

RANCHO SANTIAGO COMMUNITY COLLEGE DISTRICT

INFORMATION FOR THE RESPONDENT



If you are a member of the campus community and have been accused of sexual harassment, sexual misconduct, stalking, dating and domestic violence, or other gender or sex-based harassment (“prohibited conduct”) it is important that you read the following information. Being accused of prohibited conduct can be a confusing and stressful experience. This booklet provides an overview of information, support, and processes for individuals who have been accused of prohibited conduct

While Rancho Santiago Community College District (“RSCCD”) is committed to maintaining a positive learning and working environment, RSCCD is equally dedicated to providing fair and equitable services to Parties accused of prohibited conduct. You have the right to a fair process and to receive equitable access to supportive measures. This also means you have the right to be notified of the allegations, be treated with respect, be given a full and fair opportunity to respond to the allegations, provided an opportunity to appeal, and be informed of the outcome. Included in the grievance process is a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process by the applicable standard of proof. You are also encouraged to read Administrative Regulation 3425 which details the complete grievance process.

How To Report Prohibited Conduct

Any individual who wishes to make a report may report their complaint directly to the Deputy Title IX Coordinator or Title IX Coordinator. A Complainant may also report directly to law enforcement to review their criminal options. A Complainant may pursue both the campus process through the Title IX Coordinator and the criminal process simultaneously. In addition, individuals may file a Title IX complaint with the Office for Civil Rights of the U.S. Department of Education.

The U.S. Department of Education, Office for Civil Rights (OCR)
50 United Nations Plaza, Room 1490,
Mail Box 1200 San Francisco, CA 94102
(415) 486-5555.

As a quick reminder, employees may also file employment-related complaints with the U.S. Equal Employment Opportunity Commission (EEOC) or the Department of Fair Employment and Housing (DFEH). Their addresses are below:

U.S. Equal Employment Opportunity Commission (EEOC)
Royal Federal Building, 255 East Temple Street, 4th Floor
Los Angeles, CA 90012

California Department of Fair Employment and Housing (DFEH)
2218 Kausen Drive, Suite 100 Elk
Grove, CA 95758

Anonymous Reporting

Individuals wishing to submit an anonymous report may use the LiveSafe app, an electronic reporting option or may submit a report at www.rscsd.edu/incidentreportingform. Please note the District's ability to investigate and respond to an anonymous report may be limited.

Reporting to Law Enforcement

Individuals reporting an incident have the option of notifying or not notifying law enforcement authorities. An individual may decline to notify law enforcement. An anonymous "Person Doe" report can be filed with the police by the alleged victim while deciding whether to pursue criminal charges. Law enforcement is able to help individuals understand the process of obtaining orders of protection, restraining orders, or similar lawful orders issued by the courts.

If a report of prohibited conduct was made to law enforcement, the law enforcement agency within the jurisdiction will contact an individual for an interview. The police interview may take as long as several hours, depending on the circumstances of the case. Some questions will probably feel intrusive, and the officer will probably go over the details several times. The extensive questioning is not because the police do not believe you; it is the officer's job to get every detail down precisely. Multiple interviews may be required, and throughout the process, law enforcement officials will keep you aware of the progress of your case. The district attorney will decide whether to pursue prosecution.

Confidentiality

RSCCD shall maintain the confidentiality of the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the alleged perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation or hearing.

Frequently Asked Questions

Who is the Respondent?

An individual who is alleged to have engaged in sexual harassment, sexual exploitation, sexual misconduct, discrimination based on sex, stalking, domestic/dating abuse or violence.

Who is the Complainant?

An individual who is eligible to file a Complaint to report a violation of this policy. It also includes any person who is reported to have experienced a violation of this policy in cases where some other person has made a report on that person's behalf. A Complainant may also be referred to as a party to the Complaint.

Who is the Title IX Coordinator?

The Title IX Coordinator must coordinate RSCCD's efforts to comply with its responsibilities under this part, this employee is referred to as the "Title IX Coordinator."

Title IX Coordinator
Telephone: (714) 480-7404
Email: titleix@rscdd.edu
2323 North Broadway
Santa Ana, CA 92706-1640

The Title IX Coordinator has the authority to address complaints in a non-criminal context. The campus process is completely separate from the legal adjudication process. The Title IX Coordinator is a neutral party, and may answer questions that respondents may have about their rights under Title IX.

Can I receive support from the college as I go through an investigation?

RSCCD will take supportive steps to protect and support the Complainant and Respondent while the case is pending. Depending on the case, these steps may include, but not limited to discreet absence notifications, request for flexibility from faculty or supervisors, safety planning, course load reductions or withdraws, class reassignments, and No Contact Orders or location restrictions. Any adjustments made will be designed to minimize the impact on the Parties' educational program.

What happens when the RSCCD is aware of a sexual misconduct incident?

When the college becomes aware of sexual misconduct, the college may have an obligation to proceed with an investigation in order to ensure campus safety.

What rights do Complainants and Respondents have?

The Complainant and Respondent have the right to identify witnesses, ask questions, and provide other information relevant to the investigation. The college will decide the case based on a preponderance of the evidence standard (whether or not it is more likely than not that the conduct occurred or 51%).

Does a criminal investigation occur at the same time as the administrative investigation?

In most cases, the college will not wait until a criminal case is resolved before proceeding with the case. In cases where a police investigation has been conducted or is being conducted, law enforcement may be able to provide some information to the Title IX Coordinator with the Complainant's consent. The college's fact-finding investigation may be delayed for a short period of time upon a request from law enforcement but will be resumed as soon as possible.

What is a Notice of Investigation and Allegations?

Prior to an interview with an investigator, you will receive a Notice of Investigation and Allegations (NOIA) that will provide an overview of the allegations. Receiving a (NOIA) does not mean you have been found to be in violation of policy. It means an investigation has started to determine if there was a policy violation. The Notice will include but not limited to the following information: identities of Parties, alleged prohibited conduct, date and location (if known), and a reminder regarding advisors.

What is an investigation?

RSSCD has the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the RSSCD. You will be provided an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. If a case will be extended, the Title IX Coordinator or investigator will provide you with an update.



Can I bring someone with me to the interview?

All parties involved in any investigation are allowed to be accompanied to any meeting or hearing as part of these processes by an advisor of their choice to provide support. The advisor is someone who is present to help the Complainant or Respondent understand the proceedings and to support them in what can be a difficult and stressful experience. Because of this, it is strongly recommended that the advisor become familiar with the investigation and resolution process to effectively advise the participant and accurately and appropriately guide them throughout the process. The Title IX Coordinator and designees are available to speak with the advisors, should the need arise. Additionally, advisors are encouraged to review the information and resources on the Title IX website so that they know the process and proceedings and can more effectively assist the Complainant or Respondent. An advisor can call the Title IX Coordinator to talk about process and the policy on prohibited discrimination, harassment, and related conduct at any time.

What is the outcome of the investigation?

The investigator will finalize an investigative report that summarizes relevant evidence. At least 10 days prior to a hearing, the report will be provided to each party and the party's advisor. You will be provided an opportunity to review all relevant evidence prior to this report as well.

What is the Hearing?

The purpose of the hearing is for the Hearing Officer to objectively evaluate all relevant evidence – including both inculpatory and exculpatory evidence – and determine credibility without respect to a person's status as a complainant, respondent, or witness. The Hearing Officer must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions.



Respondents and Complainants are not obligated to answer questions during an investigation or hearing. However, the results of the investigation will be based on the information shared with the investigator or Hearing Officer. If a Party chooses to answer questions selectively, the fact finder may draw adverse conclusions based on why only certain questions were answered.

Do I have to be in the same room as the other Party during the hearing?

At the request of either party, RSCCD must provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or the witness answering questions. Hearings may be conducted with all parties physically present in the same geographic location or, at the District's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.

What will the report from the Hearing Officer contain?

The Hearing Officer's report will include but is not limited to the following information: identification of the allegations; description of the procedural steps; findings of facts; conclusions regarding the policies; and statements regarding the finding of each allegation.

Can I appeal the decision?

The Parties (Complainant and Respondents) have an opportunity to appeal from a determination regarding responsibility based on the following bases: procedural irregularity that affected the outcome of the matter; new evidence that was not reasonably available at the time of the determination regarding responsibility was made; conflict of interest or bias against complainants or respondents generally or that affected the outcome of the matter; other bases that are applied equitably to the Parties.

The Parties will be provided a reasonable and equal opportunity to submit written support of the outcome.

Will this remain private?

The college is committed to protecting the privacy of reporting parties, complainants, and respondents. Given the sensitive nature of reports, information will be maintained in a secure manner and will only be disclosed to school officials who are responsible for handling the college's response and/or have a legitimate educational interest. If charges have been issued to an accused student, a student conduct file is created. That file is part of the student's education record and is protected under the Family Educational Rights and Privacy Act (FERPA).

All records will be kept for a period of seven years.

What will the District do if retaliation occurs?

The District prohibits retaliation in any way against an individual or group because the individual or group has reported an allegation or has participated in an investigatory proceeding in response to such an allegation. The District will take prompt and responsive action to any report of retaliation and may pursue disciplinary or other action as appropriate. Be mindful of your actions and behavior and avoid all direct and indirect contact with the Complainant until the matter is resolved.

Who should I contact if I need disability accommodations during the conduct process?

If you have disability-related needs and wish to request reasonable accommodations, please contact your college's DSPS office directly by calling the numbers provided on the last page of this brochure or contacting the Title IX Coordinator.

Are there any confidential resources on campus?

Being accused of prohibited conduct can be a confusing and overwhelming experience. Resources both on campus and in the community can assist you with working through the process as well as providing support. For a medical or mental health emergency, call 911. Please note the mental health professionals at the Student Health Centers do not report Title IX incidents to the Title IX Coordinator.

Santa Ana College Health and Wellness Center

Office: Johnson Student Center, JSC-108

Telephone: (714) 564-6216

Email: sachealth_center@sac.edu

Santiago Canyon College Health and Wellness Center

Office: T-102

Telephone: (714) 628-4773

Email: health_center@sccollege.edu

Employee Assistance Program (EAP)

24 hours a day seven days a week to assist employees.

Telephone: 1-866-799-2728

Website: www.healthadvocate.com/rscdd

There are also off-campus resources as well, please refer to the section labeled "Community Resources" to learn more.



What are the possible sanctions?

Sanctions for students found to have violated the policy could include but is not limited to written reprimands, probationary status, or suspension or expulsion from any or all RSCCD program(s) in which the student is enrolled or participating. Other non-disciplinary actions deemed appropriate may also be implemented (e.g., remedies applied to the Parties, including but not limited to class changes, building restrictions, extracurricular activity restrictions, modification of No Contact Orders, and other actions to preserve the rights of the Parties to a safe environment).

Sanctions for employees found to have violated the RSCCD policy may include but is not limited to written reprimands, or suspension or termination of employment. Non-disciplinary measure (e.g., No Contact Orders or reassignment of duties or work areas) might also be taken as deemed appropriate under the circumstances.

Community Resources

Financial & Legal

Community Legal Aid SoCal

(800) 834-5001

Community Legal Aid SoCal is committed to providing the highest quality of free legal services. They are committed to fiscal responsibility and governance that is consistent with all policies and expectations of a non-profit tax-exempt organization.

Orange County Legal Aid

Public Law Center – Santa Ana

(714) 541-1010

The Public Law Center (PLC), Orange County's pro bono law firm, is committed to providing access to justice for low-income and vulnerable residents. Founded in 1981, PLC's 30 staff members work with over 1,600 Orange County lawyers,

paralegals, law students and other volunteers annually to provide free civil legal services, including: counseling, individual representation, community education, and strategic litigation and advocacy to challenge societal injustices.

Legal Aid Society of Orange County (714) 835-8806

The Legal Services Corporation (LSC) is a private, non-profit corporation established by Congress to seek to ensure equal access to justice under the law for all Americans. It was created in 1974 with bipartisan sponsorship and the support of the Nixon Administration.

WHW – Employment Support Services (949) 631-2333; www.whw.org

WHW, formerly known as Women Helping Women, is a 501(c)3 non-profit organization with the mission of providing the unemployed and the underemployed the skills and resources they need to get and keep a good job. Since 1993, WHW has provided Employment Readiness Services to job seekers at no charge. Many of these job seekers were referred by over 80 partner agencies within the community.

Crisis Contacts/Hotlines

Suicide Prevention 24-Hour Lifeline (800) 273-8255

The National Suicide Prevention Lifeline is a national network of local crisis centers that provides free and confidential emotional support to people in suicidal crisis or emotional distress 24 hours a day, 7 days a week. They are committed to improving crisis services and advancing suicide prevention by empowering individuals, advancing professional best practices, and building awareness.

Orange County 24-Hour Crisis Hotline (877) 727-4747

Orange County Crisis/Suicide Prevention Hotline. It is open 24 hours 7 days/week.

National Alliance on Mental Illness (NAMI)

Warm line for Emotional support (714) 991-6412

The NAMI-OC WARMLINE provides emotional support and Orange County resources 18 hours a day, Monday-Saturday: 9am-3am and Sunday, 10am-3am.

This is a free and confidential telephone service providing emotional support and resources to Orange County residents.

*Live Chat available through www.namio.org/oc-warmline

National Drug/Alcohol Abuse Hotline (800) 662-4357

The National Drug and Alcohol Treatment Hotline provides information on alcohol and drug abuse, local treatment options, support through hotline counselors about to speak with about alcohol, drug or family problems

*Live chat available through www.thehotline.org

24-Hour Information and Helpline 2-1-1 or (888) 600-4357

2-1-1 Orange County runs a comprehensive information and referral system for Orange County, CA. 211OC provides a resource database of health and human services and support, accessible 24 hours a day, 7 days a week online and through our multi-lingual hotline, connecting people quickly and effectively to existing programs and disaster response information. Just dial **2-1-1**.

Free or low cost health and human service programs in OC, www.211oc.org

24/7, Free and Confidential Crisis Text Line: Text "COURAGE" to 741741

Crisis Text Line is free, 24/7 support for those in crisis. Text from anywhere in the United States to text with a trained Crisis Counselor.

OC Links Information and Referral Line (855) 625-4657

Provides telephone and online chat support for anyone seeking information or linkage to any of the Health Care Agency's Behavioral Health Services. These services include children and adult mental health, alcohol and drug inpatient and outpatient, crisis programs, prevention and early intervention services.

LiveSafe App – The LiveSafe app provides students, faculty and staff with a direct connection to campus safety so that everyone can easily communicate all their safety needs. Its easy-to-use features help you stay safe every day and enable us to better protect you. This app will share information, tips and safety concerns via text messaging, including pictures, video and audio attachments, or even through live chat. It provides easy access to campus resources.

To download the app, please use the following

Get the Application:

1. Download "LiveSafe" from Google Play or the App store
2. Register with your phone number.
3. Search for and select your organization. You're set!



Important Phone Numbers

Law Enforcement Resources

Santa Ana Police Department (714) 245-8665

Orange Police Department (714) 744-7444

Campus Emergency 3-3-3 from any campus phone or **9-1-1**

Campus Safety Resources

Santa Ana College (714) 564-6330

Santiago Canyon College (714) 628-4730

Centennial Education Center. (714) 241-5738

Orange Education Center (714) 628-5950

Mental Health Resources

Santa Ana College (714) 564-6216

Santiago Canyon College (714) 628-4773

Employee Assistance Program (866) 799-2728

Disabled Students Program and Services

Santa Ana College (714) 564-6264

Santiago Canyon College (714) 628-4860

Title IX Coordinator (714) 480-7404

International Student Services

Santa Ana College (714) 564-6047

Santiago Canyon College (714) 628-5050

Financial Aid

Santa Ana College (714) 564-6242

Santiago Canyon College (714) 628-4876

Rancho Santiago Community College District
2323 N. Broadway, Santa Ana, CA, 92706-1640 • (714) 480-7300

RS CCD is committed to equal opportunity in educational programs, employment, and all access to institutional programs and activities. To view our Nondiscrimination Policy, visit rscgd.edu/ndp. For more information, including alternate format and accommodations, contact us at (714) 480-7404 or titleix@rscgd.edu