campaigns.

Implementation of the Smoke-Free Campus policy will be the shared responsibility of every visitor, student, faculty member, classified member, confidential member, manager, administrator, and Board member.

- Notification of the Smoke-Free Environment shall be published on a continual basis in the College Catalog, handbooks, websites, Class Schedules, and other appropriate locations.
- “Welcome to Delta College: We Are a Smoke-Free Campus” signs will be posted at major campus entrances.
- “No Smoking” signs may be posted at building entrances, breezeways, air intake systems, etc., as needed.
- No cigarette urns will be placed on District property

To enforce smoking and tobacco control regulations and procedures, the Superintendent/President is authorized to:

- Smoking violations shall be subject to issuance of citations by the San Joaquin Delta College Police Department as provided for by state law. The fine shall be equal to the average fine of parking violations. The fine amounts will be imposed as follows:
  - First violation will be \$33.00; second violation will be \$66.00; and, the third and subsequent violations will be - \$100.00. Repeat violations will result in an increase of 100% of the original fine, not to exceed \$100.
  - An appeal process will ensure the due process of any person cited in accordance with District Policy. Appeals may be submitted in writing or online within 21 calendar days of issuance of the citation. The Appeals Committee shall consist of

one representative from each of the bargaining units, one District representative, and one student representative.

- Students who fail to pay their fine will have a hold placed on their student account.
- Employees who fail to pay their fine will be reported to their Vice President for further action.

The San Joaquin Delta College Police Department may issue a citation to a person for violating Government Code 7596, 7597, and 7598 “Smoking in Public Buildings.” The citation issued in violation of a “Smoking in Public Buildings” section will be sent through the San Joaquin County Court adjudication process.

Government Code 7597 (a) No public employee or member of the public shall smoke any tobacco product inside a public building, or in an outdoor area within 20 feet of a main exit, entrance, or operable window of a public building or in a passenger vehicle (as defined by section 465 of the Vehicle Code) owned by the state.

“Smoking” means engaging in an act that generates smoke and/or vapors, such as possessing a lighted pipe; a lighted hookah pipe; operating an electronic cigarette; a lighted cigar; a lighted cigarette of any kind; or lighting or igniting a pipe, a hookah pipe, a cigar, or a cigarette of any kind.

## **Administrative Procedure 5210 Communicable Diseases**

### **AP 5210 Communicable Diseases**

**Reference:** Education Code Section 76403

The District has established a Campus Health and Safety Committee (Board Policy 2430) to assure cooperation with local public health officials in establishing measures necessary for the prevention and control of communicable diseases in students.

#### **A. Communicable Diseases.**

1. Communicable diseases, including Acquired Immune Deficiency Syndrome (AIDS) and AIDS-related Complex (ARC), are concerns which will be addressed individually, on a case-by-case basis. The College's response to these concerns will consider the appropriate health and safety factors involved of the nature and the risk of the disease to the college community.
2. The District will protect the rights of individuals, including the release of information, in accordance with federal and state laws and regulations.
3. The District will comply with any immunization program required by State Department of Health Services regulations.
4. The District will promote education and awareness activities related to communicable diseases, including AIDS and ARC.
5. The District's response to communicable diseases, including AIDS, ARC, and persons testing positive for HIV antibody, will be guided by the recommendations issued by the U.S. Public Health Service Center for Disease Control, the California Department of Health, the American College Health Association, the Chancellor of the California Community Colleges, and other similar agencies.

#### **B. Acquired Immune Deficiency Syndrome (AIDS), AIDS-related Complex (ARC) and persons positive for Human Immune-deficiency Virus (HIV).**

1. San Joaquin Delta College recognizes the complexity of the interaction of health, educational, civil rights, and legal issues that bear on communicable diseases including Acquired Immune Deficiency Syndrome (AIDS), AIDS-related complex (ARC) and persons positive for Human Immune-deficiency Virus (HIV) antibody. San Joaquin Delta College, further, is committed to providing a safe environment for all of its students and staff. To provide for the prevention of the spread of virus; to ensure safe and healthful learning and working conditions; to protect the rights of persons with communicable diseases; to dispel myths and fears; and to create an informed and supportive campus community, the following apply:

- a. The District will recognize and protect the legal rights of students and employees regarding the subject of communicable diseases. Delta College students and employees will be provided with a safe as well as fair, sensitive, and nondiscriminatory environment for study or work. An individual with AIDS, ARC, or a positive HIV-antibody test result may not be denied employment, enrollment for instruction, or participation in curricular or extracurricular activities, as long as he or she is able, with appropriate accommodations, to perform in accordance with established standards. Nor may any such person be denied any benefit or service to which he or she is otherwise entitled. Furthermore, no individual may be required to answer questions about whether he or she has AIDS or to undergo antibody testing or other AIDS testing as a condition of employment or enrollment.
  
- b. Persons with AIDS or ARC, or who are perceived to have such conditions, are considered disabled under state and federal law and will be provided with accommodations necessary to meet their disability-related needs. A student with AIDS or AIDS Related Complex (ARC) may be served through state-funded Disabled Support Programs and Services (DSPS) if the condition imposes functional limitations that impede access to the educational process.

## **Administrative Procedure 5500 Standards of Student Conduct**

### **AP 5500 Standards of Student Conduct**

**Reference:** Education Code 66300, 66301, 76030 et seq.; Penal Code 245.6; Accreditation Standard II.A.7.b

For the purpose of this procedure, the term “student” includes applicants, enrolled students, students between academic terms, graduates awaiting degrees, and students who withdraw from school while a disciplinary matter is pending.

Students are expected to obey all federal and state laws as well as all District policies and procedures. Students are obligated to treat all District activities with respect so as not to disturb the opportunity for faculty and staff to perform their duties and for students to gain the full benefits of participation in their classes and other District programs.

A student may be disciplined, and sanctions imposed, in accordance with the procedures set forth in Administrative Procedure 5520, Student Discipline, relating to attendance or District activity. Student misconduct constituting good cause for imposition of discipline includes, but is not limited to, the following:

1. Academic Misconduct – Plagiarism (including plagiarism in a student publication), cheating, or other forms of academic dishonesty, intended to gain unfair academic advantage. The following list of offenses is not intended to be fully exhaustive of all potential instances of academic dishonesty, cheating, plagiarism or falsification. Faculty and administrators may identify other acts constituting any of said types of student misconduct.
  - a. Academic Dishonesty/Plagiarism: presenting work, words, ideas, theories, etc., derived in whole or in part from a source external to the student as though they are the student’s own efforts. Examples of plagiarism include, but are not limited to the following:
    - i. Failing to use proper citations as acknowledgment of the true source of information found in a paper, written or oral examination, or any other academic exercise.
    - ii. Presenting any work completed in whole or in part by any individual or group other than the student, as though the work is the student’s own, in any academic exercise.
    - iii. Buying, selling, bartering, or in any other fashion obtaining or distributing material to be used fraudulently as part of any academic exercise.

- iv. Disseminating or receiving answers, data, or other information by any means other than those expressly permitted by the professor as part of any academic exercise.
  - v. Copying answers, data, or other information (or allowing others to do so) during an examination, quiz, laboratory experiment, or any other academic exercise in which the student is not expressly permitted to work jointly with others.
  - vi. Assuming another individual's identity or allowing another person to do so on one's own behalf for the purpose of fulfilling any academic requirements or in any way enhancing the student's grade or academic standing.
  - vii. Using any device, implement, or other form of study aid during an examination, quiz, laboratory experiment, or any other academic exercise without the faculty member's permission.
- b. Other Academic Misconduct: Alteration, distortion, forgery, falsification, or fabrication of data, records, or any information relevant to the student's participation in any course or academic exercise or tampering with such information as collected or distributed by the faculty member.
- i. Falsifying, or attempting to falsify, attendance records, graded exercises of any kind, or any information or document intended to excuse the student from participation in any academic exercise.
  - ii. Inventing, fabricating, or falsifying data as part of the completion of any academic exercise.
  - iii. Knowingly furnishing false information (or facilitating the furnishing of false information) to a District official, faculty member, or staff member or campus office.
  - iv. Forgery, alteration, or misuse of a District document, key, or identification instrument.
  - v. Misrepresenting one's self to be an authorized agent of the District or one of its auxiliaries.

2. Other Misconduct (Non-Academic):

- a. Any act chargeable as a violation of a federal, state, or local law that poses a substantial threat to the safety or well-being of others participating in District

activities, to property within the District community or poses a significant threat of disruption or interference with District operations.

- b. Dishonesty (Non-academic dishonesty), lying, corruption, deceit, fraud or deception.
- c. Unauthorized entry into, presence in, use of, or misuse of District property.
- d. Willful, material and substantial disruption or obstruction of a District-related activity, or any on-campus activity.
- e. Participating in an activity that substantially and materially disrupts the normal operations of the District, or infringes on the rights of others participating in District activities.
- f. Willful, material and substantial obstruction that impedes the flow of pedestrian or other traffic, on or leading to District property or at a District-activity held at a remote location.
- g. Disorderly, lewd, indecent, or obscene behavior on District property or at a District- activity, or directed toward an others participating in District activities.
- h. Disruptive behavior, willful disobedience, habitual profanity or vulgarity, open and persistent defiance of the authority of, or persistent abuse of, District personnel.
- i. Encouraging, permitting, or assisting another person to do any act that could subject him or her to discipline.
- j. Engaging in expression which is obscene; libelous or slanderous; or which incites students so as to create a clear and present danger of the commission of unlawful acts on the District premises, or the violation of lawful District administrative procedures, or the substantial disruption of the orderly operation of the District.
- k. Conduct that threatens, endangers, or harms the health or safety of any person within the District community; including communicable disease and the failure to address or treat communicable disease, infection or infestation (including insects), , strong body odor of alcohol or marijuana emanating from one's person, spitting, physical abuse, physical injury, threats, intimidation, harassment, stalking, sexual harassment, indecent exposure, sexual battery, rape or other types of sexual misconduct.

- l. Engaging in harassing or discriminatory behavior based on religion, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation of any person, or status as a veteran or other status protected by law.
- m. Hazing or conspiracy to haze is defined as any method of initiation or pre-initiation into a student organization or student body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury to any former, current, or prospective student of a college (Penal Code 245.6), and in addition, any act likely to cause physical harm, personal degradation or disgrace resulting in physical or mental harm, to any former, current, or prospective student of a College. The term “hazing” does not include customary athletic events or District sanctioned events. Neither the express or implied consent of a victim of hazing, nor the lack of active participation in a particular hazing incident is a defense. Apathy or acquiescence in the presence of hazing is not a neutral act, and is also a violation of this section.
- n. Use, possession, manufacture, or distribution of illegal drugs or drug-related paraphernalia, (except as expressly permitted by law and District procedures) or the misuse of legal pharmaceutical drugs (BP/AP 3550).
- o. Use, possession, manufacture, or distribution of alcoholic beverages (except as expressly permitted by law and District procedures), or public intoxication while on District property and/or at a District activity (BP/AP 3560) at a remote location.
- p. Smoking, use or sale of tobacco-related products in any area prohibited by law or by regulation of the District (BP/AP 3570).
- q. Theft or extortion of property or services from the District or others participating in District activities, misappropriation of District resources, or knowing receipt of any stolen property including that of the District or private property while on District property and/or at a District activity at a remote location.
- r. Unauthorized destruction or damage to District or property under the use of the District (BP/AP 6520).
- s. Possessing, selling, using or misusing, or furnishing, firearms or guns, replicas, BB, pellet or soft air guns, ammunition, explosives, fireworks, knives, swords, tasers, stun guns or other weapons, dangerous chemicals, or other dangerous objects (without the prior authorization of the District



Superintendent/President or designee) on District property or at a District activity at a remote location.

- t. Unauthorized recording, photographing, dissemination, or publication of academic presentations (including handwritten notes) for any purpose.
- u. Possessing, selling, using or misusing, or furnishing pornographic materials or items.
- v. Misuse of District computer facilities, its network, or resources including:
  - i. Unauthorized entry into a file for any purpose; including electronic sabotage, i.e., downloading virus software or any other method of sabotaging District computers.
  - ii. Unauthorized transfer of a file.
  - iii. Use of the identification or password of other individuals.
  - iv. Interference with the work of a member of the District community, interference with normal District operations, or violation of copyright laws.
  - v. Sending obscene or intimidating and abusive messages through the District's network services.
  - vi. Accessing, viewing or downloading any type of lewd, obscene or pornographic materials, and/or sharing or sale of said materials.
  - vii. Violation of the District's computer use policy.
- w. Violation of any published District policy, rule, regulation or Superintendent/President's or designee's directive.
- x. Failure to comply with directions of, or interference with, any District official or any public safety officer while acting in the performance of his/her duties.
- y. Falsification, distortion, or misrepresentation of information related to a student discipline matter.
- z. Initiation of a student discipline proceeding in bad faith.
- aa. Disruption or interference with the orderly progress of a student discipline proceeding:

- i. Attempting to discourage another from participating in the student discipline matter.
- ii. Attempting to influence the impartiality of any participant in a student discipline matter.
- iii. Verbal or physical harassment or intimidation of any participant in a student discipline matter.
- iv. Failure to comply with the sanction(s) imposed under a student discipline proceeding.

Any other conduct that threatens the health, safety or security of the campus community, or substantially disrupts the functions or operation of the District is within the jurisdiction of this Article, regardless of whether it occurs on or off campus, and whether or not it is specifically described above.

Nothing in this procedure may conflict with Education Code Section 66301, which prohibits disciplinary action against students based on behavior protected by the First Amendment. Students who engage in misconduct as described herein are subject to the procedures outlined in Administrative Procedure, AP 5520 Student Discipline, for determination of misconduct and imposition of sanctions. Violations must be reported on Form 5510 Student Misconduct Report (available on the District's Student Services Division Webpage).

See BP/AP 5500 Standard of Conduct, BP/AP 5520 Student Discipline, AP 5530 Student Rights, Grievances & Grade Disputes, BP/AP 3550 Drug Free Environment and Drug Prevention Program, BP/AP 3560 Consumption of Food and Drink: Alcoholic Beverages, BP/AP 6520 Security for District Property

## **Administrative Procedure 5520 Student Discipline and Appeal Procedure**

**Reference:** Education Code 66017; Penal Code Section 626.4

The purpose of this procedure is to provide a prompt, fair and equitable means to address student misconduct. The procedure shall be implemented in a manner providing students with all due process rights to which they are entitled under state and federal law, and not for the purpose of retaliation. Students alleged to be guilty of misconduct may also be subject to civil proceedings in a court of law that may be initiated by the District, other agencies or individuals. Students alleged to have violated state or federal law may also be subject to criminal procedures by agencies with jurisdiction.

This administrative procedure shall not be implemented in a manner that will infringe in any way on the rights of students to engage in free expression as protected by the state and federal constitutions, and by Education Code Section 76120, and will not be used to punish expression that is protected.

### **A. Definition of Terms:**

1. **Administrative Warning:** A warning issued to a student by the Discipline Officer or designee, that further violation of District policy will result in serious consequences.
2. **Administrative Withdrawal:** Withdrawal from a course or courses by order of an administrator of the District, usually as a result of violation of District policy.
3. **Board:** The Board of Trustees of the San Joaquin Delta Community College District.
4. **Day:** A day during which the District is in session and regular classes are held, excluding Saturdays, Sundays and holidays.
5. **Discipline Officer:** The Superintendent/President's appointee to administer discipline for student behavior that violates the Student Code of Conduct in accordance with the requirements for due process under federal and state laws and regulations (BP/AP 5500 Standards of Student Conduct).
  - a. Discipline Officer Behavioral Misconduct, Assistant Superintendent/Vice President of Student Services, or his/her designee (Dean of Enrollment Services and Student Development).
  - b. Academic Misconduct, Assistant Superintendent/Vice President of Instruction, or his/her designee (Dean of Student Learning and Assessment).

6. District: The San Joaquin Delta Community College District.
7. Expulsion: Permanent dismissal or exclusion of the student by the Board of Trustees from all classes and activities of the District. Any student expelled pursuant to this procedure shall be permanently prohibited from being enrolled in any community college facility in the District or participating in any class, program, extra-curricular activity, or any event on or off campus that is affiliated with the District. (Education Code Section A.7., A.11. and A.12.)
8. Hearing Officer: The Superintendent/President shall appoint a Hearing Officer to assist students with the disciplinary appeal process and/or grievance process, coordinate hearings for appeals to disciplinary suspensions and/or student grievances (See BP/AP 5530), and train Hearing Panel members to facilitate fair and efficient hearings. The Hearing Officer shall remain neutral. This person may be the Assistant Superintendent/Vice President of Student Services, or designee, usually the Dean of Counseling and Special Services.
9. Notice of Intended Discipline: Written Notice to a student that a misconduct report has been received by the Discipline Officer.
10. Notice of Disciplinary Decision: Written Notice to a student that a decision has been made on the type of sanction that will be imposed for violation of the Student Code of Conduct. In cases of long-term suspension or expulsion, the student will receive notification from the Superintendent/President.
11. Probation (Misconduct): Misconduct Probation is a period of provisional attendance for violations of District policy and procedures (BP/AP 5500), during which, any additional misconduct will likely result in more serious sanctions and possible suspension from the District. A specific period of time is designated and may include specific restrictions and extra requirements on the student that vary with each case.
12. Probation (Academic): Academic or Progress Probation, which relates to satisfactory educational progress; i.e., grades or coursework (See BP/AP 5055).
13. Professor/Faculty: An academic employee of the District, in whose class a student is enrolled, or Counselor who is providing or has provided services to a student, or other academic employee who has responsibility for a student's educational program.
14. Removal from Class: Exclusion of a student, by a professor/faculty member, barring student from class for the day of the removal and the next class meeting, equal to two (2) class sessions. (Education Code A.7. and B.5.)

15. Removal from the District Property: The action of the professor, administrator, or classified staff of the District to discipline a student by removal/exclusion from classrooms, offices, and other areas of the campus.
16. Student Advocate: A student appointed by the Associated Student Body Government (ASBG), who may assist the student in advisement on discipline policy and organization of documents, presentations and related materials for a disciplinary appeal hearing or grievance claim.
17. Student: Applicants, enrolled students, students between academic terms, graduates awaiting degrees, and students who withdraw from school while a disciplinary matter is pending.
18. Superintendent/President: The Superintendent/President of the San Joaquin Delta Community College District.
19. Suspension, Types of:
  - a. Immediate Suspension/Withdrawal of Consent to Remain on Campus: Withdrawal of consent by the Superintendent/President or designee, usually the Assistant Superintendent/Vice President of Student Services, for any person to remain on campus in accordance with California Penal Code Section 626.4, where the Superintendent/President or designee, has reasonable cause to believe that such person presents a threat to the safety of the campus community or has willfully disrupted the orderly operation of the campus.
  - b. Short-term Suspension: Exclusion of the student for good cause from one or more classes for a period of up to ten (10) consecutive days of instruction by the Superintendent/President or designee. Any student suspended pursuant to this procedure shall be prohibited from participating in any class, program, extra-curricular activity, or any event, on or off campus that is affiliated with the District.
  - c. Long-term Suspension: Exclusion of the student for good cause from one or more classes for the remainder of the school term, or from all classes and activities of the College for one or more terms by the Superintendent/President or designee, either the Dean of Enrollment Services and Student Development, or the Dean of Student Learning and Assessment, depending upon the type of infraction. Any student suspended pursuant to this procedure shall be prohibited from being enrolled in the District or participating in any class, program, extra-curricular activity, or any event, on or off campus that is affiliated with the District (Education Code A.5., A.10., and A.11.).

1. Time Limits: Any times specified in this procedure may be shortened or lengthened on a case-by-case basis.
2. Written or Verbal Reprimand: An admonition to the student to cease and desist from conduct determined to violate the standards of Student Conduct. A record of the fact that a verbal or written reprimand has been given may become part of a student's permanent record at the College.

B. Disciplinary Reporting Process:

1. Removal (Dismissal) from Class or Other Area:

- a. A professor, administrator, or classified staff of the District may discipline a student by Removal from Class or other areas of the District. Such decision shall be at the sole discretion and professional judgment of the District employee. All such decisions shall be final. Decisions by professors, administrators, or classified staff of the District to impose removal from class or other areas on a student shall not limit the District from imposing further discipline as described herein.
- b. Professors, administrators, or classified staff of the District imposing Removal from Class or other areas of the District for a two day removal or more consecutive days on a student shall file a written report on a Student Misconduct Report Form (Form 5510, available on the District's Student Services Division Webpage), and submit it to the appropriate Discipline Officer, documenting the reasons the discipline was imposed.

2. Reporting Violations:

- a. Academic Dishonesty Violations: Plagiarism, cheating, falsifying information for an academic exercise, and other forms of academic misconduct. Faculty, administrators, or classified staff must complete a Misconduct Reporting Form (Form 5510, available on the District's Student Services Division Webpage), and submit it to the Dean of Student Learning and Assessment.
- b. Behavioral Violations: Furnishing false information to a District official, forgery, willful disruption. Faculty, administrators, or classified staff must a Misconduct Reporting Form (Form 5510, available on the District's Student Services Division Webpage), and submit it to the Dean of Enrollment Services and Student Development.
- c. Safety Concerns or Extremely Disruptive Behavior: Disorderly, lewd, or indecent conduct, dangerous or illegal activities, theft, drugs, alcohol or tobacco issues. Faculty, administrators, or classified staff should contact District Police Services, as well as complete a Misconduct Reporting

Form (Form 5510, available on the District's Student Services Division Webpage), and submit to the Dean of Enrollment Services and Student Development. When Police Services are included, a District Police Report will be generated and submitted Assistant Superintendent/Vice President of Student Services, as well as the Dean of Enrollment Services and Student Development.

3. Notice to Student:

- a. When a Misconduct Reporting Form or District Police Report is received by the Discipline Officer, a Notice of Intended Discipline will be generated and sent to the student by postal mail at the address on record, as well as to the student's Delta email address.
- b. The Notice of Intended Discipline shall include a specific description of the misconduct; a short statement of the facts supporting a determination of misconduct; type of possible disciplinary action; the right of the student to meet with the Discipline Officer to discuss the matter or to respond in writing, and must be provided to the student within ten (10) days of the date on which the conduct took place, was reported to the Discipline Officer, or the District reasonably learned of the conduct
- c. The student has ten (10) business days from the date of the Notice of Intended Discipline to schedule an appointment and/or respond in writing. This does not mean that the student has to "meet" within ten (10) days. The student must "respond" to the Notice within this timeframe.
- d. The meeting must occur no sooner than five (5) days after the Notice of Intended Discipline (Section C.1) is provided. At the meeting, the student must again be told the facts leading to determination that discipline is warranted. The student will be given an opportunity to respond verbally, in writing, or provide information to dispute the report. If the student chooses not to meet, or fails to attend a meeting with the Discipline Officer, or fails to submit a written response after being given a reasonable opportunity to do so, the student waives their right to provide input or rebuttal. The Discipline Officer may move forward to take disciplinary action, which may be an Administrative Warning, Misconduct Probation, or Suspension, depending on the severity of the violation.
- e. The Notice of Disciplinary Decision will be generated and sent to the student by postal mail at the address on record, as well as to the student's Delta email address, and must be provided to the student within ten (10) days of the date of the student's meeting; or, if the student fails to meet with the Discipline Officer during the allotted time, the Discipline Officer may issue the Notice of Disciplinary Decision.

f. The Notice shall include a specific description of the misconduct, a short summary of the determination, and type of disciplinary action taken. The Discipline Officer shall provide the student with his or her decision to impose an administrative warning, misconduct probation, or short-term suspension, or no further action. When discipline is imposed, the Notice of Disciplinary Decision will include the length of time of the probation, suspension or the nature of the lesser disciplinary action. The decision of the Discipline Officer on a short-term suspension shall be final. In cases of Long-Term Suspension or Expulsion, the Notice of Disciplinary Decision will include the right to appeal the Discipline Officer's decision (Section F.).

C. Suspension or Expulsion: Before any disciplinary action to impose a short-term or long-term suspension or expulsion on a student, the following will apply:

1. Short-term Suspension: Within ten (10) days after meeting with the Discipline Officer, as described in Section B.3., or if no meeting is held, after ten (10) days have passed since the Notice of Intended Discipline was served, the Discipline Officer shall provide the student with his or her decision to impose a short-term suspension. Where short-term suspension is imposed, the Notice will include the length of time of the suspension or the nature of the lesser disciplinary action. The decision of the Discipline Officer on a short-term suspension shall be final.
2. Long-term Suspension: If the decision is to impose a long-term suspension, before a long-term suspension is imposed the Notice of Disciplinary Decision will include the right of the student to request a formal appeal hearing and a copy of this policy describing the procedure for an appeal hearing.
3. Expulsion: Within ten (10) days after the meeting described in Section B.3., or if no meeting is held, within ten (10) days of serving the Notice of Intended Discipline in Section C.1., the Discipline Officer will review the evidence with the Assistant Superintendent/Vice President of Student Services to decide whether to recommend expulsion to the Superintendent/President. The Assistant Superintendent/Vice President of Student Services will notify the Superintendent/President of his/her Recommendation of Expulsion, and the Superintendent/President will provide his or her recommendation to the Board of Trustees. Written Notice of Disciplinary Decision to recommend expulsion shall be provided to the student by the Discipline Officer. The Notice will include the right of the student to request a formal disciplinary appeal hearing before expulsion is recommended to the Board of Trustees, and shall include a copy of this policy describing the procedure for an appeal hearing.

D. Immediate Suspension/Withdrawal of Consent to Remain on Campus is ordered by the Superintendent/President, or designee (in most cases the Assistant Superintendent/Vice President of Student Services) when he or she concludes that immediate suspension is required to protect lives or property and to ensure the maintenance of order.



1. The Superintendent/President or designee, usually the Assistant Superintendent/Vice President of Student Services, or his/her designee, will make reasonable attempt to notify any person for whom there is a reasonable belief that the person has willfully disrupted the orderly operation of the campus, that Consent to Remain on Campus has been withdrawn, and that he or she must promptly leave or be escorted off campus. If consent is withdrawn by the Assistant Superintendent/Vice President of Student Services, a written report must be promptly made to the Superintendent/President.
  2. Any person as to who Consent to Remain on Campus has been withdrawn, who knowingly reenters the campus during the period in which consent has been withdrawn, except to come for a pre-arranged meeting or hearing, is subject to arrest [Penal Code Section 626.4].
  3. In cases where an immediate suspension has been ordered, the time limits contained in this procedure shall not apply, and, where a long-term suspension or expulsion is recommended, reasonable opportunity for a formal hearing shall be afforded to the student within ten (10) days. Nothing shall prohibit immediate suspension, where immediate suspension is required, provided a reasonable opportunity for a hearing is afforded the student within ten (10) days.
  4. The disciplinary action may include, but need not be limited to, suspension, dismissal, or expulsion [Education Code Section 66017]. The hearing will be conducted in accordance with the provisions of this procedure related to immediate suspensions.
- E. Hearing Panel Appointments: At the beginning of the academic year, the Superintendent/President, the presidents of the Academic Senate, Management Senate, Classified Senate, and Associated Student Body Government (ASBG) shall each establish a list of at least five (5) persons who will serve on Disciplinary Appeal Hearing Panels and/or Student Grievance Hearing Panels. Persons, who accept appointment to one of these hearing panels, agree to make themselves available when a hearing panel must be convened.
1. Hearing Panels for any Disciplinary Appeal action shall be composed of one (1) Superintendent/President appointee, one (1) administrator, one (1) faculty member, one (1) classified staff member, and one (1) student. The Superintendent/President or designee, usually the Dean of Counseling and Special Services, shall serve as the Hearing Officer, and shall compose Disciplinary Appeal Hearing Panels from the names on these lists.
  2. Hearing Panels for any Student Grievance action shall be composed of one (1) Superintendent/President appointee, one (1) administrator, one (1) faculty member, and one (1) student. When a Student Grievance is related to academic, grade-related issues, classified staff will not participate on the Student Grievance

Hearing Panel. The Superintendent/President or designee, usually the Dean of Counseling and Special Services, shall serve as the Hearing Officer, and shall compose Student Grievance Hearing Panels from the names on these lists.

3. Any District employee or student who has any personal involvement in the matter to be decided, who is a necessary witness, or who could not otherwise act in a neutral manner, shall not serve on that hearing panel, and must recuse him or herself from the Hearing Panel.
4. Hearing Panel Chair(s): The Superintendent/President or designee, usually the Hearing Officer, shall appoint one (1) member of the panel to serve as the Chair. The decision of the Hearing Panel Chair shall be final on all matters relating to the conduct of the hearing, unless there is a vote by a majority of the other members of the panel to the contrary.
5. Hearing Panel Training: Annually, members appointed to serve on Disciplinary Appeal or Student Grievance Hearing Panels shall be trained on responsibilities; including, the requirements of Board Policy and Administrative Procedures in the area of student discipline, student grievances, effective hearing protocol, roles and responsibilities of panel members and the chair, and other issues bearing upon the integrity and effectiveness of these Hearing Panels.

#### F. Request and Scheduling of Disciplinary Appeal Hearing

1. Request for Disciplinary Appeal Hearing (for long-term suspension or expulsion only): Within five (5) days after the Notice of Disciplinary Decision by the Discipline Officer or designee, the student may request a formal appeal hearing. The request must be made in writing to the District's Hearing Officer on a Request for Disciplinary Appeal Hearing Form (Form 5525), which is available from the Hearing Officer.
2. When a student is removed by Immediate Suspension/Withdrawal of Consent to Remain on Campus, the Superintendent/President or designee, usually the Assistant Superintendent/Vice President of Student Services, shall notify the Hearing Officer that a reasonable opportunity for a hearing must be afforded the student within ten (10) days of the date of removal. The Hearing Officer shall be responsible for notifying and organizing the Disciplinary Appeal Hearing Panel. (Section A.15.a. and D.3.)
3. Notice and Schedule of Disciplinary Appeal Hearing: The Hearing Officer will be responsible for notifying the student of the appeal hearing date, time and location at least two (2) days in advance of the hearing. The formal hearing shall be held within thirty (30) days after a formal request for an appeal hearing is received.
4. Evidence/Hearing Materials: The student shall have access to all disciplinary evidence materials at least three (3) days in advance of the appeal hearing. In

addition, the student must submit all rebuttal evidence materials three (3) days in advance of the appeal hearing. Any/all evidence submitted by the student less than three (3) days in advance of the hearing shall not be accepted.

#### G. Conducting the Disciplinary Appeal Hearing

1. The members of the Disciplinary Appeal Hearing Panel shall be provided with a copy of the Notice of Intended Discipline, Notice of Disciplinary Decision, evidence, written reports or statements, and any written response provided by the student before the hearing begins.
2. Evidence regarding the conduct described in the Notice of Intended Discipline, Notice of Disciplinary Decision, evidence, written reports or statements shall be presented by the District's Discipline Officer, or designee, or the District's General Counsel.
3. The District representative and the student may call witnesses and introduce oral and written testimony relevant to the issues of the matter. Witnesses may include administrators, faculty, classified staff members, or other students who have direct knowledge of the issues leading the recommendation for disciplinary action. District employees who have referred students for disciplinary action shall have the right to make a statement at the hearing in support of their referral and recommendations.
4. Formal rules of evidence shall not apply. Any relevant evidence shall be admitted if it is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs regardless of the existence of any common law or statutory rule which might otherwise exclude such evidence.
5. Unless the Disciplinary Appeal Hearing Panel determines to proceed otherwise, the District representative and the student shall each be permitted to make an opening statement. Thereafter, the District representative shall make the first presentation of evidence, followed by the student. The District representative may present a rebuttal statement and/or evidence after the student completes his or her evidence. The burden shall be on the District representative to prove by substantial evidence that the facts alleged are true.
6. The student may represent him or herself, and may also have the right to be represented by a person of his or her choice. The Disciplinary Hearing Panel may also request legal assistance. Any legal advisor provided to the hearing panel may sit with the panel in an advisory capacity to provide legal counsel, but shall not be a member of the panel.
7. Hearings shall be closed and confidential unless the student requests that it be open to the public. Any such request must be submitted in writing to, and

received by, the Hearing Officer no less than five (5) days prior to the date of the hearing.

8. In a closed hearing, witnesses shall not be present at the hearing when not testifying, unless all parties and the Hearing Panel agree otherwise. For purposes of this section, faculty, administrators, classified staff members, and students who referred the matter for disciplinary action shall not be considered witnesses and shall be allowed to be present within the closed hearing.
9. The District shall record the hearing either by audio or stenographic recording, which shall be the only recording made of the hearing. No witness who refuses to be recorded may be permitted to give testimony. In the event the hearing is audio-recorded, the Disciplinary Hearing Panel chair shall, at the beginning of the hearing, ask each person present to identify them by name; and, thereafter, shall ask witnesses to identify themselves by name. The recording shall remain in the custody of the District at all times, unless released to a professional transcribing or copying service. The student may request a copy of the recording. If the District causes the recording to be transcribed, the District shall provide a copy of the transcription to the student within one business day after receipt of the completed transcription by the District. However, the District is under no obligation to cause the recording to be transcribed.
10. All testimony shall be taken under oath. The Disciplinary Hearing Panel Chair, or court reporter, shall administer the oath. Written statements of witnesses, under penalty of perjury, shall not be used unless the witness is unavailable to testify. A witness who refuses to be audio-recorded is not considered to be unavailable. In other words, mere refusal by a witness to be recorded is not an acceptable excuse for submitting written testimony in lieu of verbal testimony.
11. Within five (5) days following the close of the hearing, the Disciplinary Hearing Panel Chair shall prepare and submit a Hearing Summary to the Superintendent/President. The Hearing Summary shall state whether or not the Hearing Panel recommends upholding or overturning the disciplinary action imposed upon the student. The Hearing Summary shall include specific factual findings regarding the accusation, specific conclusions regarding any student conduct found to constitute good cause for imposition of discipline, and shall be based only on the record of the hearing, and not on matters or evidence outside of that record. The record consists of the Notice of Intended Discipline, Notice of Disciplinary Decisions, evidence, written reports, the written response of the student, if any, and the oral and written evidence produced at the hearing.

#### H. Final Decision on Suspension or Expulsion Matters

1. Within five (5) days following receipt of the Hearing Panel's recommended decision, the Superintendent/President shall render a written final decision. The Superintendent/ President may accept, modify or reject the factual findings and/or

recommended discipline of the Hearing Panel. However, in no event may the Superintendent/ President impose discipline that is more severe than the discipline set forth in the Notice of Disciplinary Decision. If the Superintendent/President modifies or rejects the Hearing Panel's findings and/or recommended discipline, the Superintendent/President shall review the record of the hearing and prepare a new written decision which contains specific factual findings and conclusions. The Superintendent/President is entitled to determine and impose all forms of discipline, except for expulsion. The decision of the Superintendent/President shall be final with respect to all discipline that the Superintendent/President is authorized to impose.

2. Expulsion: If the Superintendent/President determines that expulsion is the appropriate discipline, the Superintendent/President shall make that recommendation to the Board of Trustees. Expulsion may be decided upon and imposed only by the Board of Trustees. (Education Code Section 72122).
3. The Board of Trustees shall consider any recommendation from the Superintendent/ President for expulsion at the next regularly scheduled meeting of the Board of Trustees after receipt of the recommended decision. The Board of Trustees shall consider an expulsion recommendation in Closed Session, unless the student has requested that the matter be considered in a public meeting in accordance with this procedure (Education Code Section 72122).
4. The student shall be notified of the date, time, and place of the Board of Trustees meeting in writing, by registered or certified mail or by personal service, at least three (3) days prior to the meeting. The student may, within forty-eight (48) hours after receipt of the Notice of Intended Discipline, request that the hearing be held as a public meeting. However, even if the student has requested that the Board of Trustees consider an expulsion recommendation in a public meeting, only consideration of the factual findings shall be conducted in Open Session. Deliberation on the appropriate discipline shall always be conducted in Closed Session. Further, the Board of Trustees will hold any discussion that might be in conflict with the right to privacy of any other student in Closed Session.
5. The Board of Trustees may accept, modify, or reject the findings, decisions and recommendations of the Superintendent/President. If the Board of Trustees modifies or rejects the decision, the Board of Trustees shall review the record of the hearing and prepare a new written decision which contains specific factual findings and conclusions. The decision of the Board of Trustees shall be final.
6. The final action of the Board of Trustees on the expulsion shall be taken at a public meeting, and the result of the action shall be a public record of the District.

## Administrative Procedure 3510 Workplace Violence Plan

(PENDING)

**References:** Cal/OSHA; Labor Code Sections 6300 et seq.; Title 8 Section 3203; Code of Civil Procedure Section 527.8; Penal Code Sections 273.6, 626.9, 626.10, and 12021

**Note:** *This procedure is legally required. Local practice may be inserted. Safety in the workplace is addressed in AP 6800. Districts may merge the two procedures if desired.*

The District is committed to providing a safe work environment that is free of violence and the threat of violence.

### Responding to Threats of Violence

The top priority in this process is effectively handling critical workplace incidents, especially those dealing with actual or potential violence.

Violence or the threat of violence against or by any employee of the District or any other person is unacceptable.

Should a non-employee on District property demonstrate or threaten violent behavior, he/she may be subject to criminal prosecution.

Should an employee, during working hours, demonstrate or threaten violent behavior he/she may be subject to disciplinary action.

The following actions are considered violent acts:

- Striking, punching, slapping or assaulting another person.
- Fighting or challenging another person to fight.
- Grabbing, pinching or touching another person in an unwanted way whether sexually or otherwise.
- Engaging in dangerous, threatening or unwanted horseplay.
- Possession, use, or threat of use, of a firearm, knife, explosive or other dangerous object, including but not limited to any facsimile firearm, knife or explosive, on District property, including parking lots, other exterior premises, District vehicles, or while engaged in activities for the District in other locations, unless such possession or use is a requirement of the job.
- Threatening harm or harming another person, or any other action or conduct that implies the threat of bodily harm.
- Bringing or possessing any dirk, dagger, ice pick, or knife having a fixed blade longer than 2½ inches upon the grounds, unless the person is authorized to possess such a weapon in the course of his/her employment, has been authorized by a District employee to have the knife, or is a duly appointed peace officer who is engaged in the performance of his/her duties.

Any employee who is the victim of any violent threatening or harassing conduct, any witness to such conduct, or anyone receiving a report of such conduct, whether the perpetrator is a District employee or a non-employee, shall immediately report the incident to his/her supervisor or other appropriate person.

*[List the names of those in the chain of command with a contact number for each person. Included would also be the contact number for the local law enforcement or indicate 911.]*

No one, acting in good faith, who initiates a complaint or reports an incident under this policy will be subject to retaliation or harassment.

Any employee reported to be a perpetrator will be provided both due process and representation before disciplinary action is taken.

In the event the District fears for the safety of the perpetrator or the safety of others at the scene of the violent act, *[District police]* *[appropriate law enforcement personnel]* will be called.

## Administrative Procedure 3515 reporting Crimes

(PENDING)

**References:** Education Code Sections 212 and 87014; Penal Code Section 245; Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998;

20 United States Code Section 1232g; 34 Code of Federal Regulations Parts 99.31(a)(13), (14) and 668.46; Campus Security Act of 1990

*NOTE: This procedure is legally required.*

Members of the San Joaquin Delta Community College District who are witnesses or victims of a crime should immediately report the crime to the Delta College Police Department.

In the event an employee is assaulted, attacked or menaced by a student, the employee shall notify his/her supervisor as soon as practical after the incident. The supervisor of any employee who is attacked, assaulted or menaced shall assist the employee to promptly report the attack or assault to the Delta College Police Department. The supervisor himself/herself shall make the report if the employee is unable or unwilling to do so. Reporting a complaint to local law enforcement will not relieve the District of its obligation to investigate all complaints of harassment.

The District will instruct members of the District Police Department to notify students and employees complaining of sexual violence of their right to file a sex discrimination complaint with the District in addition to filing a criminal complaint, and to report incidents of sexual violence to the Director of Human Resources if the complainant consents.

The District shall publish warnings to the campus community about the following crimes:

- Criminal homicide – murder and non-negligent manslaughter;
- Criminal homicide – negligent manslaughter;
- Sex offenses – forcible and non-forcible sex offenses;
- Domestic violence, dating violence and stalking;
- Robbery;
- Aggravated assault;
- Burglary;
- Motor vehicle theft;
- Arson;
- Arrests for liquor law violations, drug law violations, and illegal weapons possession;
- Persons who were not arrested for liquor law violations, drug law violations, and illegal weapons possession, but who were referred for campus disciplinary action for same;
- Crimes that manifest evidence that the victim was intentionally selected because of the victim's actual or perceived race, gender, religion, sexual orientation, ethnicity, or



disability and involve larceny-theft, simple assault, intimidation, destruction/damage/vandalism of property, or any other crime involving bodily injury;

- Those reported to the Delta College Police Department and
- Those that are considered to represent a continuing threat to other students and employees.

In the event that a situation arises, either on or off campus, that, in the judgment of the Director of Police Services and Public Safety Programs constitutes an ongoing or continuing threat, a campus wide “timely warning” will be issued. The warning will be issued through the college e-mail system to students, faculty, staff and the campus’ student newspaper. The information shall be disseminated by the Director of Police Services and Public Safety Programs or designee in a manner that aids the prevention of similar crimes.

Depending on the particular circumstances of the crime, especially in all situations that could pose an immediate threat to the community and individuals, the Director of Police Services and Public Safety Programs or designee may send a more immediate notification by using the District’s mass notification emergency system to send an email warning to employee and student email accounts and to all District telephones. In addition, a warning can be sent by text messaging or by an email alert to individuals by using TipSoft.

Anyone with information warranting a timely warning should report the circumstances to the Delta College Police Department, by phone 954-5000 or in person at the Lourn Phelps Police Services Building located across from the Shima-1 Parking Lot.

The District shall not be required to provide a timely warning with respect to crimes reported to a pastoral or professional counselor.

If there is an immediate threat to the health or safety of students or employees occurring on campus, the District shall follow its emergency notification procedures.

The District shall annually collect and distribute statistics concerns crimes on campus. All college staff with significant responsibility for student and campus activities shall report crimes about which they receive information.

The District shall publish an Annual Security Report every year by October 1 that contains statistics regarding crimes committed on campus and at affiliated locations for the previous three years. The Annual Security Report shall also include policies pertaining to campus security, alcohol and drug use, crime prevention, the reporting of crimes, sexual assault, victims’ assistance program, student discipline, campus resources and other matters. The District shall make the report available to all current students and employees. The District will also provide perspective students and employees with a copy of the Annual Security Report upon request. A copy of the Annual Security Report can be obtained by contacting the Director of Police Services and Public Safety Programs or designee or at the Website address:

<http://www.deltacollege.edu/dept/police/statistics.html>

## To Report a Crime:

Contact the Delta College Police Department at (209) 954-5000. Any suspicious activity or person seen in the parking lots or loitering around vehicles or inside buildings should be reported to the police department. In addition you may report a crime to the following areas:

- Assistant Superintendent/Vice President of Student Services  
(209) 954-5632
- Assistant Superintendent/Vice President of Instruction  
(209) 954-5047
- Director of Human Resources  
(209) 954-5056

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

The Delta College Police Department encourages anyone who is the victim or witness to any crime to promptly report the incident to the police. Because police reports are public records under state law, the Delta College Police Department cannot hold reports of crime in confidence. Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can generally be made to other campus security authorities as identified below. Confidential reports of crime may also be made to the Assistant Superintendent/Vice President of Student Services at 954-5632.

The District may disclose the final results of disciplinary proceeding to a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, regardless of the outcome. The District may also disclose to anyone, the final results of a disciplinary proceeding in which it concludes that a student violated District policy with respect to a crime of violence or non-forcible sex offense. The offenses that apply to this permissible disclosure are:

- Arson;
- Assault offenses;
- Burglary;
- Criminal homicide – manslaughter by negligence;

- Criminal homicide – murder and non-negligent manslaughter;
- Destruction, damage, or vandalism of property;
- Kidnapping or abduction;
- Robbery;
- Forcible sex offenses.

The disclosure may only include the final result of the disciplinary proceeding with respect to the alleged criminal offense. The District shall not disclose the name of any other student, including a victim or witness, unless the victim or witness has waived his/her right to confidentiality.

CCLC Revised 2/03, 7/11, 3/12, 6/13

**Administrative Procedure 3540 Sexual Assaults and Other Assaults on Campus  
(PENDING)**

**References:** Education Code Section 67385; 20 U.S.C. § 1092(f); 34 C.F.R. § 668.46(b) (11); Penal Code 240-248

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

**Definitions:**

“Sexual assault” – includes but is not limited to, rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or threat of sexual assault.

~~“Assault” – an unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another.~~

**“Dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a romantic or intimate relationship will be determined based on the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.**

**“Domestic violence” includes felony or misdemeanor crimes of violence committed by:**

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

**“Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or to suffer substantial emotional distress.**

These written procedures and protocols are designed to ensure victims of **domestic violence, dating violence**, sexual assault, **or stalking** receive treatment and information. **(For physical assaults/violence, see also AP 3500, 3510, and 3515 [for insert local numbers].)**

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

The District Police Services Department shall provide all alleged victims of **domestic violence, dating violence**, sexual assault, **or stalking** with the following, upon request:

- A copy of the District's policy and procedure regarding **domestic violence, dating violence**, sexual assault, **or stalking**;
- A list of personnel on campus who should be notified of the assault which shall be maintained by the District's Police Services Department, and procedures for such notification, if the alleged victim consents;
- A description of available services, and the persons on campus available to provide those services if requested
  - transportation to a hospital, if necessary;
  - counseling or referral to a counseling services;
  - notice to the police, if desired;
  - a list of other available campus resources or appropriate off-campus resources.
- A description of each of the following procedures:
  - criminal prosecution;
  - civil prosecution (i.e., lawsuit);
  - District disciplinary procedures, both student and employee;
  - modification of class schedules;
  - tutoring, if necessary.

**The District will investigate all complaints alleging sexual assault under the procedures for sexual harassment investigations described in AP 3435, regardless of whether a complaint is filed with local law enforcement.** All alleged victims of **domestic violence, dating violence**, sexual assault, **or stalking** on District property shall be kept informed, through the District's

Police Services Department of any ongoing investigation. Information shall include the status of any student of 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.

The District shall maintain the identity of any alleged victim or witness of **domestic violence, dating violence**, sexual assault, **or stalking** on District property, as defined above, in confidence unless the alleged victim or witness specifically waives that right to confidentiality. All inquiries from reporters or other media representatives about alleged **domestic violence, dating violence**, sexual assault, **or stalking** on District property shall be referred to the District's Police Services Department, which shall work with the Director of Human Resource Services to assure that all confidentiality rights are maintained.

Additionally, the Annual Security Report will include a statement regarding the District's programs to prevent sex offenses and procedures that should be followed after a sex offense occurs. The statement must include the following:

- A description of educational programs to promote the awareness of rape, acquaintance rape, and other forcible and non-forcible sex offenses, **domestic violence, dating violence, sexual assault, or stalking**;
- Procedures to follow if a **domestic violence, dating violence**, sex offense, **or stalking** occurs, including who should be contacted, the importance of preserving evidence to prove a criminal offense, and to whom the alleged offense should be reported;
- Information on a student's option to notify appropriate law enforcement authorities, including on-campus and local police, and a statement that campus personnel will assist the student in notifying these authorities, if the student so requests;
- Information for students about existing on- and off-campus counseling, mental health, or other student services for victims of sex offenses;
- Notice to students that the campus will change a victim's academic situation and living situation after an alleged **domestic violence, dating violence**, sex offense, **or stalking** and of the options for those changes, if those changes are requested by the victim and are reasonably available;
- Procedures for campus disciplinary action in cases of an alleged **domestic violence, dating violence**, sex offense, **or stalking**, including a clear statement that:
  - The accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding; and,
  - Both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding resulting from an alleged sex offense.

**Compliance with this paragraph does not violate the Family Educational Rights and Privacy Act. For the purposes of this paragraph, the outcome of a disciplinary proceeding means the final determination with respect to the alleged domestic violence, dating violence, sex offense, or stalking and any sanction that is imposed against the accused.**

- A description of the sanctions the campus may impose following a final determination by a campus disciplinary proceeding regarding rape, acquaintance rape, or other forcible or non-forcible sex offenses, **domestic violence, dating violence, or stalking**.

### **Education and Prevention Information**

The District's Police Services Department and the Office of Human Resources shall collaborate to:

- Provide, as part of each campus' established on-campus orientation program, education and prevention information about **domestic violence, dating violence, sex assault, or stalking**. The information shall be developed in collaboration with campus-based and community-based victim advocacy organizations.
- Post sexual violence prevention and education information on the campus internet website **regarding domestic violence, dating violence, sexual assault and stalking**.

### **Sexual Assault Complaint Procedures**

#### **A. Reporting**

~~All allegations of sexual assault occurring at District controlled facilities and/or activities must be reported to the District's Police Department immediately upon discovery.~~

#### **B. Rights of the Parties**

~~Filing a complaint under Administrative Procedure 3540 "Sexual Assault" shall not preclude filing of a complaint under Administrative Procedure 3435 Unlawful Discrimination and Harassment Complaint Procedure and Investigative Process."~~

~~It is important during this process that the rights of the victim(s) and the suspect are protected. The protection should include the following:~~

##### ~~1. Rights of the Victim(s):~~

- ~~a. The victim shall have the right to seek support from the San Joaquin County Victim Assistance support program.~~

- ~~b. Reasonable steps will be taken to maintain the reputation of the victim(s) during the entire process and/or restore the person(s) reputation if it is damaged by the proceedings.~~
- ~~e. To keep the complaint confidential until the complainant gives the Director of Human Resource Services permission to move the complaint to the next level or until a formal complaint is filed.~~

~~2. Rights of the Suspect(s):~~

- ~~a. The suspect(s) will be afforded all rights guaranteed by the Constitution of the United States of America and the State of California~~
- ~~b. Reasonable steps will be taken to maintain the reputation of the accused during the entire process.~~
- ~~e. In the event that the charges are not substantiated, the District shall take reasonable steps in consultation with the accused to restore his/her reputation if it was damaged by the proceedings.~~

~~C. District Action~~

~~For District actions regarding sexual harassment and sexual assault, refer to Administrative Procedure 3435.~~

~~D. Complaint Handling Procedures~~

- ~~1. The Director of Police Services and Public Safety Programs shall have the responsibility for coordinating a criminal investigation regarding allegations of sexual assault.~~
- ~~2. Laws designated to protect juveniles require the reporting of crimes committed against persons under 18 years of age, if there is sufficient evidence. Persons over 18 years of age may elect whether or not to file charges. If charges are filed, an arrest may be made and appropriate legal channels will be followed through the appropriate District Attorney's Office.~~
- ~~3. If a formal legal complaint is not filed, but academic discipline is in order, refer to policy and procedure on harassment (Board Policy and Administrative Procedure 3430, Prohibition of Harassment, and Administrative Procedure 3435, Unlawful Discrimination and Harassment Complaint Procedure and Investigative Process); Section I. Unlawful Discrimination Harassment Complaint Procedure.~~