

RANCHO SANTIAGO COMMUNITY COLLEGE DISTRICT

# STUDENT RESOURCE AND REPORTING OPTIONS FOR SEXUAL MISCONDUCT, INTIMATE PARTNER VIOLENCE AND STALKING



If you have experienced sexual misconduct, dating and domestic violence and/or stalking, what should you do?

**Get to a Safe Place**

If you are in fear of your safety call 9-1-1

**Get Attention from Healthcare Providers and the Police**

To treat your physical and emotional wellbeing and to collect evidence

**Seek Care and Support from a Trusted Source**

Remember it is not your fault

**Consider Making a Report**

Remember you have the right to decide whom and when to tell about what happened

Your safety and well-being are most important.  
This publication is intended to help you understand  
your rights and options.

# Sexual Misconduct, Dating and Domestic Violence, and Stalking

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## Relevant Policies

You are encouraged to review the following Board Policies and Administrative Regulations. A complete version of the documents can be found at [www.rscdd.edu/titleix](http://www.rscdd.edu/titleix) under "Policies and Resources."

BP 3410 and AR 3410: Nondiscrimination

BP 3430 and AR 3430: Prohibition of Harassment

AR 3435: Discrimination and Harassment Investigations

BP 3540 and AR 3540: Sexual and Other Assaults on Campus

## Overview of Title IX

Sexual violence and other gender-based discrimination occurring in the college setting implicates a federal law called Title IX of the Higher Education Amendments of 1972, which prohibits discrimination on the basis of sex in education programs or activities. These incidents trigger certain responsibilities on the part of Rancho Santiago Community College District ("RSCCD").

RSCCD is committed to maintaining a positive learning and working environment. When an incident of sexual misconduct, dating violence, domestic violence, or stalking is reported, steps will be taken to end the conduct, mitigate the damage, and prevent its reoccurrence. Within the college process, the person making the allegations is referred to as the Complainant. The person who the allegations have been made against is referred to as the Respondent. A Complainant may file a report with police, the college or both.

The District Administrator of Title IX will review the allegation and determine an appropriate course of action, including informal or formal (an investigation) resolution. Those cases that are investigated will be conducted by individuals who have received training and will be conducted in a thorough and neutral manner.

## Definitions

**Sexual misconduct** is the commission of an unwanted sexual act that occurs without consent.

**Sexual assault and/or battery** is the actual, attempted, threatened, or accomplished unwanted sexual act when it occurs:

1. Against a person's will by means of force (express or implied), violence, duress, menace, fear, fraud, or
2. When a person is incapacitated, a minor, or unaware of the nature of the act, due to unconsciousness, sleep and/or intoxicating substances.

**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 under 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.



## Consent

### **Consent is informed.**

Consent is an affirmative, unambiguous, and conscious decision by each participant to engage in mutually agreed-upon sexual activity.

### **Consent is voluntary.**

It must be given without coercion, force, threats, or intimidation. Consent means positive cooperation in the act or expression of intent to engage in the act pursuant to an exercise of free will.

### **Consent is ongoing.**

Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent to sexual activity on one occasion is not consenting to engage in sexual activity on another occasion. A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of the relationship, there must be mutual consent to engage in sexual activity. Consent must be ongoing throughout a sexual encounter and can be revoked at any time. Once consent is withdrawn, the sexual activity must stop immediately.

### **Consent is willing.**

Consent cannot be given when a person is incapacitated or a minor. A person cannot consent if they are unconscious or coming in and out of consciousness. A person cannot consent if they are under the threat of violence, bodily injury, or other forms of coercion. A person cannot consent if their understanding of the act is affected by a physical or mental impairment.

## Immediate Safety and Support

- **Go to a safe place:** your room, a friend's house or a colleague's office, Safety & Security, or anywhere you'll feel safe.
- **Call someone you trust.** No matter how late it is, you shouldn't be alone. Consider reaching out to a reliable friend, or to a confidential resource such as Waymakers.
- If safety is an immediate concern or you would like to report the incident to the police, **call 911** to access the police or emergency medical services.

## Mental Health Counseling, Advocacy, and Other Support Services

- We encourage you to consider talking with a confidential counselor, either on or off campus. You have complete control over what information you do or do not choose to share. You may or may not feel ready to talk about what happened, but in either case, counselors can provide a confidential and safe space to explore any feelings or challenges that have arisen for you after your experience. They can also provide you with information and support as you consider your needs, and can help you to connect with other resources.
- If you're not sure what you need right now, but you would like some confidential information and/or support while exploring your options, consider contacting the psychologist(s) in the Student Health Center or Waymakers. Contacting one or more of these or other confidential resources in no way precludes you from choosing to file a complaint later with RSCCD or with local law enforcement.
- All faculty and staff members, who are not psychologists, are not permitted to honor requests for confidentiality. Nonconfidential faculty or staff who learn of an incident of alleged sexual misconduct, domestic or dating violence or misconduct, stalking, or related retaliation involving a student are required to report that information to the District Administrator of Title IX or the Vice Chancellor Human Resources, all of whom are responsible for ensuring that individuals who may have experienced this prohibited conduct receive information about their rights, resources, and support options.





## Accommodations and Resources

It is not necessary to file a complaint with RSCCD, participate in a RSCCD investigatory process, or file a criminal complaint with local law enforcement in order to request help. We will provide assistance to help you access support services and accommodations, which include but are not limited to the following:

- **Academic Accommodations:** If your experience is compromising your ability to meet your academic obligations, RSCCD may be able to provide you with support options. These may include but are not limited to assignment deadline extensions, work group adjustments, course changes or late drops, incompletes, or other arrangements as appropriate.
- **No Contact Orders:** No Contact Orders (NCOs) are RSCCD's nondisciplinary measures to prevent two or more individuals from communicating directly or indirectly with each other. In most cases, NCOs are put in place at the request of one or both parties, but in some circumstances, RSCCD may put one in place to preserve the safety of both parties and other community members.
- **Additional Measures:** RSCCD can make other arrangements, such as changing transportation or working arrangements or providing other employment accommodations, on a case-by-case basis to provide individuals with distance from another party or to meet related needs.

## What Reporting Options Do I Have

- **Criminal:** You may report the crime to local police at any time. However, the more time passes, law enforcement's ability to collect evidence may be limited.
- **Administrative:** Except in severe cases, students and employees who are Complainants will not be subject to discipline. The District Administrator of Title IX can provide you with information regarding your resources, interim remedies (academic accommodations, No Contact Orders, work or classroom adjustments, and safety escorts) and options for addressing the incident (investigation, informal resolution or mediation).
- **Civil Lawsuit:** You may choose to hire a private attorney and file a lawsuit against the Respondent. You may also obtain a civil protective/restraining order.
- **Non-reporting:** While the District encourages you to file a report in order to address the incident and protect the campus community, you may also decide not to file a report.

The Student Health Center can assist students with medical care. If you seek medical care and disclose a sexual battery, the medical professional is required to call the police. While this does not trigger a formal investigation or compel you to talk to the police, the police will be called. If you do not want police involvement, then do not respond to questions in a way that implies a sexual battery.

Remember you have a choice about what to report or disclose. Choosing to make a report, and deciding how to proceed after making the report, can be a process that unfolds over time. If you report the incident to a member of the Title IX team, the College can provide support to each individual in making these important decisions, and will respect an individual's autonomy in deciding how to proceed to the fullest extent legally possible. In this process, the College will balance the individual's interest with its obligation to provide a safe and non-discriminatory environment for all members of the campus community.

## How Do I Preserve Evidence?

There are two options in Orange County – an abbreviated/VAWA forensic exam with optional police involvement or a full forensic exam.

**For a full forensic exam,** call to report the incident to local police. A Victim Advocate and a Forensic Nurse will be dispatched to meet you at

SAFE Place. A police officer can take you to SAFE Place and bring you back home. The Forensic Nurse will explain and conduct the procedure, and the Victim Advocate will provide information and resources.

**For an abbreviated forensic exam**, call Wayfinders (formerly Community Service Programs, Inc.) at (949) 831-9110. Inform the Responder that you are interested in an abbreviated exam. Remember to ask questions and share information only if you are comfortable. This is a scheduled appointment, and evidence will be kept for two years.

Remember to preserve all evidence (do not brush your teeth or bathe) and write down as many details as you can remember. Even if you have evidence collected, you do not need to have an investigation.

In addition to trying to preserve any of the physical evidence referenced above, if possible, try to preserve all evidence related to an incident or incidents, including any electronic information, text messages, social media posts, phone records, emails, clothing, or other documentation or materials. Even if you don't wish to pursue a complaint with RSCCD or local law enforcement or seek an order of protection at this time, it's a good idea to preserve the evidence in a safe place in case you change your mind at a later date. You may also want to consider writing down and preserving all of the details you remember about your experience(s), as well as the names of individuals you believe may possess relevant information and/or evidence.

## Why Should I File a Report with RSCCD?

We are always deeply concerned when behavior that may constitute sexual misconduct, dating or domestic violence or misconduct, or stalking comes to our attention, and we would very much like to gather more information. Our policies are designed with the needs of students and employees in mind, and we make every effort to conduct investigations with care and sensitivity for all involved individuals. If you are considering filing a complaint, but want to learn more about the investigation and adjudication process before doing so, we encourage you to request an informational meeting with District Administrator for Title IX. You do not need to share any information about your experience during this conversation, and you are welcome to bring a support person with you if that would be helpful. Please note that in certain situations, the college may have an obligation to proceed with an investigation when they have knowledge of a policy violation. As a result, it is important to not disclose information related to the incident until you have decided to proceed with an administrative review.

If you have concerns that you may be retaliated against by anyone at RSCCD for filing a complaint, please know that retaliation by any member of the RSCCD community against someone because they have reported an incident or participated in an investigation is explicitly prohibited. RSCCD will take steps to prevent retaliation and will take strong responsive action if retaliation occurs.

You may complete a report by visiting:

[www.rscsd.edu/incidentreportingform](http://www.rscsd.edu/incidentreportingform)

## Can My Report Be Confidential?

If you request your name or other identifying information not be used in an investigation, the college will consider your request in light of the context of its responsibility to provide a safe and nondiscriminatory environment. However, in most cases, your name may be shared with the Respondent, witnesses, and other college officials who have a legitimate need to know. The District will take steps to protect your identity and the identify of all involved individuals.

## What are the Steps in an Investigation?

Prior to an interview with an investigator, the Parties will receive a Notice of Investigation that will provide an overview of the allegations and a request for confidentiality. Receiving a Notice of Investigation does not mean the Respondent have been found to be in violation of policy. It means an investigation has started to determine if there was a policy violation.

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%). Most investigations conducted take up to 90 days to be resolved, depending on the complexity of the case and the number of individuals involved. If a case will be extended, the investigator will provide you with an update.

## Do I Have to Participate in an Investigation?

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

You have the right to bring a support person or advisor (including an attorney) to any meeting held with the college on this matter. Please remember this individual is only there to advise you and may not speak on your behalf.

### What are the Possible Sanctions?

Sanctions for students found to have violated the policy could include written reprimands, probationary status, or suspension or expulsion from any or all RSCCD program(s) in which the student is enrolled or participating. Other nondisciplinary 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 written reprimands, or suspension or termination of employment. Nondisciplinary measures (e.g., No Contact Orders or reassignment of duties or work areas) might also be taken as deemed appropriate under the circumstances.

### Does a Criminal Investigation Occur at the Same Time as the Administrative Investigation?

In most cases, the District 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 District 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.

## The Clery Act and Responsible Employees

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The Jeanne Clery Act is a federal law that requires colleges and universities to disclose certain timely and annual information about campus crime and security policies.

When an individual comes to most college employees for support after an incident of sexual misconduct, dating and domestic violence and stalking that person must inform the District Administrator of Title IX of the incident as a Responsible Employee under Title IX. While your name will not be released and privacy maintained, the incident (if it occurred on Clery geography) will be included in the Clery Act reporting.

# Whom should I contact?

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If you have experienced sexual misconduct, domestic or dating violence, or stalking, you are not alone. There are many resources at RSCCD both on campus and off campus that can offer support, information, and care.

## Emergencies: dial 9-1-1

Santa Ana Police Department: . . . . . (714) 245-8665

Orange Police Department: . . . . . (714) 744-7444

## Campus Reporting:

**Campus Safety . . . . . 3-3-3 from any campus phone**

Santa Ana College . . . . . (714) 564-6330

Santiago Canyon College . . . . . (714) 628-4730

Continuing Education Center . . . . . (714) 241-5738

Orange Education Center . . . . . (714) 628-5950

District Admin for Title IX . . . . . (714) 480-7404

## Campus Confidential Resource:

**Student Health and Wellness Center**

Santa Ana College . . . . . (714) 564-6216

Santiago Canyon College . . . . . (714) 628-4773

Employee Assistance Program . . . . . (866) 799-2728

## Orange County Resources for Counseling, Accompaniment, and Advocacy:

Waymakers (24/7) . . . . . (949) 831-9110

Domestic Violence Hotline (24/7) . . . . . (714) 992-1931

Temporary Restraining Order Infoline (24/7) . . (714) 935-7956

Victim Information and Notification Everyday. . (800) 721-8021

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

## National Resources for Counseling, Accompaniment, and Advocacy:

Rape, Abuse, and Incest National Network. . . (800) 656-HOPE  
(RAINN)

National Domestic Violence Hotline . . . . . (800) 799-SAFE

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

RSCCD is committed to equal opportunity in educational programs, employment, and all access to institutional programs and activities. To view our Nondiscrimination Policy, visit [sccollege.edu/ndp](http://sccollege.edu/ndp). For more information, including alternate format and accommodations, contact us at (714) 480-7404 or [estevez\\_jean@rsccd.edu](mailto:estevez_jean@rsccd.edu).