



A Guide to Title IX

**Shasta-Tehama-Trinity Joint
Community College District**

**Reviewed/Approved by Title IX Committee
On March 7, 2016**

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On June 14, 2016**

**Revised by Title IX Committee
On June 14, 2017**

Letter from the Superintendent/President

Dear Students of Shasta College:

At Shasta College, we value the students that we serve and the mission that guides us in that service. I am proud of the students, instructors, staff and leadership committed to a safe educational environment and experience for all students. In the news, there has been a lot of discussion recently about Title IX and the examples where students did not have a safe experience free of harassment or discrimination. These stories have caught the attention of many of us. At Shasta College, our goal is for every student to have a safe and positive experience in their education.

Title IX is no longer just about athletic opportunities for male and female students. It is about partnering with our faculty, staff, leadership and community partners to keep Shasta College safe for all students.

In the attached guide, we state that Shasta College does not tolerate sex or gender discrimination, including sexual misconduct such as sexual harassment and sexual assault, stalking and intimate partner violence. These behaviors are harmful to the well-being of our community members, the learning/working environment, and collegial relationships among our students, faculty and staff. All forms of prohibited conduct under the College's policy regarding sex discrimination and sexual misconduct are regarded as serious College offenses, and violations will result in discipline, including the possibility of separation from the College.

Our Title IX team has been working diligently on a process for all of us to follow to make sure that we are in compliance with the words and the spirit of Title IX. The attached guide is a guide that outlines the process, the services and the steps to ensure a safer environment. We are proud of the work and that we are committed to be a model college in making our college a safe place.

I encourage you to visit our Title IX website

at <http://www.shastacollege.edu/Human%20Resources/Pages/TitleIX.aspx> and to familiarize yourself with our commitment to this goal. We have work to do before we achieve all steps of success, but this guide is one more important step in that journey.



Dr. Joe Wyse
District Superintendent/President

Policies & Procedures

Shasta College is committed to providing an education, employment and business environment that respects the dignity of individuals and groups. Shasta College provides equal employment opportunities (EEO) to all employees and applicants for employment without regard to race, color, religion, sex, national origin, age, disability, genetics, gender identity, gender expression, sexual orientation, or military and veteran status. Shasta College complies with applicable state and local laws governing nondiscrimination in employment at every location that it has educational facilities.

Shasta College is committed to creating an education and working environment free from discrimination, sexual harassment, sexual violence, domestic violence, dating violence and stalking. The safety and well-being of the campus community is a priority for the College.

Shasta College Sexual Misconduct Policy

Applies to sexual and gender-based harassment, sexual violence, stalking and intimate partner violence.

1. Introduction: Institutional Values and Community Expectations

Sets forth the College's values and expectations for community members.

2. Scope of Policy

Outlines the College's jurisdiction to take action.

3. Notice of Non-Discrimination

Outlines protected classes and protections under Title IX.

4. Privacy v. Confidentiality

Delineates the difference between confidential resources and those that will maintain an individual's privacy.

5. Prohibited Conduct and Definitions

Provides specific definitions for sexual harassment and other forms of prohibited conduct, consent, force and incapacitation; also outlines policy on prohibited relationships by persons in authority.

6. Resources

Outlines on and off campus resources, including confidential resources.

7. Reporting

Provides emergency, campus, anonymous and law enforcement reporting options, timeframes, and provisions for amnesty, retaliation and mandatory reporting of suspected child abuse.

8. Interim Measures, Remedies and Accommodations

Sets forth the range of interim protections available.

9. Options for Resolution

Provides an overview of how the College will investigate and resolve a report under this policy, including an initial Title IX assessment, informal resolution, and formal resolution.

10. Resolving Complaints Against a Student

Provides specific procedures for resolution of a complaint against a student.

11. Appendix A: Board Policies and Administrative Procedures

12. Appendix B: Important Phone Numbers

I. Introduction: Institutional Values and Community Expectations

Shasta College is committed to providing a non-discriminatory and harassment-free educational, living and working environment for all members of the Shasta community, including students, faculty, administrators, staff, and visitors. This policy prohibits all forms of sexual or gender-based harassment, discrimination or misconduct, including sexual violence, sexual assault, dating violence, domestic violence, stalking and intimate partner violence. Misconduct of this nature is contrary to Shasta College's institutional values and prohibited by state and federal law.

Shasta College encourages the prompt reporting of any incident of sexual or gender-based misconduct to the College and to local law enforcement or civil rights enforcement agencies. Upon receipt of a report, the College will take prompt and effective action by: providing interim remedies and support for individuals who make a report or seek assistance under this policy (referred to as the "Complainant"); conducting a review of the conduct under Title IX of the Education Amendments of 1972; addressing the safety of individuals and the campus community; and as warranted, pursuing resolution through informal measures or formal disciplinary action against the accused individual (referred to in this policy as the "Respondent"). The policy provides specific procedures for investigation and resolution based on the role of Respondent (student, staff or faculty).

All Shasta College community members are strongly encouraged to report information regarding any incident of sexual harassment, sexual violence, stalking or intimate partner violence directly to the Title IX Coordinator, Vice President of Student Services, Campus Safety, any Campus Safety Authority or a member of the Title IX team. The College cannot take appropriate action unless an incident of sexual harassment, sexual violence, dating or domestic violence, stalking or intimate partner violence is reported to a "responsible employee" of the College.

All members of the Shasta College community are expected to conduct themselves in a manner that does not infringe upon the rights of others. The College will not tolerate sexual harassment, sexual violence, dating or domestic violence, stalking and intimate partner violence. Any individual who is found to have violated this policy may face disciplinary sanctions up to and including expulsion or termination of employment.

This policy has been developed to reaffirm Shasta College's institutional values, to define community expectations, to provide recourse for those individuals whose rights have been violated, and to provide for fair and equitable procedures for determining when this policy has been violated. The College is committed to fostering a climate free from sexual harassment, sexual violence, dating or domestic violence and intimate partner violence through clear and effective policies, a coordinated education and prevention program, and prompt and equitable procedures for resolution of complaints.

Retaliation against any person or group who makes a complaint, cooperates with an investigation, or participates in a grievance procedure is a violation of College policy. Retaliation should be reported promptly to the Title IX Coordinator for investigation, which may result in disciplinary action independent of any sanction or interim measures imposed in response to the underlying allegations of discrimination and/or harassment.

The College encourages all members of our community to participate in the process of creating a safe, welcoming and respectful environment on campus. In particular, the College expects that all Shasta College community members will take reasonable and prudent actions to prevent or stop an act of sexual misconduct. Taking action may include direct intervention when safe to do so, enlisting the assistance of friends, contacting law enforcement, or seeking assistance from a person in authority. Community members who choose to exercise this positive moral obligation will be supported by the College and protected from retaliation.

II. Scope of Policy

The policy applies to all Shasta College community members, including students, faculty, administrators, staff, volunteers, vendors, independent contractors, visitors and any individuals regularly or temporarily employed, studying, living, visiting, conducting business or having any official capacity with the College or on College property.

This policy is intended to protect and guide individuals who have been affected by sexual harassment, sexual violence, dating or domestic violence, stalking or intimate partner violence, whether as a Complainant, a Respondent, or a third party, and to provide fair and equitable procedures for investigation and resolution of reports.

When used in this policy, Complainant refers to the individual who identifies him/herself as being a victim or survivor of sexual harassment, sexual violence, stalking or intimate partner violence. A Respondent refers to the individual who has been accused of prohibited conduct under this policy. A third party refers to any other participant in the process, including a witness to the incident or an individual who makes a report on behalf of someone else.

All Shasta College community members are required to follow College policies and local, state, and federal law. This policy applies to conduct occurring on Shasta College property or at College-sanctioned events or programs that take place off campus, including study abroad and internship programs. In situations in which both the Complainant and Respondent are members of the Shasta College community, this policy will apply regardless of the location of the incident. In particular, off campus conduct that is likely to have a substantial adverse effect on, or poses a threat of danger to, any member of the Shasta College community or Shasta College is covered under this policy.

A Complainant is encouraged to report misconduct regardless of where the incident occurred, or who committed it. Even if the College does not have jurisdiction over the Respondent, the College will still take prompt action to provide for the safety and well-being of the Complainant and the broader campus community.

III. Notice of Non-Discrimination

The Shasta-Tehama-Trinity Joint Community College District (“Shasta College”) does not discriminate against any person on the basis of race, color, national origin, sex, religious preference, age, disability (physical and mental), pregnancy (including pregnancy, childbirth, and medical conditions related to pregnancy or childbirth), gender identity, sexual orientation, genetics, military or veteran status or any other characteristic protected by applicable law in admission and access to, or treatment in employment, educational programs or activities at any of its campuses. Shasta College also prohibits harassment on any of these bases, including sexual harassment, as well as sexual assault, domestic violence, dating violence, and stalking.

This policy addresses all forms of sexual discrimination, including sexual harassment, sexual violence and intimate partner violence. Shasta College does not discriminate on the basis of sex in its educational, extracurricular, athletic, or

other programs or in the context of employment. Sex discrimination is prohibited by Title IX of the Education Amendments of 1972, a federal law that provides that:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

Sexual harassment is also prohibited under Title VII of the Civil Rights Act of 1964, the California Fair Employment and Housing Act, and other applicable statutes.

This policy prohibits sexual harassment, sexual violence, stalking and intimate partner violence against Shasta community members of any gender, gender identity, gender expression or sexual orientation. This policy also prohibits gender-based harassment that does not involve conduct of a sexual nature.

The College, as an educational community, will respond promptly and equitably to reports of sexual harassment, sexual violence, stalking and intimate partner violence in order to eliminate the harassment, prevent its recurrence, and address its effects on any individual or the community.

The College has designated the Associate Vice President of Human Resources to serve as the College's Title IX Coordinator. The Title IX Coordinator oversees the College's centralized review, investigation, and resolution of reports of sexual harassment, sexual violence and intimate partner violence. The Coordinator also oversees the College's overall compliance with Title IX.

The Title IX Coordinator is:

- Responsible for oversight of the investigation and resolution of all reports of sexual harassment, sexual violence and intimate partner violence involving students, staff, administrators, faculty, vendors, and visitors;
- Assisted by designated Deputy Title IX Coordinators in Athletics, Student Services, Human Resources, faculty, and administration and by a Title IX team as detailed in this policy. These Deputy Title IX Coordinators have a shared responsibility for supporting the Title IX Coordinator and are accessible to any member of the community for consultation and guidance;
- Knowledgeable and trained in College policies and procedures and relevant state and federal laws;

- Available to advise any individual, including a Complainant, a Respondent or a third party, about the courses of action available at the College, both informally and formally, and in the community;
- Available to provide assistance to any College employee regarding how to respond appropriately to a report of sexual harassment, sexual violence, stalking or intimate partner violence;
- Responsible for monitoring full compliance with all procedural requirements and time frames outlined in this policy; and
- Responsible for training, prevention and education efforts and periodic reviews of climate and culture.

The Title IX Coordinator is supported by the Title IX team. Members of this interdepartmental team include the Title IX Coordinator, Vice President of Student Services, Dean of Physical Education & Athletics and Director of Campus Safety. Composition of the team will be limited to a small circle of individuals who “need to know” in order to implement procedures under this policy.

Inquiries or complaints concerning the application of Title IX may be referred to the College’s Title IX Coordinator and/or to the U.S. Department of Education’s Office for Civil Rights:

Dr. Kevin O’Rorke

Acting Title IX Coordinator
11555 Old Oregon Trail
Redding, CA 96003
(530) 242-7629
Building 2300, Room 2312
kororke@shastacollege.edu

Office for Civil Rights

50 Beale Street, Suite 7200
San Francisco, CA 94105

(415) 486-5555
Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr50>

Inquiries involving employees may also be referred to:

**California Department
of Fair Employment and Housing**
2218 Kausen Drive, Suite 100
Elk Grove, CA 95758
(916) 478-7251

**California Department of Justice
Equal Employment Rights and Resolution
(EER&R) Office**
1300 I Street
Sacramento, CA 95814
EERROffice@doj.ca.gov

**United States Equal Employment
Opportunity Commission**

450 Golden Gate Avenue
5 West, PO Box 36025
San Francisco, CA 94102-3661
1+(800) 669-4000

IV. Privacy vs. Confidentiality

The College is committed to protecting the privacy of all individuals involved in a report of sexual harassment, sexual violence, stalking or intimate partner violence. All College employees who are involved in the College's Title IX response, including the Title IX Coordinator, investigators, and discipline officer or designee, receive specific instruction about respecting and safeguarding private information. Throughout the process, every effort will be made to protect the privacy interests of all individuals involved in a manner consistent with the need for a thorough review of the report.

Privacy and confidentiality have distinct meanings under this policy.

Privacy: Privacy generally means that information related to a report of misconduct will only be shared with a limited circle of individuals. The use of this information is limited to those College employees who "need to know" in order to assist in the active review, investigation or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.

Confidentiality: Confidentiality means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without the express permission of the individual. These campus and community professionals include mental health providers, ordained clergy, rape crisis counselors and attorneys, all of whom have legally protected confidentiality. These individuals are prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others.

An individual who seeks completely confidential assistance may do so by speaking with professionals who have a legally protected confidentiality. On campus, Confidential Resources available to students include a psychological counselor in the Student Health and Wellness Office. Employees may access confidential assistance through the Employee Assistance Program. Information shared with these resources will remain confidential and will not be shared with the College or anyone else without express permission of the individual seeking services. When a report involves suspected abuse of a minor under the age of 18, these confidential resources are required by state law to notify Child Protective Services and/or local law enforcement.

An individual may also seek assistance from a medical provider. In general, the disclosure of private information contained in medical records is protected by the Health Insurance Portability and Accountability Act (HIPAA). In the context of sexual violence, however, medical providers in California are required to notify law enforcement if a patient tells personnel s/he has experienced sexual assault. The patient has the right to request that a survivor advocate be present and to request that law enforcement not pursue a criminal charge. Neither campus nor community medical providers will notify the College of the report.

Responsible Employees: In general, most College employees do not have legally protected confidentiality. Under Title IX, a College is required to take immediate and corrective action if a “responsible employee” knew or, in the exercise of reasonable care, should have known about sexual or gender-based harassment that creates a hostile environment. A “responsible employee” includes any employee who:

- Has the authority to take action to redress the harassment;
- Has the duty to report to appropriate school officials sexual harassment or any other misconduct by students or employees; or
- A student could reasonably believe has the authority or responsibility to take action.

Using this lens, employees with supervisory and leadership responsibilities on campus are considered “responsible employees.” This may include, for example, faculty, coaches, administrators, Head Residents and other student employees with a responsibility for student welfare. However, if a student believes that a faculty or staff member has authority over them, they can assume, under Title IX,

that employee has the ability to report their complaint to the Title IX Coordinator.

The College requires that all “responsible employees” share a report of misconduct with the Title IX Coordinator or a member of the Title IX team.

The Title IX team, under the guidance of the Title IX Coordinator, will conduct an initial assessment of the conduct, the Complainant’s expressed preferences, if any, as to course of action, and the necessity for any interim remedies or accommodations to protect the safety of the Complainant or the community.

Request for Confidentiality: Where a Complainant requests that his/her name or other identifiable information not be shared with the Respondent or that no formal action be taken, the College will balance this request with its dual obligation to provide a safe and non-discriminatory environment for all College community members and to remain true to principles of fundamental fairness that require notice and an opportunity to respond before action is taken against a Respondent. In making this determination, the College may consider the seriousness of the conduct, the respective ages and roles of the Complainant and Respondent, whether there have been other complaints or reports of harassment or misconduct against the Respondent, and the rights of the Respondent to receive notice and relevant information before disciplinary action is sought.

The College will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation, but its ability to do so may be limited based on the nature of the request by the Complainant. Where the College is unable to take action consistent with the request of the Complainant, the Title IX Coordinator or a member of the Title IX team will inform the Complainant about the chosen course of action, which may include the College seeking disciplinary action against a Respondent. Alternatively, the course of action may also include steps to limit the effects of the alleged harassment and prevent its recurrence that do not involve formal disciplinary action against a Respondent or revealing the identity of the Complainant.

Timely Warning:

The intent of issuing a Timely Warning is to enable members of the campus community to protect themselves, the warning should include all information that would promote safety and that would aid in the prevention of similar crimes.

Timely Warnings will not include any identifying information about the victim/s. At no time will the College release the Victim/s identity to the general public without express consent of the victim/s. Although personally identifiable information is generally precluded from disclosure, such information of the suspect/s may be released in an emergency situation.

At no time will the College release the name of the Complainant to the general public without the express consent of the Complainant. The release of the Respondent's name to the general public is guided by Family Educational Rights and Privacy Act (FERPA) and the Clery Act.

All College proceedings are conducted in compliance with the requirements of FERPA, the Clery Act, Title IX, and state and federal law. No information shall be released from such proceedings except as required or permitted by law and College policy.

V. Prohibited Conduct and Definitions

The College prohibits all forms of sexual and gender-based harassment, including sexual violence and intimate partner violence. Each of these terms encompasses a broad range of behavior. In general, sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to incapacitation. Intimate partner violence refers to any act of violence or threatened act of violence, sexual or otherwise, against a person who is or has been involved in a sexual, dating, domestic or other intimate relationship with that person.

A. Prohibited Conduct

Sexual Harassment

Any unwelcome sexual advance, request for sexual favors, or other unwelcome verbal or physical conduct of a sexual nature when:

- submission to the conduct is made a term or condition of an individual's employment, academic status, or progress;
- submission to, or rejection of, the conduct by the individual is used as a basis of employment or academic decisions affecting the individual;

- the conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile or offensive work or educational environment; or
- submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the community college.

This definition encompasses two kinds of sexual harassment:

- "Quid pro quo" sexual harassment occurs when a person in a position of authority makes educational or employment benefits conditional upon an individual's willingness to engage in or tolerate unwanted sexual conduct.
- "Hostile environment" sexual harassment occurs when unwelcome conduct based on a person's gender is sufficiently severe or pervasive so as to alter the conditions of an individual's learning or work environment, unreasonably interfere with an individual's academic or work performance, or create an intimidating, hostile, or abusive learning or work environment. The victim must subjectively perceive the environment as hostile, and the harassment must be such that a reasonable person of the same gender would perceive the environment as hostile. A single or isolated incident of sexual harassment may be sufficient to create a hostile environment if it is severe, i.e., a sexual assault.

Sexually harassing conduct can occur between people of the same or different genders. The standard for determining whether conduct constitutes sexual harassment is whether a reasonable person of the same gender as the victim would perceive the conduct as harassment based on sex. Sexual harassment:

- May be blatant and intentional and involve an overt action, a threat or reprisal, or may be subtle and indirect, with a coercive aspect that is unstated.
- Does NOT have to include intent to harm, be directed at a specific target, or involve repeated incidents.

- May be committed by anyone, regardless of gender, age, position or authority. While there is often a power differential between two persons, perhaps due to differences in age, social, educational or employment relationships, harassment can occur in any context.
- May be committed by a stranger, an acquaintance, or someone with whom the complainant has an intimate or sexual relationship.
- May be committed by or against an individual or may be a result of the actions of an organization or group.
- May occur by or against an individual of any sex, gender identity, gender expression or sexual orientation.
- May occur in the classroom, in the workplace, in residential settings, or in any other setting.
- May be a one-time event or can be part of a pattern of behavior.
- May be committed in the presence of others or when the parties are alone.
- May affect the Complainant and/or third parties who witness or observe harassment and are affected by it.

Examples of conduct that may constitute sexual harassment as defined above may include a severe, persistent or pervasive pattern of unwelcome conduct that includes one or more of the following:

- **Physical conduct:** Unwelcome touching, sexual/physical assault, impeding, restraining, or blocking movements. Unwanted sexual advances within the employment context.
- **Verbal conduct:** Making or using derogatory comments, epithets, slurs or humor. Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes or invitations. Objectively offensive comments of a sexual nature, including persistent or pervasive sexually explicit statements, questions, jokes, or anecdotes.
- **Visual conduct:** Leering, making sexual gestures, displaying of suggestive objects or pictures, cartoon or posters in a public space or forum. Severe, persistent, or pervasive visual displays of suggestive, erotic, or degrading sexually oriented images that are not

pedagogically appropriate.

- **Written conduct:** Letters, notes or electronic communications containing comments, words, or images described above.

The following forms of conduct fall under the broad definition of sexual harassment, and are specifically prohibited under this policy. The College will treat attempts to commit any prohibited conduct as if those attempts had been completed.

Sexual Assault

Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Sexual assault includes intentional contact with intimate parts of another, causing another to touch one's intimate parts, or disrobing or exposure of another without consent.

Rape

The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Stalking

A course of physical or verbal conduct directed at another individual that could be reasonably regarded as likely to alarm, harass, or cause fear of harm or injury to that person or to a third party. A course of conduct consists of at least two acts. The feared harm or injury may be physical, emotional, or psychological, or related to the personal safety, property, education, or employment of that individual. Stalking includes cyber-stalking, a particular form of stalking in which electronic media such as the Internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion.

Sexual Exploitation

Occurs when an individual takes non-consensual or abusive sexual advantage of another for one's own advantage or benefit, or to benefit or

advantage anyone other than the one being exploited. Examples of sexual exploitation include, but are not limited to:

- *surreptitiously observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved;*
- *non-consensual sharing or streaming of images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved;*
- *exposing one's genitals or inducing another to expose their own genitals in non-consensual circumstances;*
- *knowingly exposing another individual to a sexually transmitted disease or virus without his or her knowledge;*
- *sexually-based stalking and/or bullying; and*
- *inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.*

Stalking

A course of physical or verbal conduct directed at another individual that could be reasonably regarded as likely to alarm, harass, or cause fear of harm or injury to that person or to a third party. A course of conduct consists of at least two acts. The feared harm or injury may be physical, emotional, or psychological, or related to the personal safety, property, education, or employment of that individual. Stalking includes cyber-stalking, a particular form of stalking in which electronic media such as the Internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion.

Intimate Partner Violence

Intimate partner violence is often referred to as dating violence, domestic violence or relationship violence. Intimate partner violence includes any act of violence or threatened act of violence against a person who is, or has been involved in, a sexual, dating, domestic or other intimate relationship with the Respondent. Intimate partner violence can encompass a broad range of behavior including, but not limited to, physical violence, sexual violence, emotional violence, and economic abuse. It may involve one act or an ongoing pattern of behavior. Intimate partner violence may take the form

of threats, assault, property damage, violence or threat of violence to one's self, one's sexual or romantic partner or to the family members or friends of the sexual or romantic partner. Intimate partner violence affects individuals of all genders, gender identities, gender expressions, and sexual orientation and does not discriminate by racial, social, or economic background.

The College will not tolerate intimate partner violence of any form. For the purposes of this policy, the College does not define intimate partner violence as a distinct form of misconduct. Rather, the College recognizes that sexual harassment, sexual assault, sexual exploitation, harm to others, stalking, and retaliation all may be forms of intimate partner violence when committed by a person who is or has been involved in a sexual, dating or other social relationship of a romantic or intimate nature with the Complainant.

Under Clery and the Campus SaVE Act, the College will record and report all relevant incidents of intimate partner violence.

Prohibited Relationships by Persons in Authority

Sexual or other intimate relationships in which one party maintains a direct supervisory or evaluative role over the other party are prohibited. In general, this includes all sexual or other intimate relationships between students and their employers, supervisors, professors, coaches, advisors or other College employees. Similarly, College employees (faculty and staff) who supervise or otherwise hold positions of authority over others are prohibited from having a sexual or other intimate relationship with an individual under his/her direct supervision.

The College does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of the College. However, faculty, administrators, and others who educate, supervise, evaluate, employ, counsel, coach or otherwise guide students should understand the fundamentally asymmetrical nature of the relationship they have with students or subordinates. Intimate or sexual relationships where there is differential in power or authority produce risks for every member of our community and undermine the professionalism of faculty and supervisors. In either context, the unequal position of the parties presents an inherent element of risk and may raise sexual harassment concerns if one person in the relationship has

the actual or apparent authority to supervise, evaluate, counsel, coach or otherwise make decisions or recommendations as to the other person in connection with his/her employment or education at the college.

Sexual relations between persons occupying asymmetrical positions of power, even when both consent, raise suspicions that the person in authority has violated standards of professional conduct and potentially subjects the person in authority to charges of sexual harassment based on changes in the perspective of the individuals as to the consensual nature of the relationship. Similarly, these relationships may impact third parties based on perceived or actual favoritism or special treatment based on the relationship.

Therefore, persons with direct supervisory or evaluative responsibilities who contemplate beginning or are involved in such relationships are required to promptly: 1) discontinue any supervising role or relationship over the other person; and 2) report the circumstances to his/her own supervisor. Failure to fully or timely comply with these requirements is a violation of this policy, and the person in authority could be subject to disciplinary action, up to and including dismissal from employment by the College.

Any individual may file a complaint alleging harassment or discrimination, including an aggrieved party outside the relationship affected by the perceived harassment or discrimination. Retaliation against persons who report concerns about consensual relationships is prohibited and constitutes a violation of this policy.

B. Definitions

Affirmative Consent

Consent given by both parties to sexual activity. "Affirmative consent" means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact

of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

Alcohol and Other Drugs

In general, sexual contact while under the influence of alcohol or other drugs poses a risk to all parties. Alcohol and drugs impair a person's decision-making capacity, awareness of the consequences, and ability to make informed judgments. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person's level of intoxication. If there is any doubt as to the level or extent of the other individual's intoxication or impairment, the prudent course of action is to forgo or cease any sexual contact or activity.

Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual harassment, sexual violence, stalking or intimate partner violence and does not diminish one's responsibility to obtain consent.

Coercion

Coercion is the improper use of pressure to compel another individual to initiate or continue sexual activity against his/her will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats and blackmail. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity. Examples of coercion include threatening to "out" someone based on sexual orientation, gender identity or gender expression and threatening to harm oneself if the other party does not engage in the sexual activity.

Consent

Under California law, consent means positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved.

Consent consists of an affirmative, conscious decision by each participant to engage in mutually agreed-upon sexual activity. The following are essential elements of effective consent:

Informed and reciprocal: All parties must demonstrate a clear and mutual understanding of the nature and scope of the act to which they are consenting and a willingness to do the same thing, at the same time, in the same way.

Freely and actively given: Consent cannot be obtained through the use of force, coercion, threats, intimidation or pressuring, or by taking advantage of the incapacitation of another individual.

Mutually understandable: Communication regarding consent consists of mutually understandable words and/or actions that indicate an unambiguous willingness to engage in sexual activity. In the absence of clear communication or outward demonstration, there is no consent. Consent may not be inferred from silence, passivity, lack of resistance or lack of active response. An individual who does not physically resist or verbally refuse sexual activity is not necessarily giving consent. Relying solely upon non-verbal communication can lead to a false conclusion as to whether consent was sought or given.

Not indefinite: Consent may be withdrawn by any party at any time. Recognizing the dynamic nature of sexual activity, individuals choosing to engage in sexual activity must evaluate consent in an ongoing manner and communicate clearly throughout all stages of sexual activity. Withdrawal of consent can be an expressed “no” or can be based on an outward demonstration that conveys that an individual is hesitant, confused, uncertain or is no longer a mutual participant. Once consent is withdrawn, the sexual activity must cease immediately and all parties must obtain mutually expressed or clearly stated consent before continuing further sexual activity.

Not unlimited: Consent to one form of sexual contact does not constitute consent to all forms of sexual contact, nor does consent to sexual activity with one person constitute consent to activity with any other person. Each participant in a sexual encounter must consent to each form of sexual contact with each participant.

Even in the context of a current or previous intimate relationship, each party must consent to each instance of sexual contact each time. The consent must be based on mutually understandable communication

that clearly indicates a willingness to engage in sexual activity. The mere fact that there has been prior intimacy or sexual activity does not, by itself, imply consent to future acts.

In the state of California, consent cannot be given by minors under the age of 18, except where the parties are within three years of age of one another. Under no circumstances may an adult over the age of 21 engage in sexual activity with a minor under the age of 16.

Force

Force is the use or threat of physical violence or intimidation to overcome an individual's freedom of will to choose whether or not to participate in sexual activity. For the use of force to be demonstrated, there is no requirement that a Complainant resists the sexual advance or request. However, resistance by the Complainant will be viewed as a clear demonstration of non-consent.

Harm to Others

Words or types of conduct that threaten or endanger the health or safety of any person including physical abuse, verbal abuse, threats, intimidation and/or harassment. This behavior is typically treated as a violation of Shasta College's Code of Student Conduct. Acts which constitute harm to others that are a form of intimate partner violence, or are based on sex or gender, will be resolved under the Sexual Harassment and Assault Policy.

Incapacitation

Incapacitation is a state where an individual cannot make an informed and rational decision to engage in sexual activity because s/he lacks conscious knowledge of the nature of the act (e.g., to understand the who, what, when, where, why or how of the sexual interaction) and/or is physically helpless. An individual is incapacitated, and therefore unable to give consent, if s/he is asleep, unconscious, or otherwise unaware that sexual activity is occurring.

Incapacitation may result from the use of alcohol and/or drugs. Consumption of alcohol or other drugs alone is insufficient to establish incapacitation. The impact of alcohol and drugs varies from person to person, and evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs impact an individual's:

- decision-making ability;
- awareness of consequences;
- ability to make informed judgments; or
- capacity to appreciate the nature and the quality of the act.

Evaluating incapacitation also requires an assessment of whether a Respondent knew or should have known, that the Complainant was incapacitated.

Retaliation

Acts or attempts to retaliate or seek retribution against the Complainant, Respondent, or any individual or group of individuals involved in the complaint, investigation and/or resolution of an allegation of sexual misconduct. Retaliation can be committed by any individual or group of individuals, not just a Respondent or Complainant. Retaliation can take many forms, including threats, intimidation, pressuring, continued abuse, violence or other forms of harm to others.

VI. Resources

The College is committed to treating all members of the community with dignity, care and respect. Any individual who experiences or is affected by sexual harassment, sexual violence, stalking or intimate partner violence, whether as a Complainant, a Respondent, or a third party, will have equal access to support and counseling services through the College. Interim remedies are also available to all parties (see Section IX).

The College recognizes that deciding whether or not to make a report, either to the College or law enforcement, and choosing how to proceed can be difficult decisions. Making a report means telling someone in authority what happened, in person, by telephone, in writing or by email. All individuals are encouraged to seek the support of campus and community resources. These trained professionals can provide guidance in making decisions, provide information about available resources and procedural options, and provide assistance to either party in the event that a report and/or resolution under this policy is pursued. Individuals are encouraged to use all available resources on and off campus, regardless of when or where the incident occurred.

There are many resources available on campus and in the surrounding community. As detailed below, there are Confidential Resources which by law cannot share information without the consent of the individual seeking assistance. There are also a variety of College resources that will be discreet and private, but are not considered confidential. These resources will maintain the privacy of an individual's information within the limited circle of those involved in the resolution of a complaint under this policy. For more information about the difference between privacy and confidentiality, see Section IV.

A. Confidential Resources

The College encourages all community members to make a prompt report of any incident of sexual harassment, sexual violence, stalking or intimate partner violence to local law enforcement and the College. For individuals who are not prepared to make a report, or who may be unsure what happened, but are still seeking information and support, there are several legally-protected confidential resources available as designated below. These confidential resources will not share information with the College or anyone else without the individual's permission except where required by law as noted below.

On Campus Confidential Resources:

- **Student Health and Wellness Office**
Provides confidential psychological counseling services. As detailed below, the Student Health and Wellness Office also provides medical treatment, but under California law medical providers are required to notify law enforcement when they receive a report of sexual assault.
Room 2020
(530) 242-7580
- **Shasta College Counseling Services**
Counselors provide academic, career and referral counseling services to help you successfully achieve your goals. These services are available through the counseling department on campus, at extended education locations, and through specialized programs.
(530) 242-7724

- **Office of Student Life / Vice President of Student Services Office**
Can provide reasonable accommodations for housing, academic flexibility and stay-away letters. Available on weekdays during regular office hours.
(530) 242-7626 / (530) 242-7621
- **Shasta College Campus Safety Department**
Main Line (530) 242-7910
Confidential Report Line (530) 242-7919
- **Shasta College Human Resources and Title IX Coordinator**
(530) 242-7648

Off Campus Confidential Resources:

- Shasta Family Justice Center (530) 223-6034
- Shasta County Children and Family Services (530) 225-5144
- One Safe Place - Shasta County (530) 244-0117
- Shasta Regional Medical Center Sexual Assault Response Team (SART) (530) 244-5353
- Shasta County Crime Victims Assistance Center (530) 225-5220
- Alternatives to Violence – Red Bluff – (800) 324-6473
- Tehama County Rape Crisis Intervention (530) 529-3980
- Trinity County Sexual Assault Response Team – contact Trinity County Sheriff (530) 623-2611 or the Trinity County District Attorney (530) 623-1304
- Human Resources Network – Trinity – (866) 623-4357
- National Network to End Domestic Violence (nnedv.org)
- National Domestic Violence Hotline (800) 799-SAFE (7233)
- Rape Abuse Incest National Network (RAINN) (800) 656-4673
- Tehama County Victim/Witness Assistance Center (530) 527-6053
- Trinity County Victim/Witness Assistance Program (530) 623-8357

B. Confidential* Medical Resources

*In California, medical providers (but not psychological counselors) are mandated by state law to notify law enforcement if a patient tells personnel s/he has experienced sexual assault. However, the patient has the right to request that a survivor advocate be present when s/he speaks with law enforcement and to

request that law enforcement not pursue a criminal charge at that time. Beyond this notification, however, the disclosure of private information contained in medical records is protected by HIPAA. Further, community medical providers will not notify the College.

A medical provider can provide emergency and/or follow-up medical services. The medical exam has two goals: first, to diagnose and treat the full extent of any injury or physical effect (including prevention of sexually transmitted illnesses and pregnancy) and second, to properly collect and preserve evidence. There is a limited window of time (within 96 hours) following an incident of sexual assault to preserve physical and other forms of evidence. Taking the step to gather evidence immediately does not commit an individual to any particular course of action. The decision to seek timely medical attention and gather any evidence, however, will preserve the full range of options to seek resolution under this policy or through the pursuit of criminal prosecution.

On campus, the Student Health and Wellness Office can provide medical care; however, the Student Health and Wellness Office is not equipped for forensic examinations. As with off-campus medical personnel, staff members are required by state law to notify law enforcement if a patient tells them that s/he has experienced a sexual assault.

- **Student Health and Wellness Office**

Room 2020

(530) 242-7580

Transportation options are available through Campus Safety for transport to local medical centers.

- Shasta Regional Medical Center *
1100 Butte Street
Redding, CA 96001
(530) 244-5353

*Shasta County designated Sexual Assault Response Team (SART) Center

C. Campus Resources

In addition to the confidential resources listed above, Shasta community members have access to a variety of resources provided by the College. The staff members listed below are trained to support individuals affected by sexual harassment or misconduct and to coordinate with the Title IX Coordinator consistent with the College's commitment to a safe and healthy educational environment. While not bound by confidentiality, these resources will maintain the privacy of an individual's information within the limited circle of those involved in the Title IX resolution process.

- **Campus Safety**

Available as a first option to report an incident of sexual violence or intimate partner violence. Also provides an escort service on campus to any student and can reach the Campus Safety Officer on duty at any time. Available 24 hours a day, 7 days a week at (530) 242-7910. If you are unable to reach Campus Safety, please contact the Director of Campus Safety, Lonnie Seay, at (530) 351-4134.

- **Title IX Coordinator Dr. Kevin O'Rorke**

Available on weekdays during regular office hours to coordinate a fair and equitable response to reports of sexual misconduct.
kororke@shastacollege.edu; (530) 242-7629.

- **Office of Student Life/Vice President of Student Services Office**

Can provide reasonable accommodations, academic flexibility and stay-away letters. Available on weekdays during regular office hours.
(530) 242-7626 / (530) 242-7621.

- **Student Health and Wellness Office**

Provides medical treatment and confidential psychological counseling services. Hours for Fall and Spring semesters are Monday-Friday from 8:00 a.m. to 4:00 p.m. Closed daily for lunch.
Room 2020
(530) 242-7580

D. Community Resources

Students, faculty and staff may also access resources located in the local community. These organizations can provide crisis intervention services, counseling, medical attention and assistance in dealing with the criminal justice system. All individuals are encouraged to use the resources that are best suited to their needs, whether on or off campus.

It may be helpful for survivors to have someone who can help them explore their off-campus options and guide them through legal processes; an advocate can provide assistance in this area.

One SAFE Place (Shasta County)	(530) 244-0117	24-Hour Crisis line
Shasta County Crime Victims Assistance	(530) 225-5220	
Shasta County Mental Health	(530) 225-5200	
Tehama County Health Services	(530) 527-5637 or (800) 240-3208	
Tehama County Social Services	(530) 527-1911	
Alternatives to Violence (Red Bluff)	(800) 529-7900	
Red Bluff Rape Crisis Center	(530) 342-7273	
Human Response Network (Trinity)	(530) 623-4357	
Trinity Behavioral Health Clinic	(530) 623-1362	

VII. Reporting

The College encourages all individuals to seek assistance from a medical provider and/or law enforcement immediately after an incident of sexual violence. This is the best option to ensure preservation of evidence and to begin a timely investigative and remedial response.

The College encourages all individuals to make a report to the College and to local law enforcement. Reporting options are not mutually exclusive. Both internal and criminal reports may be pursued simultaneously.

The College has a strong interest in supporting victims and survivors of sexual harassment, sexual violence, stalking and intimate partner violence and encourages all individuals or third party witnesses to report any incident to the College.

Making a report means telling someone in authority what happened -- in person, by telephone, in writing or by email. At the time a report is made, a Complainant does not have to decide whether or not to request any particular course of action, nor does a Complainant need to know how to label what happened. Choosing to make a report, and deciding how to proceed after making the report, can be a process that unfolds over time. The College provides support that can assist each individual in making these important decisions, and to the extent legally possible will respect an individual's autonomy in deciding how to proceed. 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 College community.

Any individual who reports sexual harassment, sexual violence, stalking or intimate partner violence can be assured that all reports will be investigated and resolved in a fair and impartial manner. A Complainant, a Respondent and all individuals involved can expect to be treated with dignity and respect. In every report under this policy, the College will make an immediate assessment of any risk of harm to the Complainant or to the broader campus community and will take steps necessary to address those risks. These steps will include interim measures to provide for the safety of the individual and the campus community.

A. Emergency and External Reporting Options

The College encourages all individuals to seek assistance from a medical provider and/or law enforcement immediately after an incident of sexual misconduct. This is the best option to ensure preservation of evidence and to begin a timely investigative and remedial response. The College will help any Shasta community member to get to a safe place and will provide transportation to the hospital, coordination with law enforcement, and information about on- and off-campus resources and options for resolution.

EMERGENCY CALLS DIAL	9-1-1
Redding Police Department	(530) 225-4200
Shasta County Sheriff	(530) 245-6540
Anderson Police Department	(530) 378-6600
Tehama County Sheriff	(530) 529-7900
Red Bluff Police Department	(530) 527-3131

Trinity County Sheriff

(530) 623-2611

Shasta Regional Medical Center *

(530) 244-5353

1100 Butte Street

Redding, CA 96001

*Shasta County designated Sexual Assault Response Team (SART) Center

B. Campus Reporting Options

The College encourages all individuals to report misconduct to any College employee the Complainant trusts and feels comfortable with. In general, most College employees do not have legally protected confidentiality. Under Title IX, a College is required to take immediate and corrective action if a “responsible employee” knew or, in the exercise of reasonable care, should have known about sexual or gender-based harassment that creates a hostile environment. A “responsible employee” includes any employee who:

- Has the authority to take action to redress the harassment;
- Has the duty to report to appropriate school officials sexual harassment or any other misconduct by students or employees; or
- A student could reasonably believe has the authority or responsibility to take action.

Using this lens, employees with supervisory and leadership responsibilities on campus are considered “responsible employees.” This may include, for example, faculty, coaches, administrators, Head Residents and other student employees with a responsibility for student welfare, including Project SAFE program assistants.

The College requires that all “responsible employees” share a report of misconduct with the Title IX Coordinator or a member of the Title IX team. The Title IX team, under the guidance of the Title IX Coordinator, will conduct an initial assessment of the conduct, the Complainant’s expressed preferences, if any, as to course of action, and the necessity for any interim remedies or accommodations to protect the safety of the Complainant or the community.

All Shasta community members, even those who are not obligated to do so by this policy, are strongly encouraged to report information regarding any incident

of sexual harassment, sexual violence, stalking or intimate partner violence directly to the Title IX Coordinator or a member of the Title IX team. The College cannot take appropriate action unless an incident is reported to the College.

Members of the interdepartmental Title IX team include the Title IX Coordinator and Director of Campus Safety. In addition, based on the role of the Complainant and the Respondent, the members of the team could include the Vice President of Student Services and Dean of Athletics.

Campus Reporting Options:

- **Title IX Coordinator Dr. Kevin O’Rorke**
Available on weekdays during regular office hours to coordinate a fair and equitable response to reports of sexual misconduct.
kororke@shastacollege.edu; (530) 242-7629.
- **Campus Safety**
Available as a first option to report an incident of sexual violence or intimate partner violence. Also provides an escort service on campus to any student and can reach the Campus Safety Officer on duty at any time. Available 24 hours a day, 7 days a week at (530) 242-7910. If you are unable to reach Campus Safety, please contact the Director of Campus Safety, Lonnie Seay, at (530) 351-4134.
- **Office of Student Life/Vice President of Student Services**
Can provide reasonable accommodations for housing, academic flexibility and stay-away letters. Available on weekdays during regular office hours. (530) 242-7626 / (530) 242-7621.

C. Confidential Reporting

Any individual may make a confidential report concerning an act of sexual harassment, sexual violence, stalking or intimate partner violence. The confidential reporting form can be found on the Campus Safety Forms webpage at: <http://www.shastacollege.edu/Administrative%20Services/Security/Assets/CSA%20Incident%20Report%20form.pdf> or a confidential report may be made by calling the Confidential Report Line at (530) 242-7919.

The Title IX Coordinator will receive the confidential report and will determine any appropriate steps, including individual or community remedies as appropriate, and in consultation with the Director of Campus Safety, compliance with all Clery Act obligations.

D. Reporting Considerations: Timeliness and Location of Incident

Complainants and third-party witnesses are encouraged to report sexual harassment, sexual violence and intimate partner violence as soon as possible in order to maximize the College's ability to respond promptly and effectively. The College does not, however, limit the time frame for reporting. If the Respondent is not a member of the Shasta community, the College will still seek to meet its Title IX obligation by taking steps to end the harassment, prevent its recurrence, and address its effects, but its ability to take disciplinary action against the Respondent may be limited.

An incident does not have to occur on campus to be reported to the College. Off-campus conduct that is likely to have a substantial effect on the Complainant's on-campus life and activities or poses a threat or danger to members of the Shasta community may also be addressed under this policy.

E. Amnesty for Alcohol or Other Drug Use

The college community encourages the reporting of prohibited conduct under this policy. It is in the best interest of this community that as many Complainants as possible choose to report to college officials, and that witnesses come forward to share what they know. To encourage reporting, an individual who reports sexual harassment or misconduct, either as a Complainant or a third-party witness, will not be subject to disciplinary action by the College for his/her own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. The College may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs.

F. Coordination with Law Enforcement

The College encourages Complainants to pursue criminal action for incidents of sexual harassment, sexual violence and intimate partner violence that may also be crimes under California law. The College will assist a Complainant in making a

criminal report and cooperate with law enforcement agencies if a Complainant decides to pursue the criminal process to the extent permitted by law.

The College's policy, definitions and burden of proof may differ from California criminal law. A Complainant may seek recourse under this policy and/or pursue criminal action. Neither law enforcement's determination whether or not to prosecute a Respondent, nor the outcome of any criminal prosecution, are determinative of whether a violation of this policy has occurred. Proceedings under this policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.

At the request of law enforcement, the College may agree to defer its Title IX fact gathering until after the initial stages of a criminal investigation. The College will nevertheless communicate with the Complainant regarding Title IX rights, procedural options and the implementation of interim measures to assure safety and well-being. The College will promptly resume its Title IX fact gathering as soon as it is informed that law enforcement has completed its initial investigation.

G. Statement Against Retaliation

It is a violation of College policy to retaliate in any way against an individual because s/he raised allegations of sexual harassment, sexual violence, stalking or intimate partner violence. The College recognizes that retaliation can take many forms, may be committed by or against an individual or a group, and that a Complainant, Respondent or third party may commit or be the subject of retaliation.

The College will take immediate and responsive action to any report of retaliation and will pursue disciplinary action as appropriate. An individual reporting sexual harassment or misconduct is entitled to protection from any form of retaliation following a report that is made in good faith, even if the report is later not proven.

H. False Reports

The College will not tolerate intentional false reporting of incidents. The College takes the accuracy of information very seriously as a charge of sexual harassment, sexual violence, stalking or intimate partner violence may have severe consequences. A good-faith complaint that results in a finding of not responsible is not considered a false or fabricated accusation of sexual misconduct. However,

when a Complainant or third party witness is found to have fabricated allegations or given false information with malicious intent or in bad faith, the Complainant may be subject to disciplinary action. It is a violation of the Code of Student Conduct to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.

I. Reports Involving Minors or Suspected Child Abuse

Under California law, an individual must make a mandatory report of suspected child abuse and neglect, including sexual assault when that individual, in his/her professional capacity or within the scope of his/her employment, has knowledge of or observes a minor under the age of 18 whom the individual knows or reasonably suspects has been the victim of child abuse or neglect.

All College employees, whether designated as a mandatory reporter under California state law or not, are required to immediately report any suspected child abuse and neglect to the Title IX Coordinator and the Director of Campus Safety. The source of abuse does not need to be known in order to file a report.

The College will report all suspected child abuse and neglect, including sexual assault, to law enforcement and/or to Shasta County Child Protective Services. The College must act quickly regarding all reasonable suspicions of sexual or physical abuse. It is not the responsibility of any employee, student, or volunteer to investigate suspected child abuse. This is the role of Child Protective Services and law enforcement authorities.

In addition to notifying the Title IX Coordinator and Director of Campus Safety, any individual may make a direct report as follows:

- If a child is in immediate danger, call 911.
- If there is no immediate danger, contact the Child Protection Hotline 24 hours a day, 7 days a week, at (530) 225-5144.

VIII. Interim Measures, Remedies and Accommodations

A. Overview

Upon receipt of a report, the College will impose reasonable and appropriate interim measures designed to eliminate the hostile environment and protect the parties involved. The College will make reasonable efforts to communicate with

the parties to ensure that all safety, emotional and physical well-being concerns are being addressed. Interim measures may be imposed regardless of whether formal disciplinary action is sought by the Complainant or the College.

A Complainant or Respondent may request a Stay-Away Letter or other protection, or the College may choose to impose interim measures at its discretion to ensure the safety of all parties, the broader College community and/or the integrity of the process.

All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by an interim measure. The College will take immediate and responsive action to enforce a previously implemented measure.

B. Range of Measures

Interim measures will be implemented at the discretion of the College. Potential remedies, which may be applied to the Complainant and/or the Respondent, include:

- Access to counseling services and assistance in setting up initial appointment, both on and off campus
- Imposition of campus “Stay-Away Letter”
- Rescheduling of exams and assignments (in conjunction with appropriate faculty)
- Providing alternative course completion options (with the agreement of the appropriate faculty)
- Change in class schedule, including the ability to take an “incomplete,” drop a course without penalty or transfer sections (with the agreement of the appropriate faculty)
- Change in work schedule or job assignment
- Change in on-campus housing
- Arranging to dissolve a housing contract and pro-rating a refund in accordance with campus housing policies
- Assistance from College support staff in completing housing relocation
- Limit an individual or organization’s access to certain College facilities or activities pending resolution of the matter
- Voluntary leave of absence

- Providing an escort to ensure safe movement between classes and activities
- Providing limited medical services
- Providing academic support services, such as tutoring
- Interim suspension or College-imposed leave
- Any other remedy that can be tailored to the involved individuals to achieve the goals of this policy

C. Interim Suspension or Separation

Where the report of sexual harassment, sexual violence, stalking or intimate partner violence poses a substantial and immediate threat of harm to the safety or well-being of an individual, members of the campus community, or the performance of normal College functions, the College may place a student or student organization on interim suspension or impose leave for an employee. Pending resolution of the report, the individual or organization may be denied access to campus, campus facilities and/or all other College activities or privileges for which the student might otherwise be eligible, as the College determines appropriate. When interim suspension or leave is imposed, the College will make reasonable efforts to complete the investigation and resolution within an expedited time frame.

The full provisions for Interim Suspension for students are contained in Administrative Procedure 5520. Provisions for suspension of faculty members are contained in the Faculty Handbook. Staff may be placed on leave at the discretion of the College.

IX. Options for Resolution

A. Overview

Upon receipt of a report, the College's Title IX team will conduct an Initial Title IX Assessment. The goal of this assessment is to provide an integrated and coordinated response to reports of sexual harassment or misconduct. The assessment will consider the nature of the report, the safety of the individual and of the campus community, and the Complainant's expressed preference for resolution.

At the conclusion of the assessment, the College may choose to pursue Informal Resolution, a remedies-based approach that does not involve disciplinary action

against a Respondent, or refer the matter for Investigation. The goal of the Investigation is to gather all relevant facts and determine if there is sufficient information to refer the report to judicial proceedings for disciplinary action using the College's Formal Resolution procedures.

The initial steps for resolution of a complaint against a student, an employee or a faculty member will involve the same stages: an initial assessment, investigation, and either informal or formal resolution. There are specific procedures for resolving complaints against a student, faculty or staff respondent.

B. The Role of the Title IX Team

The Title IX team, led by the Title IX Coordinator, assists in the review, investigation and resolution of reports. Members of this interdepartmental team include the Title IX Coordinator, Vice President of Student Services, Dean of Physical Education & Athletics, and Director of Campus Safety. In addition, based on the role of the Complainant and the Respondent, the members of the team could include the Vice President of Student Services and the Dean of Athletics. Composition of the team will be limited to a small circle of individuals who "need to know" in order to implement procedures under this policy.

Although a report may be made to any College employee, the College seeks to ensure that all reports are referred to the Title IX team to ensure consistent application of the policy to all individuals and allow the College to respond promptly and equitably to eliminate the harassment, prevent its recurrence and address its effects.

The members of this team oversee the resolution of a report under this policy. Resources are available for both students and employees, whether as Complainants or Respondents, to provide guidance throughout the investigation and resolution of the complaint. Interim Remedies are also available to provide protection and security.

C. Initial Title IX Assessment

In every report of sexual harassment or misconduct, the College will make an immediate assessment of any risk of harm to individuals or to the campus community and will take steps necessary to address those risks. These steps may

include interim protective measures to provide for the safety of the individual and the campus community.

The initial review will proceed to the point where a reasonable assessment of the safety of the individual and of the campus community can be made. Thereafter, the investigation may be initiated depending on a variety of factors, such as the Complainant's wish to pursue disciplinary action, the risk posed to any individual or the campus community by not proceeding, and the nature of the allegation.

D. Investigation

Where the Title IX assessment concludes that disciplinary action may be appropriate, the College will initiate an investigation. The College will designate an investigator who has specific training and experience investigating allegations of sexual harassment and sexual misconduct. The investigator may be an employee of the College or an external investigator engaged to assist the College in its fact gathering. Any investigator chosen to conduct the investigation must be impartial and free of any conflict of interest.

The investigator will conduct the investigation in a manner appropriate in light of the circumstances of the case, which will typically include interviews with the Complainant, the Respondent and any witnesses. The interviews will be supplemented by the gathering of any physical, documentary or other evidence. As part of the investigation, the College will provide an opportunity for the parties to present witnesses and other evidence.

The investigation is designed to provide a fair and reliable gathering of the facts. The investigation will be thorough, impartial and fair, and all individuals will be treated with appropriate sensitivity and respect. As described in the Privacy and Confidentiality section, the investigation will be conducted in a manner that is respectful of individual privacy concerns.

The College will seek to complete the investigation within 60 (sixty) days of receiving the complaint, but this time frame may be extended depending on the complexity of the circumstances of each case. At the conclusion of the investigation, the report will be forwarded to the Title IX Coordinator and Discipline Officer responsible for initiating Formal Resolution proceedings.

Information gathered during the review or investigation will be used to evaluate the responsibility of the Respondent, provide for the safety of the Complainant

and the College campus community, and impose remedies as necessary to address the effects of the conduct cited in the report. Where there is sufficient information set forth that, if proven, would constitute a violation of policy, the College will have the discretion to institute Formal Resolution proceedings against the Respondent. At the conclusion of the investigation, the College will notify all parties that the investigation is complete and provide information about the next steps in the process.

Based on the information gathered in the initial Title IX assessment and/or full investigation, the College will take appropriate measures designed to end the misconduct, prevent its recurrence and address its effects.

The Title IX Coordinator will document each report or request for assistance in resolving a case involving charges of sexual misconduct, whether formal or informal, and will review and retain copies of all reports generated as a result of investigations. These records will be kept confidential to the extent permitted by law.

E. Informal Resolution

Informal resolution is a remedies-based, non-judicial approach designed to eliminate a hostile environment without taking disciplinary action against a Respondent. Where the Title IX assessment concludes that informal resolution may be appropriate, the College will take immediate and corrective action through the imposition of individual and community remedies designed to maximize the Complainant's access to the educational and extracurricular activities at the College and to eliminate a hostile environment. Examples of protective remedies are provided in Section IX: Interim Remedies. Other potential remedies include targeted or broad-based educational programming or training, direct confrontation of the Respondent and/or indirect action by the Title IX Coordinator or the College. Depending on the form of informal resolution used, it may be possible to maintain anonymity.

The College will not compel a Complainant to engage in mediation, to directly confront the Respondent, or to participate in any particular form of informal resolution. Mediation, even if voluntary, may not be used in cases involving sexual violence or assault. The decision to pursue informal resolution will be made when the College has sufficient information about the nature and scope of the conduct,

which may occur at any time. Participation in informal resolution is voluntary, and a Complainant can request to end informal resolution at any time.

The Title IX Coordinator will maintain records of all reports and conduct referred for informal resolution. Informal resolution will typically be completed within 60 (sixty) calendar days of the initial report.

F. Formal Resolution

Disciplinary action against a Respondent may only be taken through Formal Resolution procedures. Because the relationship of students, staff, and faculty to the College differ in nature, the procedures that apply when seeking disciplinary action necessarily differ as well. Each of the procedures, however, is guided by the same principles of fundamental fairness and respect for all parties, which require notice, an equitable opportunity to be heard, and an equitable opportunity to respond to a report under this policy.

The specific procedures for Formal Resolution will vary based upon the role of the Respondent:

- For a *complaint against a student*, disciplinary action may be taken by the Vice President of Student Services or his or her designee.
- For a *complaint against an employee*, disciplinary action may be taken at the conclusion of the investigation by the Associate Vice President of Human Resources.
- For a *complaint against a faculty member*, disciplinary action may be taken at the conclusion of the investigation by the appropriate Vice President.

G. Time Frame for Resolution

The College seeks to resolve all reports within 60 days of the initial report. All time frames expressed in this policy are meant to be guidelines rather than rigid requirements. Extenuating circumstances may arise that require the extension of time frames, including extension beyond 60 days. Extenuating circumstances may include the complexity and scope of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening school break or vacation, or other unforeseen circumstances.

In general, a Complainant and Respondent can expect that the process will proceed according to the time frames provided in this policy. In the event that the investigation and resolution exceed this time frame, the College will notify all parties of the reason(s) for the delay and the expected adjustment in time frames. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

IX. Resolving Complaints Against a Student

I. Overview

As outlined in the Reporting section of this policy, an individual who wishes to make a report of sexual harassment, sexual violence, stalking or intimate partner violence is encouraged to make a report directly to the Title IX Coordinator, Director of Campus Safety, Vice President of Student Services or Dean of Physical Education & Athletics. In every instance under this policy, the College, through the coordinated efforts of the Title IX team, will conduct an initial Title IX Assessment.

At the conclusion of the Title IX Assessment, the report will be referred for Informal Resolution or Investigation to determine if there is sufficient information to proceed with Formal Resolution. Informal Resolution is a non-judicial, remedies-based approach that does not involve disciplinary action against a Respondent. Formal Resolution is a campus judicial, sanctions-based approach that may involve discipline up to and including expulsion.

II. Initial Title IX Assessment

Upon receipt of a report, the College, through the coordinated efforts of the Title IX team, will conduct an initial Title IX assessment. The first step of the assessment will usually be a preliminary meeting with the Complainant with the Title IX Coordinator or a member of the Title IX team. The purpose of the preliminary meeting is to gain a basic understanding of the nature and circumstances of the report; it is not intended to be a full forensic interview. At this meeting, the Complainant will be provided with information about resources, procedural options and interim remedies.

As part of the initial assessment of the report, the Title IX team will:

- Assess the nature and circumstances of the allegation

- Address immediate physical safety and emotional well-being needs
- Notify the Complainant of his/her right to contact law enforcement and seek medical treatment, including the importance of preservation of evidence
- Enter the report into the College's daily crime log
- Assess the reported conduct for the need for a timely warning under Clery
 - Provide the Complainant with information about:
 - On and off campus resources
 - The range of interim accommodations and remedies
- An explanation of the procedural options, including Informal Resolution and Formal Resolution
- Make available an advisor, advocate, or support person
- Assess for pattern evidence or other similar conduct by Respondent
- Discuss the Complainant's expressed preference for manner of resolution and any barriers to proceeding
- Explain the College's policy prohibiting retaliation

This initial review will proceed to the point where a reasonable assessment of the safety of the individual and of the campus community can be made. Thereafter, an investigation may continue depending on a variety of factors, such as the Complainant's wish to pursue disciplinary action, the risk posed to any individual or the campus community by not proceeding, and the nature of the allegation.

At the conclusion of the Title IX assessment, the Title IX team will determine the appropriate manner of resolution and, if appropriate, refer the report for further Investigation, Informal Resolution or Formal Resolution.

The determination as to how to proceed will be communicated to the Complainant in writing. Depending on the circumstances and requested resolution, the Respondent may or may not be notified of the report or resolution. A Respondent will be notified when the College seeks action that would impact a Respondent, such as protective measures that restrict his/her movement on campus, the initiation of an investigation or the decision to involve the Respondent in Informal Resolution.

III. Informal Resolution

Informal resolution is a remedies-based, non-judicial approach designed to eliminate a hostile environment without taking disciplinary action against a Respondent.

Where the Title IX assessment concludes that informal resolution may be appropriate, the College will take immediate and corrective action through the imposition of individual and community remedies designed to maximize the Complainant's access to the educational and extracurricular activities at the College and to eliminate a hostile environment. Examples of protective remedies are provided in Section IX: Interim Remedies. Other potential remedies include targeted or broad-based educational programming or training, direct confrontation of the Respondent and/or indirect action by the Title IX Coordinator or the College. Depending on the form of informal resolution used, it may be possible to maintain anonymity.

The College will not compel a Complainant to engage in mediation, to directly confront the Respondent, or to participate in any particular form of informal resolution. Mediation, even if voluntary, may not be used in cases involving sexual violence or assault. The decision to pursue informal resolution will be made when the College has sufficient information about the nature and scope of the conduct, which may occur at any time. Participation in informal resolution is voluntary, and a Complainant can request to end informal resolution at any time.

The Title IX Coordinator will maintain records of all reports and conduct referred for informal resolution. Informal resolution will typically be completed within 60 (sixty) days of the initial report.

IV. Investigation

Following the initial Title IX assessment, the College may initiate a prompt, thorough and impartial investigation. The Title IX Coordinator, in consultation with the Title IX team, will oversee the investigation. At the conclusion of the investigation, if warranted, the campus discipline officer will facilitate the adjudication process.

The investigation is designed to provide a fair and reliable gathering of the facts. All individuals in the investigation, including the Complainant, the Respondent and any third-party witnesses, will be treated with appropriate sensitivity and respect. Consistent with the need for a full assessment of the facts, the investigation will safeguard the privacy of the individuals involved.

The College will designate an investigator who has specific training and experience investigating allegations of sexual harassment and sexual misconduct.

The investigator may be an employee of the College or an external investigator engaged to assist the College in its fact gathering. The College will typically use a team of two investigators, which may include the pairing of an external investigator with a College employee. Any investigator chosen to conduct the investigation must be impartial and free of any conflict of interest.

The investigator(s) will coordinate the gathering of information from the Complainant, the Respondent, and any other individuals who may have information relevant to the determination. The investigator(s) will also gather any available physical or medical evidence, including documents, communications between the parties, and other electronic records as appropriate. The investigator(s) may consider prior allegations of, or findings of responsibility for, similar conduct by the Respondent. The Complainant and Respondent will have an equal opportunity to be heard, to submit evidence, and to identify witnesses who may have relevant information.

The investigation will usually be completed within 60 (sixty) days. Given the availability of witnesses or complexity of the circumstances, this time frame may be extended as necessary to ensure the integrity and completeness of the investigation.

At the request of law enforcement, the College may agree to defer its Title IX fact gathering until after the initial stages of a criminal investigation. The College will nevertheless communicate with the Complainant regarding Title IX rights, procedural options and the implementation of interim measures to assure safety and well-being. The College will promptly resume its Title IX fact gathering as soon as law enforcement has completed its initial investigation.

Information gathered during the investigation will be used to evaluate the appropriate course of action, provide for the safety of the individual and the campus community, and impose remedies as necessary to address the effects of the conduct cited in the report.

A. Threshold Determination and Appeal from Insufficient Threshold

At the conclusion of the investigation, the investigator(s) will prepare a written report synthesizing the facts for review by the Title IX Coordinator and Discipline Officer. The investigator(s) are not charged with reaching a

determination as to a violation of the Student Code of Conduct, which is a function reserved for the Discipline Officer.

Upon receipt of the investigative report, the Discipline Officer, in consultation with the Title IX team, will review the report and make a threshold determination as to whether there is sufficient information upon which an adjudicator could find a violation of this policy. This threshold determination does not involve making a determination of responsibility, nor does it involve a credibility assessment. If the threshold has been established, the Discipline Officer will issue a Notification Letter to the Respondent and the Complainant and refer the report for Pre-Hearing Procedures.

If the Title IX Coordinator, in consultation with the Title IX team, determines that this threshold has not been reached, the Complainant and Respondent will be notified in writing. The Complainant will have the opportunity to seek review by the Vice President of Student Services (or designee) by submitting a written request for review within five (5) business days of receipt of the notification. If an appeal is filed, the Respondent will be notified and have the opportunity to respond. All effort will be made by the Vice President of Student Services (or designee) may affirm the threshold finding, reverse the finding or remand the matter for additional investigation as warranted. The Vice President of Student Services (or designee) will render a decision in writing, to both parties, within ten (10) business days of receipt of the request for review. The Vice President of Student Services will conduct the investigation and hearing as written in AP 5520 - Student Discipline.

V. Formal Resolution

Formal resolution of a complaint under the Sexual Harassment and Assault Policy will occur according to AP 3540 – Sexual and Other Assaults on Campus.

A. Conduct Conference

A Complainant or Respondent may request resolution through an administrative conduct conference, in which the Discipline Officer will meet with the Complainant and Respondent to determine responsibility and render a decision as to what sanctions, if applicable, should be implemented. Both parties and the Discipline Officer must agree that the matter is appropriate for resolution by a conduct conference.

A conduct conference is particularly appropriate when the Respondent has admitted to the harassment or misconduct and there is no discernible dispute in the relevant facts of the investigation report; however, at the discretion of the Discipline Officer, it may also be used when the facts are in dispute. The investigative report will serve as the primary evidence in making a determination of responsibility.

Both parties must have notice, the opportunity to review the investigative report in advance, and the opportunity to present any additional relevant information to the Discipline Officer. In reaching a determination as to whether this policy has been violated, the Discipline Officer will reach a determination by a preponderance of the evidence, that is, whether the conduct was more likely than not to have occurred as alleged. Based on the outcome of the conduct conference, the Discipline Officer will issue an appropriate sanction.

Both a Complainant and Respondent may appeal the determination of the Discipline Officer as provided in the Appeal section below.

B. Advisors, Support Persons, and Attorneys

Advisor: The Complainant and Respondent may choose to be assisted by an advisor. The advisor may accompany the student to any College investigative, administrative or adjudicative meeting. The advisor may not speak during the hearing.

Support Person: A Complainant and Respondent may also choose to be assisted by an emotional support person of their choice. The person must be a member of the Shasta community (student, faculty, staff, or administrator). To serve as a support person, the individual will be required to meet with a Discipline Officer or the Title IX Coordinator in advance of any participation in the proceedings. The Survivor Advocate may serve as a support person for a Complainant.

The support person cannot be a witness in the proceedings. The support person is a silent and non-participating presence who is there solely to observe and provide moral support during the hearing itself. The Discipline Officer has the right at all times to determine what constitutes appropriate behavior on the part of a support person and whether the person may remain at the proceedings. While the support person may be present to hear testimony, no written materials are to be shared with support people.

Absent extenuating circumstances, witnesses and others involved in an investigation or hearing are not entitled to have a support person present.

Role of the Attorney/Outside Agreements: The College prohibits outside attorneys, or family members acting as attorneys, from participating in proceedings under this policy. A Complainant or Respondent may choose to seek the advice and assistance of an attorney at his/her own expense, but the attorney may not participate in investigatory interviews, informal resolution proceedings, or formal resolution via administrative hearing or Hearing Panel. Similarly, the College will not recognize or enforce agreements between the parties outside of these procedures.

C. Pre-Hearing Procedures

Shasta College Administrative Procedures regarding Pre-Hearing Procedures can be found

at: <http://www.shastacollege.edu/President/Board%20of%20Trustees/Administrative%20Procedures/CHAPTER%205%20-%20Student%20Services/AP%205520%20-%20Student%20Discipline%2007-08-15.pdf>

AP 5520 can also be found in Appendix A

XI. Appendix A: Board Policies and Administrative Procedures

Nondiscrimination:

Shasta College Board Policy 3410, Administrative Procedure 3410

Prohibition of Unlawful Discrimination or Harassment:

Shasta College Board Policy 3430, Administrative Procedure 3430

Sexual and Other Assaults on Campus:

Shasta College Board Policy 3540, Administrative Procedure 3540

Standards of Conduct:

Shasta College Board Policy 5500, Administrative Procedure 5500

Student Discipline:

Shasta College Board Policy 5520, Administrative Procedure 5520

Student Rights and Grievances:

Shasta College Board Policy 5530, Administrative Procedure 5530

Shasta-Tehama-Trinity Joint Community College District
Board of Trustees
Board Policy Manual

Nondiscrimination

BP 3410

Reference: ***Education Code Sections 66250 et seq., 72010 et seq., and 87100 et seq.; Title 5 Sections 53000 et seq. and 59300 et seq.; Penal Code Section 422.55; Government Code Sections 12926.1 and 12940 et seq.; Title 2 Sections 10500 et seq.; ACCJC Accreditation Eligibility Requirement 20 and ACCJC Accreditation Standard Catalog Requirements (formerly Accreditation Standard II.B.2.c)***

The District is committed to equal opportunity in educational programs, employment, and access to institutional programs and activities.

The District, and each individual who represents the District, shall provide access to its services, classes, and programs without regard to national origin, religion, age, gender, gender identity, gender expression, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or military and veteran status, or because he or she is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

The District will not tolerate any form of discrimination and has enacted administrative procedures to assure equal opportunity and to recognize and eliminate violations of this policy in accordance with Title 5 regulations and those of other agencies that administer state and federal laws regarding discrimination. It is both illegal and prohibited by this policy to retaliate against any individual for filing a complaint or participating in an investigation pertaining to these matters.

The Superintendent/President shall establish administrative procedures that ensure all members of the college community can present complaints regarding alleged violations of this policy and have their complaints heard in accordance with the Title 5 regulations and those of other agencies that administer state and federal laws regarding nondiscrimination.

No District funds shall ever be used for membership, or for any participation involving financial payment or contribution on behalf of the District or any individual employed by or associated with it, to any private organization whose membership practices are discriminatory on the basis of national origin, religion, age, gender, gender identity, gender expression, race, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or military and veteran status, or because he or she is perceived to have one or more of the foregoing characteristics, or because of his or her association with a person or group with one or more of these actual or perceived characteristics.

See Administrative Procedure 3410

Board Approved 03/12/03

Reviewed by the Board Ad Hoc Committee on Policy 02/27/08

Board Approved Revisions 06/13/12

Board Approved Revisions 04/09/14

Board Reviewed Revisions 06/11/14 [Mandated]

Reviewed by the Board Ad Hoc Committee on Policy 02/15/17 [Mandated]

Nondiscrimination

AP 3410

Nondiscrimination References for Education Programs:

***Education Code Sections 66250 et seq., 200 et seq., and 72010 et seq.;
Penal Code Section 422.55 et seq.; Title 5 Section 59300 et seq.;
ACCJC Accreditation Eligibility Requirement 20 and ACCJC Accreditation
Standard Catalog Requirements (formerly II.B.2.c)***

Education Programs

The District shall provide access to its services, classes and programs without regard to national origin, religion, age, gender, gender identity, gender expression, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or because he/she is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

All courses, including noncredit classes, shall be conducted without regard to the gender of the student enrolled in the classes. As defined in the Penal Code, "gender" means sex, and includes a person's gender identity and gender expression. "Gender expression" means a person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.

The District shall not prohibit any student from enrolling in any class or course on the basis of gender.

Academic staff, including but not limited to counselors, instructors and administrators shall not offer program guidance to students which differs on the basis of gender.

Insofar as practicable, the District shall offer opportunities for participation in athletics equally to male and female students.

Nondiscrimination References for Employment:

***Education Code Sections 87100 et seq.; Title 5 Sections 53000 et seq.;
Government Code Sections 11135 et seq. and 12940 et seq.; Title 2 Sections
10500 et seq.***

Employment

The District shall provide equal employment opportunities to all applicants and employees regardless of race, 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, or military and veteran status.

All employment decisions, including but not limited to hiring, retention, assignment, transfer, evaluation, dismissal, compensation, and advancement for all position classifications shall be based on job-related criteria as well as be responsive to the District's needs.

The District shall from time to time as necessary provide professional and staff development activities and training to promote understanding of diversity.

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Nondiscrimination

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It is unlawful to discriminate against a person who serves in an unpaid internship or any other limited-duration program to provide unpaid work experience in the selection, termination, training, or other terms and treatment of that person on any the basis of their race, 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, or military and veteran status.

Board Reviewed 6/13/12

Board Reviewed Revisions 3/12/14 [MANDATED CHANGES]

Board Reviewed Revisions 6/11/14 [MANDATED CHANGES]

Board Reviewed 03/08/17 [MANDATED CHANGES]

Prohibition of Unlawful Discrimination or Harassment

BP 3430

Reference: ***Education Code Sections 212.5, 44100, 66252 and 66281.5; Government Code Section 12950.1; Title VII of the Civil Rights Act of 1964, 42 U.S. Code Annotated Section 2000e***

All forms of harassment are contrary to basic standards of conduct between individuals and are prohibited by state and federal law, as well as this policy, and will not be tolerated. The District is committed to providing an educational, employment and business environment that respects the dignity of individuals and groups. The District shall be free of sexual harassment and all forms of sexual intimidation and exploitation, including acts of sexual violence. It shall also be free of other unlawful harassment, including that which is based on any of the following statuses: race, 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 military and veteran status, or because he or she is perceived to have one or more of the foregoing characteristics, or based on association with a person with one or more of perceived or actual conditions.

The District seeks to foster an environment in which all employees and students feel free to report incidents of harassment without fear of retaliation or reprisal. Therefore, the District also strictly prohibits retaliation against any individual for filing a complaint of harassment or for participating in a harassment investigation. Such conduct is illegal and constitutes a violation of this policy. All allegations of retaliation will be swiftly and thoroughly investigated. If the District determines that retaliation has occurred, it will take all reasonable steps within its power to stop such conduct. Individuals who engage in retaliatory conduct are subject to disciplinary action, up to and including termination or expulsion.

Any student or employee who believes that he or she has been harassed or retaliated against in violation of this policy should immediately report such incidents by following the appropriate procedures. Supervisors are mandated to report all incidents of harassment and retaliation that come to their attention.

This policy applies to all aspects of the academic environment, including but not limited to classroom conditions, grades, academic standing, employment opportunities, scholarships, recommendations, disciplinary actions, and participation in any community college activity. In addition, this policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, training opportunities and compensation.

To this end the Superintendent/President shall ensure that the institution undertakes education and training activities to counter discrimination and to prevent, minimize and/or eliminate any hostile environment that impairs access to equal education opportunity or impacts the terms and conditions of employment.

Prohibition of Unlawful Discrimination or Harassment

BP 3430

Administrative procedures have been established to define harassment and to investigate and resolve complaints regarding harassment and unlawful discrimination, which shall be widely published and available to administrators, faculty, staff and students. All participants are protected from retaliatory acts by the District, its employees, students, and agents.

Employees who violate this policy and related procedures may be subject to disciplinary action up to and including termination from employment. Students who violate this policy and related procedures may be subject to disciplinary measures up to and including expulsion.

See Administrative Procedure 3430

Board Approved 3/12/03

Board Approved Revisions 1/17/07

Reviewed by the Board Ad Hoc Committee on Policy 2/27/08

Board Approved Revisions 6/13/12

Board Reviewed Revisions 6/11/14 [MANDATED CHANGES]

Prohibition of Unlawful Discrimination or Harassment

AP 3430

Reference: ***Education Code Sections 66250, et seq. and 87100, et seq.; Title 5, Section 53000 et seq.***

A. Introduction and Scope

The District is committed to providing an academic and work environment free of unlawful discrimination. This procedure defines unlawful discrimination, including harassment, and other forms of discrimination on campus, and sets forth a procedure for the investigation and resolution of complaints of unlawful discrimination by or against any staff or faculty member or student within the District.

This resolution procedure applies specifically to a complaint of unlawful discrimination, which, as defined below, must be a written and signed statement. Irrespective of whether a complaint is filed, the District will take affirmative steps to address allegations of unlawful discrimination in a manner appropriate to the particular circumstances once it has received notice of such allegations through other means, such as a verbal complaint or an unsigned statement.

No student or employee on the basis of race, color, national origin, ethnic group identification, ancestry, religion (or religious creed), age, sex, gender, gender identity, gender expression, sexual orientation, marital status, physical or mental disability, medical condition, genetic information, military or veteran status, or on the basis of these perceived characteristics or based on association with a person or group with one or more of these actual or perceived characteristics, shall be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to, discrimination under any program or activity that is administered by, funded directly by, or that receives any financial assistance from the Chancellor or Board of Governors of the California Community Colleges or District.

This procedure and the related policy protects students and employees 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, a District vehicle, or at a class or training program sponsored by the District at another location.

A copy of these written policies on unlawful discrimination and harassment are readily available and displayed in a prominent location in the main administrative building and other areas where notices regarding the District's rules, regulations, procedures, and standards of conduct are posted, including the District's website.

B. Definitions

Definitions applicable to nondiscrimination policies are as follows:

Age means how old a person is, or the number of elapsed years from the date of a person's birth. (22 California Code of Regulations section 98230(b))

Prohibition of Unlawful Discrimination or Harassment

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Appeal means a request by a complainant made in writing to the Shasta-Tehama-Trinity Joint Community College District's governing board pursuant to Title 5, section 59338 and/or to the State Chancellor's Office pursuant to Title 5, section 59339, to review the administrative determination of the District regarding a complaint of discrimination.

Color or Ethnic Group Identification means the possession of the racial, cultural or linguistic characteristics common to a racial, cultural or ethnic group or the country or ethnic group from which a person or his/her forbears originate. (22 California Code of Regulations Section 98210(b))

Complaint means a written and signed statement meeting the requirements of Title 5, section 59328 that alleges unlawful discrimination in violation of the nondiscrimination regulations adopted by the Board of Governors of the California Community Colleges, as set forth in Title 5, section 59300 et seq. If otherwise valid, the District will address the merits of a written and signed complaint submitted in a different format, such as a letter or an e-mail, even though it may be procedurally defective under Title 5.

Confidentiality means reasonable efforts will be made to keep a complaint and the results of any investigation confidential. Witnesses shall be informed of the confidential nature of the matter and shall be informed that it would be a violation of this procedure to disclose the complaint or the nature of the investigation to others.

Days means calendar days.

Disability is divided into two categories that include Mental Disability and Physical Disability.

District means the Shasta-Tehama-Trinity Joint Community College District or any District program or activity that is funded directly by the state or receives financial assistance from the state. This includes any other organizations associated with the District that receive state funding or financial assistance through the District.

Gender means sex, and includes a person's gender identity.

Gender Expression means a person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.

General Harassment: Harassment based on race, color, national origin, ethnic group identification, national origin, ancestry, religion (or religious creed), age, sex, gender, gender identity, gender expression, sexual orientation, marital status, physical or mental disability, medical condition, genetic information, military or veteran status, or the perception that a person has one or more of these characteristics is illegal and violates District policy. Gender-based harassment does not necessarily involve conduct that is sexual. Any hostile or offensive conduct based on gender can constitute prohibited harassment. For example, repeated derisive comments about a person's competency to do the job, when based on that person's gender, could constitute gender-based harassment.

Prohibition of Unlawful Discrimination or Harassment

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Harassment comes in many forms, including, but not limited to, the following conduct:

1. **Verbal:** Inappropriate or offensive remarks, slurs, jokes or innuendoes based on a person's protected status, including, but not limited to, sex. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status, or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats or intimidation of a sexual nature; or sexist, patronizing or ridiculing statements that convey derogatory attitudes about a particular gender.
2. **Physical:** Inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling, or sexual gestures. It also includes any physical assault or intimidation directed at an individual due to that person's gender, race, national origin, sexual orientation, or other protected status. Physical sexual harassment includes acts of sexual violence, such as rape, sexual assault, sexual battery, and sexual coercion. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability.
3. **Visual or Written:** The display or circulation of offensive sexually oriented or discriminatory visual or written material that degrades an individual or group based on gender, race, nationality, sexual orientation or other protected status. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions.
4. **Environmental:** A hostile academic or work environment exists where it is permeated by sexual innuendo, insults, or abusive comments directed at an individual or group based on gender, race, nationality, sexual orientation, or other protected status; or gratuitous comments regarding gender, race, sexual orientation, or other protected status that are not relevant to the subject matter of the class or activities on the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements in the classroom or work environment. It can also be created by an unwarranted focus on, or stereotyping of, particular racial or ethnic groups, sexual orientations, genders, or other protected statuses. An environment may also be hostile toward anyone who merely witnesses unlawful harassment in his/her immediate surroundings, although the conduct is directed at others. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's learning or work.

Prohibition of Unlawful Discrimination or Harassment**AP 3430**

Mental Disability includes, but is not limited to, all of the following:

1. Having any mental or psychological disorder or condition, such as intellectual disability, organic brain syndrome, emotional or mental illness, or specific learning disabilities, that limits a major life activity. For purposes of this section: (A) "Limits" shall be determined without regard to mitigating measures, such as medications, assistive devices, or reasonable accommodations, unless the mitigating measure itself limits a major life activity. (B) A mental or psychological disorder or condition limits a major life activity if it makes the achievement of the major life activity difficult. "Major life activities" shall be broadly construed and shall include physical, mental, and social activities, as well as working.
2. Any other mental or psychological disorder or condition not described above (1.) that requires specialized supportive services.
3. Having a record or history of a mental or psychological disorder or condition described in paragraph (1.) or (2.), which is known to the District.
4. Being regarded or treated by the District as having, or having had, any mental condition that makes achievement of a major life activity difficult.
5. Being regarded or treated by the District as having, or having had, a mental psychological disorder or condition that has no present disabling effect, but that may become a mental disability as described in paragraph (1.) or (2.).

Mental disability does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

Physical disability includes, but is not limited to, all of the following:

1. Having any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that does both of the following: (A) Affects one or more of the following body functions: neurological, immunological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine. (B) Limits a major life activity. For purposes of this section, "limits" shall be determined without regard to mitigating measures such as medications, assistive devices, prosthetics, or reasonable accommodations, unless the mitigating measure itself limits a major life activity. A physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss limits a major life activity if it makes the achievement of the major life activity difficult. "Major life activities" shall be broadly construed and includes physical, mental, and social activities as well as working.
2. Having any other health impairment not described in the previous paragraph (1.) that require specialized supportive services.

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3. Having a record or history of a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment described in the previous paragraphs (1.) or (2.), which are known to the District.
4. Being regarded or treated by the District as having, or having had, any physical condition that makes achievement of a major life activity difficult.
5. Being regarded or treated by the District as having, or having had, a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment that has no present disabling effect but may become a physical disability as described in paragraphs (1.) or (2.).

Physical disability does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

Religion means all aspects of religious observance, practice, and belief, including duties of the clergy or elders. A belief is religious if sincerely held and, in the scheme of the believer, holds a place analogous to that filled by the deity of those people whose religion may be more orthodox or more widely accepted. (22 California Code of Regulations section 98220)

Responsible District Officer means the officer identified by the District to the State Chancellor's Office as the person responsible for receiving complaints filed pursuant to Title 5, section 59328, and coordinating their investigation.

Sexual Harassment: In addition to that outlined previously, sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other conduct of a sexual nature when:

1. submission to the conduct is made a term or condition of an individual's employment, academic status, or progress;
2. submission to, or rejection of, the conduct by the individual is used as a basis of employment or academic decisions affecting the individual;
3. the conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile or offensive work or educational environment; or
4. submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the community college.

This definition encompasses two kinds of sexual harassment:

"Quid pro quo" sexual harassment occurs when a person in a position of authority makes educational or employment benefits conditional upon an individual's willingness to engage in or tolerate unwanted sexual conduct.

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"Hostile environment" sexual harassment occurs when unwelcome conduct based on a person's gender is sufficiently severe or pervasive so as to alter the conditions of an individual's learning or work environment, unreasonably interfere with an individual's academic or work performance, or create an intimidating, hostile, or abusive learning or work environment. The victim must subjectively perceive the environment as hostile, and the harassment must be such that a reasonable person of the same gender would perceive the environment as hostile. A single or isolated incident of sexual harassment may be sufficient to create a hostile environment if it is severe, i.e., a sexual assault.

Sexually harassing conduct can occur between people of the same or different genders. The standard for determining whether conduct constitutes sexual harassment is whether a reasonable person of the same gender as the victim would perceive the conduct as harassment based on sex.

Examples: Harassment includes, but is not limited to, the following misconduct:

- **Verbal:** Inappropriate or offensive remarks, slurs, jokes, or innuendoes based on a person's protected status, including, but not limited to, sex. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status, or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats, or intimidation of a sexual nature; or sexist, patronizing, or ridiculing statements that convey derogatory attitudes about a particular gender.
- **Physical:** Inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to, kissing, patting, lingering, or intimate touches, grabbing, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling, or sexual gestures.
- **Visual or Written:** The display or circulation of offensive sexually oriented or other discriminatory visual or written material. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics, or electronic media transmissions.
- **Environmental:** An academic or work environment that is permeated with racially or sexually-oriented talk, innuendo, insults, or abuse not relevant to the subject matter of the class or activities on the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements in the classroom or work environment. An environment may be hostile if unwelcome sexual behavior or other harassing behavior based on a protected status is directed specifically at an individual or if the individual merely witnesses unlawful harassment in his/her immediate surroundings. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's learning or work.

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Consensual Relationships: Romantic or sexual relationships between supervisors and employees, or between administrators, faculty, or staff members and students, are discouraged. There is an inherent imbalance of power and potential for exploitation in such relationships. A conflict of interest may arise if the administrator, faculty, or staff member must evaluate the student's or employee's work or make decisions affecting the employee or student. The relationship may create an appearance of impropriety and lead to charges of favoritism by other students or employees. A consensual sexual relationship may change, with the result that sexual conduct that was once welcome becomes unwelcome and harassing. In the event that such relationships do occur, the District has the authority to transfer any involved employee to eliminate or attenuate the supervisory authority of one over the other, or of a teacher over a student. Such action by the District is a proactive and preventive measure to avoid possible charges of harassment and does not constitute discipline against any affected employee.

Unlawful discrimination means any complaint of unlawful discrimination based on a category protected under Title 5, section 59300, including sexual harassment and retaliation.

C. Responsible District Officer

The Associate Vice President of Human Resources shall be responsible for:

1. implementation of the unlawful discrimination policy and its accompanying personnel procedures;
2. appropriate distribution of policy to administrative staff, employees, and students;
3. receipt of all complaints filed pursuant to this policy; and
4. coordination of investigation of complaints. The Associate Vice President of Human Resources may be contacted at (530) 242-7640, Administrative Building 100, Room 121, 11555 Old Oregon Trail, Redding, CA 96003.

D. Notice, Training, and Education

The Shasta-Tehama-Trinity Joint Community College District's responsible officer shall make arrangements for or provide training to employees and students about the District's unlawful discrimination policy and procedures. Faculty members, administrators, and support staff members will be provided with a copy of the District's written policy on unlawful discrimination, including sexual violence, upon hire and at the beginning of the first quarter or semester of the college year after an updated policy is adopted.

A copy of the District's written policy on unlawful discrimination, as it pertains to students, will be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session, as applicable.

This policy will be posted in prominent places at each school and work site, including the District's website.

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All administrators and supervisors shall be knowledgeable of this policy and their responsibilities for its implementation and shall participate in at least two hours of interactive classroom training and education regarding sexual harassment once every two years.

In addition, employees annually shall receive copies of information sheets regarding unlawful discrimination, including sexual harassment, prepared by the California Department of Fair Employment and Housing, or District-prepared documents which are substantially similar.

E. Retaliation Prohibited

It is unlawful for anyone to retaliate against someone who files an unlawful discrimination complaint, who refers a matter for investigation or complaint, who participates in an investigation of a complaint, who represents or serves as an advocate for an alleged victim or alleged offender, or who otherwise furthers the principles of this unlawful discrimination policy. The initiation of a complaint of unlawful discrimination, including sexual harassment, will not affect the complainant or witnesses in their future relationship with the District, in employment, compensation, or work assignments, or, in the case of students, grades, class section, or other matters pertaining to their status in any District program.

F. Academic Freedom

The District is committed to academic freedom, but recognizes that academic freedom does not allow any form of unlawful discrimination. It is recognized that an essential function of education is a probing of opinions and an exploration of ideas.

G. Disciplinary Action

1. Employees who act in violation of this policy and/or the law may be subject to disciplinary action up to and including dismissal. Such disciplinary action shall be in accordance with applicable policies, laws, and/or collective bargaining agreements.
2. Students who act in violation of this policy and/or the law may be subject to disciplinary action up to and including expulsion. Such disciplinary action shall be in accordance with District policy and state law.

H. What to Do If You Believe You Have Been Subjected to Unlawful Discrimination or Harassment Including Sexual Harassment

A person who believes that he/she has been subjected to unlawful discrimination, including harassment based on sex or any other protected status, at the Shasta-Tehama-Trinity Joint Community College District may obtain a copy of the District's Unlawful Discrimination Complaint Resolution Procedures at the Human Resources Office, Administrative Building 100, Room 121, 11555 Old Oregon Trail, Redding, CA 96003, (530) 242-7640. Individuals may also obtain a copy of the procedures at the

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Campus Center Building 2000 in the Student Services Office, or from the Shasta College website at:

<http://www.shastacollege.edu/Human%20Resources/FacultyStaff%20Diversity/Pages/5507.aspx>

The District provides both informal and formal complaint resolution procedures. The District is committed to ensuring that persons complaining of unlawful discrimination, including harassment based on sex or any other protected status, will not be subject to retaliation of any kind.

I. Obligations of All Employees

Employees shall report to their immediate supervisor any conduct on the part of other employees or non-employees, such as sales representatives or service vendors, who unlawfully discriminate, including engage in harassment based on sex or any other protected status, and/or retaliate against any District employee, student, or other persons. Immediately following notification to the supervisor, the employee shall submit, in writing, a detailed and specific account of the incident that will be used in investigating the allegations.

All employees shall cooperate with any investigation of an alleged act of unlawful discrimination, including harassment based on sex or any other protected status, conducted by the District or by an appropriate state or federal agency.

No employee of the District shall take any action to discourage a victim of unlawful discrimination, including harassment based on sex or any other protected status, from reporting such an incident.

Because different procedures apply after a formal governmental administrative charge or complaint is filed, any employee receiving such a charge or complaint is directed to deliver it to the Associate Vice President of Human Resources as soon as possible.

J. Unlawful Discrimination Complaint Resolution Procedures

The Shasta-Tehama-Trinity Joint Community College District is adopting these regulations to ensure that its programs and activities, including employment, are available to all qualified persons without regard to race, color, national origin, ethnic group identification, national origin, ancestry, religion (or religious creed), age, sex, gender, gender identity, gender expression, sexual orientation, marital status, physical or mental disability, medical condition, genetic information, military or veteran status,, or because he or she is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics. The District will seek to resolve the complaints in an expeditious manner.

Since failure to report unlawful discrimination, including harassment and retaliation, impedes the District's ability to stop the behavior, the District strongly encourages anyone who believes they are being unlawfully discriminated against to file a

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complaint. The District also strongly encourages the filing of such complaints within 30 days of the alleged incident. While all complaints are taken seriously and will be investigated promptly, delay in filing a complaint impedes the District's ability to investigate and remediate.

All supervisors and managers have a mandatory duty to report incidents of unlawful discrimination, including harassment based on sex or any other protected status, the existence of a hostile, offensive or intimidating work environment, and acts of retaliation.

The District will investigate complaints involving acts that occur off campus if they are related to an academic or work activity.

1. Responsible District Officer

- a. The District officer responsible for ensuring District compliance with the rules and regulations adopted by the Board of Governors of the California Community Colleges regarding unlawful discrimination shall be the Associate Vice President of Human Resources. The Associate Vice President of Human Resources shall be responsible for receiving complaints filed pursuant to Title 5, Section 59328 and coordinating their investigation. The actual investigation of complaints may be assigned to other staff or to persons or organizations under contract with the District. The 504, ADA and Title IX Coordinators are responsible to investigate complaints regarding discrimination based on disability and gender, respectively. Whenever the Associate Vice President of Human Resources or other coordinator designated to receive and investigate complaints is named in the complaint or is implicated by the allegations in the complaint, an alternate party shall conduct the investigation. Regulations prohibit retaliation by the employer and its agents if an individual pursues or assists in filing a discrimination complaint. (5 California Code of Regulations section 59324)
- b. Any student, employee, or third party who believes he/she has been unlawfully discriminated against or harassed by a student, employee, or third party in violation of these policy and procedures may file a complaint.
- c. If the complainant contacts an employee other than the responsible District officer, it is the responsibility of the District employee, who has learned of unlawful discrimination in his/her official capacity, to notify the Associate Vice President of Human Resources that a complaint has been received. Any person who believes he/she has been subjected to unlawful discrimination should contact the Associate Vice President of Human Resources at (530) 242-7640, Administration Building 100, Room 121, 11555 Old Oregon Trail, Redding, CA 96003.
- d. The District will post notices of unlawful discrimination that contain the basic legal requirements in places readily accessible to students, job

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applicants, and existing employees, including the District's website. (5 California Code of Regulations section 59326)

- e. Upon request, the Associate Vice President of Human Resources shall make available to all students, job applicants, and employees the complaint form established by the State Chancellor.

2. Informal Resolution

The purpose of the informal resolution is to resolve complaints of unlawful discrimination through informal discussion. Typically, the informal resolution process will be used when there is a simple misunderstanding or the complainant does not wish to file a formal complaint. Resolution of an informal complaint may require nothing more than a clarification of the misunderstanding or an apology from the respondent and an assurance that the offending behavior will cease.

When a person feels aggrieved because of conduct that may constitute unlawful discrimination (complainant), he/she should directly inform the person engaging in such conduct (respondent) that the conduct is unwelcome or offensive and should stop. However, if a direct discussion is uncomfortable or otherwise deemed inappropriate by the complainant or if communication with the respondent has failed to resolve the conduct, the complainant should contact the responsible District officer to attempt an informal resolution.

A complainant need not participate in informal resolution prior to filing a formal written complaint of unlawful discrimination, including harassment and/or retaliation.

3. Intake and Processing of Complaint

Upon receiving notice of an unlawful discrimination complaint, the responsible District officer shall:

- a. undertake efforts to informally resolve the charges;
- b. advise the complainant that he/she need not participate in informal resolution and has the right to end the informal resolution process at any time. Mediation is not appropriate for resolving incidents involving sexual violence;
- c. notify the person bringing the complaint of the procedure for filing a formal written complaint of unlawful discrimination on a form prescribed by the California Community Colleges Chancellor's Office. These forms are available from the responsible District officer and on the District's website, and the following URL
<http://extranet.cccco.edu/Divisions/Legal/Discrimination.aspx>.
If otherwise valid, the merits of a written and signed complaint submitted

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in a different format, such as a letter or an e-mail, will be addressed even though it may be procedurally defective under Title 5.

- d. assure the complainant that he/she will not be required to confront the person accused of unlawful discrimination;
- e. advise the complainant that he/she may file a non-employment-based complaint with the Office for Civil Rights of the U.S. Department Of Education (OCR) where such a complaint is within that agency's jurisdiction;
- f. advise the complainant that he/she may file an employment-related complaint with the U. S. Equal Employment Opportunity Commission (EEOC) and/or the California Department of Fair Employment and Housing (DFEH) where such a complaint is within that agency's jurisdiction;
- g. advise all complainants that they have a right to file a complaint with local law enforcement. The District must investigate even if the complainant files a complaint with local law enforcement. In addition, the District should ensure that the complainants are aware of any available resources, such as counseling, health, and mental health services;
- h. take interim steps to protect a complainant from coming into contact with an accused individual, especially if the complainant is a victim of sexual violence. The responsible District officer should notify the complainant of his or her options to avoid contact with the accused individual and allow students to change academic situations as appropriate. For instance, the District may prohibit the accused individual from having any contact with the complainant pending the results of the investigation. When taking steps to separate the complainant and accused individual, the District shall minimize the burden on the complainant.

Efforts at informal resolution need not include any investigation unless the responsible District officer determines that an investigation is warranted by the seriousness of the charges.

Efforts at informal resolution may continue after the filing of a formal written complaint, but once a formal complaint is filed, an investigation is required to be conducted unless the matter is informally resolved and the complainant dismisses the complaint. (Title 5, section 59334) However, any efforts at informal resolution after the filing of a formal complaint shall not extend the 90 day period for rendering the administrative determination. (Title 5, section 59336)

In employment-related cases, if the complainant also files with the Department of Fair Employment and Housing, a copy of that filing will be sent to the State Chancellor's Office requesting a determination as to whether a further investigation under Title 5 is required. Unless the State Chancellor's Office

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determines that a separate investigation is required, the District will discontinue its investigation under Title 5 and the matter will be resolved through the Department of Fair Employment and Housing.

The District will provide for representation where required by law and may allow for representation for the accused and complainant in other circumstances on a case-by-case basis.

- a. A person who alleges that he/she has personally suffered non-employment-based unlawful discrimination, or one who has learned of such unlawful discrimination in his/her official capacity (faculty member or administrator) shall meet with the Associate Vice President of Human Resources (or appropriate District officer) within one year of the alleged incident or within one year of the date on which the complainant knew or should have known of the facts underlying the allegation of unlawful discrimination.
- b. A person who alleges that he/she has personally suffered employment-based unlawful discrimination, or one who has learned of such unlawful discrimination in his/her official capacity (faculty member or administrator) shall meet with the Associate Vice President of Human Resources within 180 days of the violation or within 90 days after the expiration of the 180 days if the complainant obtained knowledge of the facts after the expiration of the 180 days.
 - 1) The Associate Vice President of Human Resources shall fill out an "Interview Form for Documenting Unlawful Discrimination" at the meeting or prepare a narrative as soon thereafter as practical.
 - 2) When discussing a complaint, the responsible District officer will ask the complainant to identify the names of the persons involved, the specific nature of the complaint, conditions giving rise to the complaint, dates of the alleged discrimination, kind of discrimination alleged, and a desired remedy or resolution to the complaint.
 - 3) At the meeting, the complainant may be accompanied by a person of his/her choice giving notice to the responsible District officer. The complainant will be informed of the Shasta College policy and procedures on discrimination, the options for remedy, the formal written complaint process, and pertinent timelines.
 - 4) The complainant will be advised that the alleged offender shall be informed of the specific nature of the complaint and given an opportunity to respond to the charges.

The responsible District officer shall then begin the informal complaint resolution procedure, which may include meeting with the complainant, the respondent and witnesses.

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After the responsible District officer determines a possible resolution, he/she shall meet with the complainant to discuss the proposed resolution in an attempt to resolve the matter. If the complainant feels the matter has not been properly resolved, the responsible District officer shall inform the complainant of his/her right to file a formal written complaint. A complainant has the right to file a formal written complaint at any time.

- c. The "Interview Form" shall become part of the official investigation file if the complainant files a formal written complaint. If the matter is resolved at this level, the responsible District officer will determine whether to place a copy of the Interview Form in the student or personnel file belonging to the alleged perpetrator, in accordance with applicable procedures. Information gathered during this process will be kept confidential to the extent possible. Reports and records will be maintained by the responsible District officer.
- d. Established District disciplinary procedures and policies for students and employees shall be used in the event that disciplinary action is necessary under this procedure.

4. Formal Written Complaint

An investigation of alleged unlawful discrimination will be initiated when an individual files a formal written complaint with the Associate Vice President of Human Resources that meets the following requirements:

- a. The complaint is filed by one who alleges that he/she has personally suffered unlawful discrimination or by one who has learned of such unlawful discrimination in his/her official capacity as faculty member or administrator. The complaint may also be filed by a student, family member, or another third party on behalf of another individual or class of individuals who have allegedly suffered unlawful discrimination.
- b. The complaint alleges unlawful discrimination prohibited under Title 5, section 59300.
- c. The complaint is filed with the State Chancellor of the California Community Colleges or with the Shasta Community College Associate Vice President of Human Resources.
- d. The complaint is on the form prescribed by the State Chancellor of the California Community Colleges or, if otherwise valid, a written and signed complaint submitted in a different format, such as a letter or an e-mail.
- e. In any complaint for a non-employment based issue, the complaint is filed within one year of the date of the alleged unlawful discrimination or within one year of the date on which the complainant knew or should

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have known the facts underlying the allegation of unlawful discrimination. Initiation of the informal complaint procedure by the complainant begins the one-year period.

- f. In any complaint alleging discrimination in employment, the complaint is filed within 180 days of the date the alleged unlawful discrimination occurred, except that this period will be extended by no more than 90 days following the expiration of that 180 days if the complainant first obtained knowledge of the facts of the alleged violation after the expiration of 180 days.
- g. The District shall promptly investigate complaints of unlawful discrimination, including harassment and/or retaliation, in the workplace or academic environment. This includes complaints involving activities that occur off campus and in connection with the educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District's facilities, on a District vehicle, or at a class or training program sponsored by the District at another location.

5. Notice to State Chancellor or District

A copy of all written complaints filed in accordance with the Title 5 regulations, in addition to those complaints that are otherwise valid yet procedurally defective because they are filed in a different format, will be forwarded to the State Chancellor's Office immediately upon receipt. Similarly, when the State Chancellor's Office receives a complaint a copy will be forwarded to the District. (5 California Code of Regulations, section 59300, et seq.)

6. Complaint Evaluation

If the complaint is defective, it will be returned immediately to the complainant with an explanation of why an investigation could not be initiated under Title 5, section 59300 et seq. In addition to the above listed requirements, a complaint will be returned if it does not indicate whether the complainant is a student, employee, or other; if the complaint is not signed with an original signature; if the complaint does not provide enough information to understand what the complainant believes is discriminatory or who was involved; or if the complainant fails to explain how the alleged unlawful discrimination was due to a protected category or why the complainant believes retaliation occurred for filing a complaint or asserting one's rights.

The complaint need not be investigated if:

- a. the complaint is unintelligible;
- b. the complainant withdraws his/her complaint;
- c. the complaint does not provide sufficient information to proceed with the investigation and/or the complainant fails to cooperate by providing

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additional information or participating in a meeting with District representatives;

- d. an employment-based complaint has been filed with the Department of Fair Employment and Housing (DFEH). The District may forward the DFEH material to the State Chancellor's Office for a determination of whether an independent investigation under Title 5 is necessary. The District may discontinue the investigation unless the State Chancellor indicates that a separate investigation is required;
- e. the District has a court order directing it to prohibit the complainant from entering the campus or participating in an activity or class.
- f. Nexus/Prima Facie Case/Intake Screening: The complainant fails, even after the District requests additional information from the complainant, to allege facts that explain why he/she believes the alleged unlawful discrimination was because of a protected category or why the complainant believes he/she was retaliated against for filing a complaint or asserting his/her rights. (For example, if a complaint alleges that the grade a student received in a course was a result of discrimination based on gender, the complaint must state facts to support this claim, such as no person of the complainant's gender received a passing grade in the class. The mere assertion of discrimination is not enough to trigger an investigation under Title 5.) The question is whether the facts alleged by the complainant, assuming they were to be proved true, would tend to suggest that unlawful discrimination might have occurred. If not, the complaint should be dismissed for failing to state a prima facie case.

7. Complaint Processing

A formal written complaint should state the name, address and telephone number of the complainant, the date of the alleged unlawful discrimination, the name or names of the respondent(s), a detailed statement that describes the incident and how it occurred, and the names, addresses, and telephone numbers of any person or persons who witnessed the incident.

Upon receiving a complaint which is properly filed in accordance with Title 5, section 59300, the Associate Vice President of Human will commence an impartial fact-finding investigation of the complaint and notify the complainant and Chancellor that he/she is doing so.

The District will fairly and objectively investigate complaints of unlawful discrimination, including harassment based on sex and any other protected status and/or retaliation. Employees designated to serve as investigators under this policy shall have adequate training on what constitutes unlawful discrimination and sexual harassment and violence, and shall understand how the District's complaint procedures operate. The investigator may not have any real or

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perceived conflicts of interest and must be able to investigate the allegations impartially.

When the District evaluates the complaint, it shall do so using a preponderance of the evidence standard. Thus, after considering all the evidence it has gathered, the District will decide whether it is more likely than not that unlawful discrimination or harassment has occurred.

8. Confidentiality

Investigative processes can best be conducted within a confidential climate, and the District does not reveal information about such matters except as necessary to fulfill its legal obligations. However, potential complainants are sometimes reluctant to pursue a complaint if their names will be revealed.

The inability to reveal the name of a complainant or facts that are likely to reveal the identity of the complainant can severely limit the ability of the District to respond. Complainants must also recognize that persons who are accused of wrongdoing have a right to present their side of the matter, and this right may be jeopardized if the District is prohibited from revealing the name of the complainant or facts that are likely to disclose the identity of the complainant.

If a complainant insists that his/her name not be revealed, the responsible District officer should take all reasonable steps to investigate and respond to the complaint consistent with the complainant's request as long as doing so does not jeopardize the rights of other students or employees.

When determining whether to maintain confidentiality, the District may weigh the request for confidentiality against the following factors: the seriousness of the alleged harassment; the complainant's age; whether there have been other harassment complaints about the same individual; and the accused individual's rights to receive information about the allegations if the information is maintained by the District as an "educational record" under the Family Education Rights and Privacy Act (FERPA), 20 U.S.C. section 1232g; 34 C.F.R. Part 99. The District will inform the complainant if it cannot maintain confidentiality.

It is also important that complainants and witnesses understand the possibility that they may be charged with allegations of defamation if they circulate the charges outside of the District's process. In general, persons who are participating in a District investigation or disciplinary process that is related to a charge of unlawful discrimination are protected from tort claims such as defamation. However, persons who make allegations outside of these processes or who discuss their claims with persons outside of the process may expose themselves to tort charges. Complainants, witnesses, and those accused of unlawful discrimination will all be asked to sign a confidentiality agreement.

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Where an investigation reveals the need for disciplinary action, the complainant may wish to have information about what disciplinary actions the District took. However, the privacy rights of the persons involved often prevent the District from providing such information. In student disciplinary actions for sexual assault/physical abuse charges, Education Code, section 76234 provides that the victim shall be informed of the disciplinary action, but that the victim must keep the information confidential. Disciplinary actions taken against employees are generally considered confidential.

Authority: Cal. Const. Art. I, Sect. 1; Civil Code Sect. 47; Ed. Code, sections 76234 and 87740; *Silberg v. Anderson* (1990) 50 Cal.3d. 205; *Guidance on Addressing Sexual Harassment/Sexual Violence* (Apr. 4, 2011); *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, Title IX* (Jan. 9, 2001), Office for Civil Rights, U.S. Department of Education. ,

9. Investigation

The Associate Vice President of Human Resources shall begin the investigation procedure that shall include interviews with all individuals reasonably believed to have relevant information, including the complainant and respondent, any witnesses to the conduct, and victims of similar conduct by the respondent that the investigator reasonably believes may exist. Complainant and respondent shall be allowed to submit evidence to the responsible District officer or to the investigator assigned that is relevant to the allegations. In determining whether the alleged conduct constitutes unlawful discrimination, the responsible District officer will look at the record as a whole and the totality of the circumstances, including the nature of the alleged unlawful discrimination and the context in which the alleged incidents occurred.

District Investigation (5 California Code of Regulations section 59300 et seq.). The results of the investigation shall be set forth in a written report which shall include the following:

- a. description of the circumstances giving rise to the complaint;
- b. summary of the testimony provided by each witness, including the complainant and witnesses identified by the complainant in the complaint;
- c. analysis of relevant data or other evidence collected during the course of the investigation;
- d. specific findings as to whether there is probable cause to believe that discrimination did or did not occur with respect to the allegations in the complaint; and
- e. a description of the actions the District will take to prevent similar conduct, the proposed resolution of the complaint, the complainant's right

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to appeal to the District's governing board, and, if the complainant is a student, the right to appeal to the State Chancellor. If the complainant is an employee, the report shall include the right to file an administrative complaint with the Department of Fair Employment and Housing. The report may contain any other appropriate information.

NOTE: Authority cited: Government Code, section 11138; Education Code, sections 66700 and 70901. Referenced: Government Code, sections 11135, 11136, and 11138.

The report shall be considered a confidential document not subject to disclosure and shall be submitted to the District Superintendent for final administrative determination.

10. Administrative Determination

Within 90 days of receiving a complaint, the District shall complete its investigation and forward a copy of the investigative report to the State Chancellor, a copy or a summary of the report to the complainant, and written notice setting forth the following to both the complainant and the State Chancellor:

- a. the determination of the District Superintendent or his/her designee as to whether there is probable cause to believe discrimination occurred with respect to each allegation in the complaint;
- b. a description of actions taken, if any, to prevent similar problems from occurring in the future;
- c. the proposed resolution of the complaint; and
- d. the complainant's right to appeal to the District's governing board and the State Chancellor.

NOTE: Authority cited: Government Code Section 11138; Education Code Sections 66700 and 70901. Referenced: Government Code Sections 11135, 11136, and 11138.

Authority: (5 California Code of Regulations Section 59336)

11. Corrective Action

If unlawful discrimination, including harassment based on sex or any other protected status and/or retaliation, occurred in violation of the policy or procedure, the District shall take disciplinary action against the accused and any other remedial action it determines to be appropriate. The action will be prompt, effective, and commensurate with the severity of the offense. Remedies for the complainant might include, but are not limited to:

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- a. providing an escort to ensure that the complainant can move safely between classes and activities;
- b. taking steps to ensure that the complainant and alleged perpetrator do not attend the same classes or work in the same work area;
- c. preventing offending third parties from entering campus;
- d. providing counseling services;
- e. providing medical services;
- f. providing academic support services, such as tutoring;
- g. arranging for a student complainant to retake a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the complainant's academic record; and
- h. reviewing any disciplinary actions taken against the complainant to see if there is a causal connection between the harassment and the misconduct that may have resulted in the complainant being disciplined.

The District shall also take reasonable steps to protect the complainant from further unlawful discrimination, including harassment based on sex or any other protected status, and to protect the complainant and witnesses from retaliation as a result of communicating the complaint and/or assisting in the investigation. The District will ensure that complainants and witnesses know how to report any subsequent problems, and should follow-up with complainants to determine whether any retaliation or new incident of unlawful discrimination, including harassment based on sex or any other protected status, have occurred. The District shall take reasonable steps to ensure the confidentiality of the investigation and to protect the privacy of all parties to the extent possible without impeding the District's ability to investigate and respond effectively to the complaint.

12. Complainant's Appeal Rights

If the District imposes discipline against a student or employee as a result of the findings in its investigation, the students or employee may appeal the decision using the procedure for appealing a disciplinary decision.

Complainants have appeal rights that they may exercise if they are not satisfied with the results of the District's administrative determination. At the time the administrative determination and summary is mailed to the complainant, the responsible District officer or his/her designee shall notify the complainant of his/her appeal rights as follows:

- a. First level of appeal: The complainant has the right to file an appeal to the District's governing board within 15 days from the date of the

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administrative determination. The District's governing board will review the original complaint, the investigative report, the administrative determination, and the appeal.

- b. The District's governing board will issue a final District decision in the matter within 45 days after receiving the appeal. Alternatively, the District's governing board may elect to take no action within 45 days, in which case the original decision in the administrative determination will be deemed to be affirmed and shall become the final District decision in the matter. A copy of the final decision rendered by the District's governing board will be forwarded to the complainant and to the State Chancellor's Office.
- c. Second level of appeal: The complainant has the right to file an appeal with the California Community College Chancellor's Office in any case not involving employment-related discrimination within 30 days from the date that the governing board issues the final District decision or permits the administrative determination to become final by taking no action within 45 days. Complaints that are procedurally defective under Title 5 do not have the right to file an appeal to the Chancellor's Office.

Complainants must submit all appeals in writing.

Authority: (5 California Code of Regulations, sections 59338 and 59339)

13. Forward to State Chancellor

Within 150 days of receiving a complaint, the District will forward the following to the State Chancellor:

- a. the original complaint;
- b. the report describing the nature and extent of the investigation conducted by the District;
- c. a copy of the final District decision rendered by the governing board or a statement indicating the date on which the administrative determination became final as a result of taking no action on the appeal within 45 days;
- d. a copy of the notice of appeal rights to the complainant required; and
- e. such other information as the State Chancellor may require.

Authority: (5 California Code of Regulations Sections 59338 and 59340)

14. Extensions

If the District, for reasons beyond its control, is unable to comply with the 90-day or 150-day deadline specified in Section 59340 for submission of materials to

Prohibition of Unlawful Discrimination or Harassment**AP 3430**

the complainant and the State Chancellor, the District may file a written request that the State Chancellor grant an extension of the deadline. The request shall be submitted no later than ten (10) days prior to the expiration of the deadline established pursuant to Section 59336 and/or 59340 and shall set forth the reasons for the request and the date by which the District expects to be able to submit the required materials.

A copy of the request for an extension shall be sent to the complainant who may file written objections with the State Chancellor within five (5) days of receipt.

The State Chancellor may grant the request unless delay would be prejudicial to the complainant. If an extension of the 90-day deadline is granted by the State Chancellor, the 150-day deadline is automatically extended by an equal amount. (5 California Code of Regulations, section 59342)

15. Impact of Administrative Determination

If the investigation reveals that unlawful discrimination has occurred, the District shall take appropriate action to ensure that the discrimination ceases and will not recur. Actions taken in response to sustained allegations of unlawful discrimination, including harassment based on sex or any other protected status and/or retaliation, against an employee or officer may include reassignment, transfer, termination, or other disciplinary action as appropriate.

Unlawful discrimination shall be deemed to constitute just and reasonable cause for disciplinary action and shall be deemed to be a violation and refusal to obey the school laws of California or reasonable regulations for the governance of the District under Education Code Section 87732.

The respondent(s) will be warned that appropriate action shall be taken if further acts of unlawful discrimination, including harassment based on sex or any other protected status and/or retaliation, occur.

16. Relationship to Other Enforcement Mechanisms

The District's unlawful discrimination policies and procedures are intended to supplement, and not replace, any applicable state and federal laws and regulations. Individuals may file complaints of unlawful discrimination with other state and federal governmental agencies:

California Department of Fair Employment and Housing
1515 Clay Street, Suite 701
Oakland, CA 94612-5212
800-884-1684

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U.S. Department of Education, Office for Civil Rights
50 Beale Street, Suite 7200
San Francisco, CA 94105-1813
415-486-5555

California Community College Chancellor's Office
1102 Q Street
Sacramento, CA 95814
916-445-8752

Equal Employment Opportunity Commission
350 The Embarcadero, Suite 500
San Francisco, CA 94105-1260
800-669-4000

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INTERVIEW FORM FOR DOCUMENTING UNLAWFUL DISCRIMINATION INCLUDING HARASSMENT

NAME _____ DEPARTMENT/DIVISION _____

DATE / MAIL STATION _____

WORK PHONE _____ SUPERVISOR _____

COMPLAINT ISSUE OR EVENT: _____

NOTES:

RESOLUTION SOUGHT BY COMPLAINANT: _____

	NAME	WORK PHONE
POSSIBLE WITNESS:	_____	_____
	_____	_____
	_____	_____
	_____	_____

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INTERVIEW FORM FOR DOCUMENTING UNLAWFUL DISCRIMINATION OR HARASSMENT

ACTIONS TAKEN: _____

RESOLUTION: _____

CLOSING DATE: _____

APPROXIMATE TIME SPENT: _____

COUNSELOR/INVESTIGATOR: _____

Board Reviewed 12/13/06
Board Reviewed 1/17/07
Board Reviewed 6/13/12
Board Review Revisions 6/11/14
Reviewed by the Ad Hoc Committee on Board Policy 4/13/16
Board Reviewed Revisions 4/13/16

Sexual and Other Assaults on Campus

BP 3540

Reference: ***Education Code Sections 67382, 67385 and 67386; 20 U.S. Code Section 1092(f); and 34 code of Federal Regulations Section 668.46(b)(11)***

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 that occurs on District property, is a violation of District policies and procedures, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. Students, faculty, and staff who may be victims of sexual and other assaults shall be treated with dignity and provided comprehensive assistance.

The Superintendent/President shall establish administrative procedures that ensure that students, faculty, and staff who are victims of sexual and other assaults receive appropriate information and treatment, and that educational information about preventing sexual violence is provided and publicized as required by law.

The procedures for sexual assaults shall meet the criteria contained in EC 67385, 67385.7, and 67386, and 34 Code of Federal Regulations Section 668.46.

See Administrative Procedure 3540

Board Approved 4/11/01

Reviewed by the Board's Ad Hoc Committee on Policy 2/27/08

Reviewed by the Board's Ad Hoc Committee on Policy 11/12/14

Board Approved 12/10/14

Reviewed by the Board's Ad Hoc Committee on Policy 2/18/15

Board Approved 3/11/15 [MANDATED CHANGES]

Sexual and Other Assaults on Campus

AP 3540

Reference: ***Education Code Sections 67385 and 67386; 20 U.S. Code Section 1092(f); 34 Code of Federal Regulations Section 668.46(b)(11)***

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

"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.

"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.

It is the responsibility of each person involved in sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

"Affirmative consent" means affirmative, conscious, and voluntary agreement to engage in sexual activity.

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.)

Sexual and Other Assaults on Campus

AP 3540

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 Campus Safety Department, which shall maintain the identity and other information about alleged sexual assault victims as confidential unless and until the Director of Campus Safety is authorized to release such information.

The Director of Campus Safety shall provide all alleged victims of domestic violence, dating violence, sexual assault or stalking with the following:

- 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 and procedures for such notification, if the alleged victim consents (the Vice President of Student Services and the Health and Wellness nurse and counselor);
- Information about the importance of preserving evidence and the identification and location of witnesses;
- A description of available services, and the persons on campus available to provide those services if requested. Services and those responsible for provided or arranging them include:
 - Director of Campus Safety or designee who works in partnership with local victim and witness advocacy organizations, and the Shasta College Health and Wellness Office
 - transportation to a hospital, if necessary;
 - counseling available through the Shasta College Health and Wellness Office, or referral to a counseling center;
 - notice to the jurisdictional law enforcement agency, if desired;
 - a list of other available campus resources or appropriate off-campus resources (refer to the Campus Safety webpage for a list of 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 Director of Campus Safety should be available to provide assistance to Campus Safety Officers regarding how to respond appropriately to reports of sexual violence.

The District will investigate all complaints alleging sexual assault under the procedures for sexual harassment investigations described in AP 3430, regardless of whether a complaint is filed with local law enforcement. The District will use the preponderance of evidence standard (more likely than not that a violation of policy occurred) in evaluating the conclusion of the complaint.

All alleged victims of domestic violence, dating violence, sexual assault, or stalking on District property shall be kept informed, through the Campus Safety Department and the Vice President of Student Services office of any ongoing investigation. Information shall include the status of

Sexual and Other Assaults on Campus

AP 3540

any student or employee disciplinary proceedings or appeal; alleged victims of domestic violence, dating violence, sexual assault, or stalking are required to maintain any such information in confidence, unless the alleged assailant has waived rights to confidentiality.

A complainant or witness who participates in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for a violation of the District's student conduct policy at or near the time of the incident, unless the District determines that the violation was egregious, including but not limited to, an action that places the health or safety of any other person at risk.

In the evaluation of complaints in any disciplinary process, it shall not be a valid excuse to alleged lack of affirmative consent that the accused believed that the complainant consented to the sexual activity under either of the following circumstances:

- The accused's belief in affirmative consent arose from the intoxication or recklessness of the accused.
- The accused did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain whether the complainant affirmatively consented.

In the evaluation of complaints in the disciplinary process, it shall not be a valid excuse that the accused believed that the complainant affirmatively consented to the sexual activity if the accused knew or reasonably should have known that the complainant was unable to consent to the sexual activity under any of the following circumstances:

- The complainant was asleep or unconscious.
- The complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the complainant could not understand the fact, nature, or extent of the sexual activity.
- The complainant was unable to communicate due to a mental or physical condition.

The District shall maintain the identity of any alleged victim, witness, or third-party reporter of domestic violence, dating violence, sexual assault, or stalking on District property, as defined above, in confidence unless the alleged victim, witness, or third-party reporter specifically waives that right to confidentiality. All inquiries from reporters or other media representatives about alleged domestic violence, dating violence, sexual assaults, or stalking on District property shall be referred to the District's Superintendent/President or designee, which shall work with Campus Safety 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, other forcible and non-forcible sex offenses, domestic violence, dating violence, or stalking;

Sexual and Other Assaults on Campus

AP 3540

- 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 right 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 living, transportation and/or working situations 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.
- Procedures for response to stranger and non-stranger violence.
- 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 Director of Campus Safety shall:

- Provide, as part of each campus' established on-campus orientation program, education and prevention information about domestic violence, dating violence, sexual assault, and stalking. The information shall be developed in collaboration with campus-based and community-based victim advocacy organizations, and shall include the District's sexual assault policy and prevention strategies including empowerment programming for victim prevention, awareness raising campaigns, primary prevention, bystander intervention, and risk reduction.
- Post sexual violence prevention and education information on the Campus Safety Department webpage regarding domestic violence, dating violence, sexual assault and stalking.

Reviewed by the Board's Ad Hoc Committee on Policy 11/12/14

Board Reviewed 12/10/14

Reviewed by the Board's Ad Hoc Committee on Policy 2/18/15

Board Reviewed 3/11/15 [MANDATED CHANGES]

Standards of Conduct

BP 5500

Reference: ***Education Code Sections 66300-66301; Accreditation Standard 11.A.7b***

Code of Conduct

Students and visitors to a Shasta College campus are expected to obey all California State laws and all Federal laws which pertain to behavior on a college campus. The following regulations represent reasonable standards of conduct for students and visitors, and shall be followed at all times on a Shasta College campus. Generally, Shasta College's jurisdiction and discipline shall be limited to conduct which occurs on Shasta College premises or which is related to school activities.

Rules and Regulations: Any student or visitor found to have committed the following misconduct is subject to the disciplinary sanctions outlined in Board Policy and Administrative Procedures 3550 and 5520.

1. Acts of dishonesty, including but not limited to the following:
 - a. Cheating, plagiarism, or other forms of academic dishonesty. Academic dishonesty is the willful and intentional fraud and deception for the purpose of improving a grade or obtaining course credit, and includes all student behavior by fraudulent and/or deceptive means. The student has the full responsibility for the content and integrity of all academic work submitted.
 - b. Furnishing false information to any Shasta College official, faculty member or office.
 - c. Forgery, alteration or misuse of any Shasta College document, record or instrument of identification.
 - d. Tampering with the election of any Shasta College-recognized student organization.
2. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other Shasta College activities including its public-service functions on or off campus, or other authorized non-Shasta College activities when the act occurs on Shasta College premises.
3. Physical abuse, verbal abuse, threats, intimidating conduct, bullying through direct words or actions, cyberbullying, or coercion and/or conduct which threatens or endangers the health and safety of any person.
4. Sexual harassment as defined by law or by regulation of the college or the District.
5. Attempted or actual theft of and/or damage to property of Shasta College or property of a member of the Shasta College community or other personal or public property, or knowingly receiving stolen district property or private property on campus.
6. Engaging in harassing or discriminatory behavior based on disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other status protected by law.

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Standards of Conduct

BP 5500

7. Hazing, defined as an act that endangers the mental or physical health or safety of a student, or which destroys or removes public or private property for the purpose of initiation, admission into, affiliation with or as a condition for continued membership in a group or organization.
8. Failure to comply with direction of Shasta College officials or law enforcement officers acting in the performance of their duties, and/or failure to identify oneself to one of these persons when requested to do so.
9. Unauthorized possession, duplication or use of keys to any Shasta College premises or unauthorized entry to or use of Shasta College premises.
10. Violation of published Shasta College policies, rules or regulations.
11. Violation of federal, state or local law on Shasta College premises or at Shasta College sponsored or supervised activities.
12. Use, possession or distribution of narcotic or other controlled substances except as expressly permitted by law.
13. Public intoxication or use, possession or distribution of alcoholic beverages except as expressly permitted by law and Shasta College regulations.
14. Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals including but not limited to any facsimile firearm, knife, explosive or weapon on Shasta College premises.
15. Participation in a campus demonstration that disrupts the normal operations of Shasta College and infringes on the rights of other members of the Shasta College community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area; intentional obstruction that unreasonably interferes with freedom of movement, either pedestrian or vehicular, on campus.
16. Obstruction of the free flow of pedestrian or vehicular traffic on Shasta College premises or at Shasta College sponsored or supervised functions. The use of bicycles, roller blades and skateboards is not permitted in heavy traffic areas or in buildings.
17. Conduct that is disorderly, lewd or indecent; habitual profanity or vulgarity; breach of peace; or aiding, abetting or procuring another person to breach the peace on Shasta College premises or at functions sponsored by or participated in by Shasta College.
18. Theft or other abuse of computer time and network resources, including but not limited to:
 - a. Unauthorized entry into a file to use, read or change the contents, or for any other purpose.
 - b. Unauthorized transfer of a file.
 - c. Unauthorized use of another individual's identification and password.
 - d. Unauthorized use of phone and electronic devices such as radios, etc.

Standards of Conduct

BP 5500

- e. Use of computing facilities to interfere with the work of another student, faculty member, or Shasta College official.
 - f. Use of computing facilities to send obscene or abusive messages.
 - g. Use of computing facilities to interfere with normal operations of Shasta College computing systems.
19. Abuse of the judicial system, including but not limited to:
- a. Failure to obey the summons of a Shasta College official.
 - b. Falsification, distortion or misrepresentation of information before a hearing officer.
 - c. Disruption or interference with the orderly conduct of a judicial proceeding.
 - d. Institution of a judicial proceeding knowingly without cause.
 - e. Attempting to discourage an individual's proper participation in, or use of, the judicial system.
 - f. Attempting to influence the impartiality of a member of a judicial body prior to and/or during the course of the judicial proceeding.
 - g. Failure to comply with the sanction(s) imposed under the Student Code.
 - h. Influencing or attempting to influence another person to commit an abuse of the judicial system.
20. Willful or persistent smoking in any area where smoking is prohibited by lawful authority.
21. Littering of any kind.
22. Misrepresentation of oneself or of an organization to be an agent of Shasta College.
23. Unauthorized preparation, giving, selling, transfer, distribution, or publication, for any commercial purpose, of any contemporaneous recording of an academic presentation in a classroom or equivalent site of instruction, including but not limited to handwritten or typewritten class notes, except as permitted by any district policy or administrative procedure.
24. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.
25. Sexual assault or sexual exploitation regardless of the victim's affiliation with the district.

Students who engage in any of the above are subject to the procedures outlined in AP 5520.

See Administrative Procedure 5500

Reviewed by the Board's Ad Hoc Committee on Policy 8/12/09
Board Approved Revisions 4/14/10
Board Approved Revisions 6/13/12
Reviewed by the Board's Ad Hoc Committee on Policy 6/11/14
Board Approved Revisions 7/09/14
Board Approved 12/14/16

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Standards of Conduct**AP 5500**

Reference: ***Education Code Sections 66300 and 66301; Accreditation Standard 11.A.7.b***

Violation of the Code of Conduct rules and regulations delineated in BP 5500, Standards of Conduct shall constitute good cause for student discipline, including but not limited to the removal, suspension or expulsion of a student, subject to the procedures outlined in AP 5520, Student Discipline Procedures.

Academic Honesty Violation Procedure Recommended for Faculty

It is recommended that instructors clearly state their policies and associated consequences regarding acts of academic dishonesty in their first-day handouts. If an instructor determines that a student has committed an act of dishonesty in his/her course, as described either under the Code of Conduct in Board Policy 5500 or in his/her first-day handout, then it is recommended that, after the instructor notifies the student of the action he/she has taken, the instructor fill out the instructor portion of the Academic Honesty Violation Form and submit the original of this form to the Dean of Students and a copy of the form to his/her division dean.

When filling out the Academic Honesty Violation Form, the instructor has the option of requesting that the Dean of Students take additional action. If the instructor makes this request, then he/she must provide supporting documentation to the Dean. The Dean will decide whether to take additional action based on the policies and procedures of his/her office. If the instructor is not requesting additional action be taken by the Dean, it is recommended that he/she submit the form anyway so that a centralized file of academic dishonesty incidents can be kept and further action can be taken if deemed appropriate by the Dean.

Upon receipt of the Academic Honesty Violation Form (see next page), the Dean of Students/Discipline Officer will determine whether additional action should be taken. If so, then the Dean/Discipline Officer will follow his/her established procedure for taking disciplinary action.

A student has the right to appeal through Board Policy 5520 – Student Discipline.

The procedures shall be made widely available to students through the college catalog and website.

Approved by Academic Senate 11/1/07
Revision approved by Academic Senate 10/13/08
Board Review 1/16/08
Revision approved by Academic Senate 2/8/10
Board Reviewed 4/14/10

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Academic Honesty Violation Form (AP 5500)

To be filled out by the Instructor

Name of Student:		Student ID:
Semester/Year: Fall	Spring	Summer
Section:	Course:	Instructor:
Description of Violation:		

1. Indicate below the course of action you have taken regarding this violation (Check all that apply):

- ☐ I have not taken any action.
- ☐ I have requested a letter of apology.
- ☐ I have given the student a warning.
- ☐ I have assigned an "F" grade to the student on this assignment.
- ☐ Other (describe)

2. Check one:

- ☐ (a) I am satisfied that the course of action I have taken is adequate and I am not requesting any further action. (You do not need to submit supporting documentation.)
- ☐ (b) I am not satisfied that the course of action I have taken is adequate. I am requesting that further action by the Dean of Students be considered. I am including documentation to support the case regarding this violation.

If you checked (b) above, indicate the course of action you recommend that the Dean of Students take regarding this violation.

Instructor Signature

Date

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To be filled out by the Dean of Students

Date: _____

The student noted above has gone through the disciplinary process for violations of the academic honesty policy. The sanctions imposed upon the student by Dean of Students are as follows:

Disciplinary Officer Signature

Date

Approved by Academic Senate 11/1/07
Board Reviewed 1/16/08
Board Reviewed 12/10/08
Board Reviewed 4/14/10

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Student Discipline

BP 5520

Reference: ***Education Code Sections 66017, 66300, 66301, 72122, 76120, 76220, 76234, and 76030 et seq.; Penal Code Sections 626.2 and 626.4; Title 5, Section 59410; Accreditation Standard II.A.7b***

The Superintendent/President shall establish procedures for the imposition of student discipline in accordance with the requirements of due process as provided by applicable federal and state laws and regulations.

The Dean of Students will serve as the Discipline Officer unless a different official is so designated by the Superintendent/President.

The disciplinary procedures shall identify potential disciplinary actions, including but not limited to the removal, suspension or expulsion of a student.

The Board of Trustees shall consider any recommendation from the Superintendent/President for expulsion and revoking or withholding a degree or certificate. The Board of Trustees shall hear the matter in closed session unless the student requests the matter be heard in open session. Final action by the Board on any expulsion shall be taken in open session.

The disciplinary procedures shall be made available to students through the college catalog, the District website and other similar means.

See Administrative Procedure 5520

Board Approved 4/13/11

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Student Discipline**AP 5520**

Reference: ***Education Code Sections 66017, 66300, 66301, 72122, 76120, 76220, 76234, and 76030 et seq.; Penal Code Sections 626.2 and 626.4; Title 5, Section 59410; Clery Act; VAWA***

The purpose of these administrative procedures is to provide a means to address violations of the Standards of Conduct set forth in Board Policy 5500 (BP 5500).

These administrative procedures will include a prompt, fair, and impartial process from the initial investigation to the final result, and are not intended to substitute for criminal or civil proceedings that may be initiated by other agencies. These procedures will be used in a fair and equitable manner, and not for purposes of retaliation. These procedures are not considered a legal proceeding. Therefore, students do not have a right to counsel during a student disciplinary hearing.

I. DEFINITIONS

Discipline Officer: The Dean of Students or such other official so designated by the Superintendent/President.

Hearing Authority: The Vice President of Student Services or such other official so designated by the Superintendent/President and with responsibility for the first appeal level.

District: The Shasta-Tehama-Trinity Joint Community College District.

School Day: Any day during which the District is in session and regular classes are held, excluding Saturdays and Sundays.

Receipt of Notice: A mailed notice is presumed received three (3) calendar days after mailing or earlier if verified by a U.S. Postal Service return receipt signed by the student/individual for whom the notice is intended. A personally delivered notice is presumed received on the date indicated on the delivery acknowledgement signed by the student/individual for whom the notice is intended.

Student: Any person enrolled in any program at the District, either full-time or part-time. Persons who withdraw after allegedly violating the Standards of Conduct are considered "students" for the purposes of these procedures. The Standards of Conduct apply to all locations and activities of the District, including online courses and District-sponsored events.

Instructor: Any academic employee of the District in whose class a student subject to discipline is enrolled, or counselor who is providing or has provided services to the student, or other academic employee who has responsibility for the student's educational program.

Educational Administrator: Any administrator who provides leadership and direction for the operations of the District whose responsibilities include supervision of managers, staff or instructors and the management of the institutional relations among students, faculty and staff.

Expulsion: Permanent separation of the student by the Board of Trustees from all courses and activities offered by the District.

Student Discipline

AP 5520

Good Cause: Any offense defined by Education Code section 76033 and such other causes as set forth in the Standards of Conduct.

Removal from Class: Exclusion of the student by an instructor for the day of the removal and the next class meeting.

Reprimand (Written or Verbal): An admonition to the student to cease and desist from conduct determined to violate the Standards of Conduct.

Immediate Interim Suspension (Education Code Section 66017): The immediate suspension of a student when the Discipline Officer or any educational administrator concludes that immediate suspension is required to protect students or others from injury, to protect property, or to ensure the maintenance of order at the District provided that a reasonable opportunity for a hearing be afforded the suspended student within ten (10) school days.

Short-Term Suspension: Exclusion of the student for good cause from one or more classes, school activities, and/or all District facilities for a period of up to and including ten (10) school days.

Long-Term Suspension: Exclusion of the student for good cause from one or more classes, school activities and/or all District facilities for more than ten (10) school days.

Withdrawal of Consent to Remain on Campus: Withdrawal of consent by the Discipline Officer or other officials so designated by the Superintendent/President for any person to remain on campus in accordance with California Penal Code Sections 626.2 and 626.4 where the Discipline Officer has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.

Reinstatement: In the case of long-term suspensions, a person/student may be required to meet with the Discipline Officer to evaluate their suitability for enrollment or reenrollment. If the Discipline Officer determines that the person/student is not yet suitable for enrollment or reenrollment, a new sanction of suspension may be imposed. If the person/student does not agree with the sanction of suspension, they may submit a written appeal in accordance with Section VII and VIII of these procedures.

II. EXPECTED STUDENT CONDUCT

The Standards of Conduct are set forth in BP 5500 and apply to conduct that relates to District activity or District attendance, including conduct that occurs while at District campuses or facilities, or at District-sponsored activities, including before classes begin, after classes end, during the academic year, and during periods between terms of actual enrollment and conduct described in section VI of these procedures. The Standards of Conduct shall apply even if the student withdraws from school while a disciplinary matter is pending.

Student Discipline

AP 5520

III. SANCTIONS

One or more of the following sanctions may be imposed upon any student found to be in violation of the Standards of Conduct:

1. **Warning:** Verbal notice to the student by the Discipline Officer that the student is violating or has violated the District's Standards of Conduct and that a continuation of the specified conduct by the student may lead to further disciplinary action. The warning will be documented by the Discipline Officer and may become part of the student's record.
2. **Reprimand:** A written or verbal admonition to the student by the Discipline Officer to cease and desist from conduct determined to violate the Standards of Conduct. A record that a reprimand has been given shall be documented and may become part of a student's record.
3. **Disciplinary Probation:** A written reprimand by the Discipline Officer for violation of a specific provision of the Standards of Conduct that invokes probation for a designated period of time, which includes the possibility of more severe disciplinary sanctions should the student violate any of the Standards of Conduct during the probationary period.
4. **Restitution:** Reimbursement by the student for damage(s), injury or misappropriation of District property or to instructional materials/equipment caused by the students' misconduct. Restitution/reimbursement may be one or more of the following: appropriate service, monetary or material replacement. Pursuant to Title 5 of the California Code of Regulations, Section 59410, students who fail to provide the required restitution will have their grades, transcripts, diplomas, and registration privileges withheld until the financial obligation to the District is satisfied. The Discipline Officer shall provide the student with an opportunity to be heard prior to the imposition of a restitution order.
5. **Removal from Class or Instruction-Related Activity:** Any instructor may order a student removed from his or her class or instructional activity for the day of the removal and the next class or activity meeting. The instructor shall immediately report the removal to the Discipline Officer. The Discipline Officer will arrange for a meeting with the student regarding the removal. The student shall not be allowed to return to the class or instructional activity during the period of the removal without the concurrence of the instructor. Nothing herein will prevent the Discipline Officer from further disciplinary sanctions in accordance with these procedures, and based on the facts which led to the removal. If the student removed is a minor, the Discipline Officer shall ask the parent or guardian of the student to attend a parent conference regarding the removal as soon as possible. If the instructor or the parent/guardian so requests, the Discipline Officer shall attend the conference.
6. **Loss of Privileges:** Denial of privileges that may involve restrictions on class attendance for a designated period of time.

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7. **Residence Halls Suspension:** Separation of the student from the Residence Halls for a definite period of time for violation of the Student Residential Housing Agreement or Standards of Conduct after which the student is eligible to return. Conditions for readmission to the Residence Halls may be specified.
8. **Residence Halls Contract Revocation:** Permanent separation of the student from the Residence Halls for continued or serious violations of the Student Residential Housing Agreement or Standards of Conduct without possibility of readmission, which may also include revoking the privilege to be in or near the Residence Halls for any reason.
9. **District Suspension:** Subject to notice and appeal hearing requirements, separation of the student for good cause from all classes, school activities and/or all District campuses for a definite period of time after which the student may be eligible to return. In the case of long-term suspensions, a person/student may be required to meet with the Discipline Officer to evaluate their suitability for enrollment or reenrollment. If the Discipline Officer determines that the person/student is not yet suitable for enrollment or reenrollment, a new sanction of suspension may be imposed. If the person/student does not agree with the sanction of suspension, they may submit a written appeal in accordance with Section VII and VIII of these procedures.
10. **District Expulsion:** Permanent separation of the student by action of the Board of Trustees from all courses and activities offered by the District.
11. **Revocation of Degree or Certificate:** A degree or certificate awarded by the District may be revoked for fraud, misrepresentation, or other violation of District standards in obtaining the degree or certificate. Such a revocation shall be by action of the Board of Trustees.
12. **Withholding of Degree or Certificate:** The District may withhold awarding a degree or certificate otherwise earned until the completion of the process set forth in these procedures, including the completion of all sanctions imposed, if accusations of misconduct affect the student's entitlement to the degree or certificate. Withholding of a degree or certificate shall be by action of the Board of Trustees.
13. **Withdrawal of Consent to Remain on Campus:** The Discipline Officer or other officials so designated by the Superintendent/President may 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. If the person is on campus at the time, he or she must promptly leave or be escorted off campus. If consent is withdrawn the Superintendent/President will be notified immediately. The person from whom consent has been withdrawn may submit a written appeal to the Discipline Officer. In no case shall consent be withdrawn for longer than 14 days from the date upon which consent was initially withdrawn.

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Any person as to whom consent to remain on campus has been withdrawn who knowingly reenters the campus during the period in which consent has been withdrawn, except to attend a hearing, is subject to arrest (Penal Code sections 626.2 and 626.4).

14. **Discretionary Sanctions:** Work assignments, essays, service to the District, or other related discretionary assignments that are determined to be appropriate by the Discipline Officer to remedy a violation of the Standards of Conduct or that serve as an educational lesson in response to such a violation.

IV. DISCIPLINE INVOLVING STUDENT GROUPS

Sanctions upon student groups or organizations may be imposed as follows:

1. Those relevant sanctions listed in Section III of these procedures.
2. Loss of selected rights and privileges for a specified period of time.
3. Deactivation: Loss of all privileges, including District recognition, for a specified period of time.

Accusations that a student group or organization has collectively violated the Standards of Conduct, terms that govern the group or organization, or any conditions of District operations, shall be initially reviewed by the Discipline Officer who shall have authority to impose sanctions on the group or organization.

No sanctions shall be imposed until the Discipline Officer has provided the group or organization with a written statement of the accusations and given the group or organization an opportunity to respond.

V. RECORDS OF DISCIPLINARY ACTION

In accordance with Education Code section 76220, the District shall establish, maintain and destroy student records according to regulations adopted by the Board of Governors of the California Community Colleges. The Discipline Officer will create a record of disciplinary actions, along with relevant supporting documents and evidence. This record shall be maintained as a confidential student disciplinary record and may not be released without the permission of the student, except as permitted by law. The student shall have the right to inspect the record and to challenge the contents. Disciplinary records shall be retained in a manner consistent with state law.

In accordance with Education Code section 76234, whenever there is included in any student record, information concerning any disciplinary action taken by the District in connection with any alleged sexual assault or physical abuse or any conduct that threatens the health and safety of the alleged victim, the alleged victim of the sexual assault or physical abuse shall be informed within three (3) days of the results of any disciplinary action by the District and the results of any appeal.

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In accordance with the Jeanne Clery Act, the District will disclose the results of any disciplinary proceeding conducted by the District against a student who is the alleged perpetrator of any crime of violence or a non-forcible sex offense to:

- The alleged victim; or
- The alleged victim's next of kin, if the victim is deceased.

VI. DISCIPLINARY ACTION INVOLVING VIOLENCE, STALKING AND SEX CRIMES

Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking will follow a similar process as outlined in AP 5520. All proceedings will be conducted by officials who receive annual training on the issues related to dating violence, domestic violence, sexual assault and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. The accused and the accuser will both be afforded the same opportunities to have others present, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice. The accused and accuser will be notified simultaneously, in writing, of the result of any institutional disciplinary proceeding, the institution's procedures for the accused and the victim to appeal the result, any changes to the result, and when the results become final.

VII. DISCIPLINE OFFICER'S PROCEDURES

The following procedures shall be followed before any sanctions are imposed except in the event that an emergency/interim suspension is required as set forth herein.

- A. **Administration.** The Discipline Officer shall administer these procedures and take appropriate action, subject to the approval of the District Superintendent/President and the Governing Board if required herein or otherwise by law.
- B. **Reporting of conduct.** Alleged student misconduct shall be reported to the Discipline Officer.
- C. **Investigation.** Upon receiving a report of alleged student misconduct, the Discipline Officer shall initiate an investigation.
- D. **Notice.** The Discipline Officer shall give the student written notice of the potential Student Code of Conduct violation(s), and shall offer the student an opportunity to attend a meeting. The notice will be sent via personal delivery, email or certified mail to the student's last known address. The student will be given five (5) school days to respond to the notice. If the student is a minor, the Discipline Officer shall also notify the parent or guardian of the investigation and potential Student Code of Conduct violation(s).
- E. **Opportunity to be Heard.** The student must contact the Discipline Officer within five (5) school days (as stated above) to schedule a meeting. At the scheduled meeting, the student may present a rebuttal to the accusation or otherwise offer relevant comment on the reported violation(s). If the student fails to arrange such a meeting (or fails to appear for a meeting the student arranged), the decision of the Discipline Officer shall be made without input from the student.

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- F. **Determination after Meeting.** The Discipline Officer shall decide whether or not to proceed with sanction(s) after hearing the student's explanation and considering all of the information. The Discipline Officer shall send the student a written notice of the determination within three (3) school days after the meeting via personal delivery, email or certified mail to the student's last known address.
- G. **Short-Term Suspension Notification.** The Discipline Officer shall send the student a written notice of determination within three (3) school days after the meeting described in subsection (E). The notice shall inform the student of the decision and the length of the suspension, if any. The notice shall also inform the student that the decision is final. The notice shall be hand delivered, emailed or sent via certified mail to the student's last known address.
- H. **Long-Term Suspension, Recommendation for Expulsion, Recommendation to Revoke or Withhold a Degree or Certificate, and/or Withdrawal of Consent to Remain on Campus Notification.** The Discipline Officer shall send the student a written notice of determination within five (5) school days after the meeting described in subsection(s) E and F. The notice shall be hand delivered, emailed or sent via certified mail to the student's last known address. The notification shall include:
1. A statement of the charges, the reason for the recommended sanctions, and a description of facts related to the misconduct, including the evidence against the student, the date of the incident(s), time of the incident(s), and location of the offense(s);
 2. A copy of the Standards of Conduct;
 3. An explanation that the student for whom sanctions have been recommended is entitled to appeal the decision and has a right to an appeal hearing. The notification shall also state that a request for an appeal hearing must be filed within five (5) school days of the receipt of the notification. The written request for an appeal hearing must be received by the Hearing Authority within five (5) school days and must cite the specific ground(s) for the appeal as described in section VIII.A. of these procedures and provide information which substantiates the ground(s) on which the appeal is being made. The failure to request an appeal hearing shall constitute a waiver of the right to an appeal hearing; and
 4. A statement that the student has the right to be accompanied at an appeal hearing by a willing on-campus advisor of his or her choice. If the student decides to be accompanied by an advisor, the name and address of that advisor shall be submitted to the Hearing Authority at the time the appeal is filed.
- I. **Notice to the District's Hearing Authority.** The Discipline Officer shall report all long-term suspensions, recommendations of expulsion, recommendations to revoke or withhold a degree or certificate, and withdrawals of consent to remain on campus to the District's Hearing Authority (the Vice President of Student Services or such other official so designated by the Superintendent/President) and the Superintendent/President within five (5) school days of determination.

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- J. **Reinstatement.** In the case of long-term suspensions, a person/student may be required to meet with the Discipline Officer to evaluate their suitability for enrollment or reenrollment. If it is determined that the person/student is not yet suitable for enrollment or reenrollment, a new sanction of suspension may be imposed. If the person/student does not agree with the sanction of suspension they may submit a written appeal in accordance with Section VII and VIII of these procedures.
- K. In cases **not** resulting in long-term suspension, expulsion, or revoking or withholding a degree or certificate, the decision of the Discipline Officer shall be final.

VIII. HEARING AUTHORITY'S APPEAL PROCEDURES

- A. Sanctions of long-term suspensions, expulsions, and/or revoking or withholding a degree or certificate imposed by the Discipline Officer may be appealed, by the student charged, to the Hearing Authority (the Vice President of Student Services or such other official so designated by the Superintendent/President). The request for an appeal must be in writing, must cite the specific ground(s) for the appeal, and must provide information which substantiates the ground(s) on which the appeal is being made. The request must be received by the Hearing Authority within five (5) school days of the student's receipt of notification of the right to appeal.

Grounds for appeal. A student may appeal the decision of the Discipline Officer on the grounds that:

- i. fair consideration was not provided to the student (i.e., there is evidence that some aspect of the meeting with the Discipline Officer was prejudicial, arbitrary, or capricious); or
 - ii. new and significant information, not reasonably available at the time of the initial meeting, has become available; or
 - iii. the sanction or remedy imposed is not in due proportion to the nature and seriousness of the offense. Any evidence supporting these grounds must be included in the request for an appeal hearing.
- B. Upon receipt from the student of a request to appeal within the time stated above, the Hearing Authority will review the grounds for an appeal, the facts of the Discipline Officer's findings, and the imposed and/or recommended sanctions. Sanctions imposed and/or recommended by the Discipline Officer **may** or **may not** be suspended until such time as the appeal hearing is held.
- C. If after the review, the Hearing Authority determines that an appeal is warranted, then the appeal hearing will be conducted with the student within ten (10) school days of receipt of the request to appeal.

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- D. If after the review, the Hearing Authority determines that an appeal is not warranted in the case of a long-term suspension, the sanctions imposed by the Discipline Officer shall be upheld, and the decision shall be final. The Hearing Authority's determination shall be sent via certified or registered mail to the student's last known address.
- E. Additional parties and/or witnesses to the violation(s) may be requested by the Hearing Authority to meet with him or her.
- F. The Hearing Authority may uphold, modify or reject any or all disciplinary sanctions imposed and/or recommended by the Discipline Officer. If the Hearing Authority modifies or rejects any or all sanctions imposed and/or recommended, the Hearing Authority shall prepare a new written decision which contains specific factual findings and conclusions. The Hearing Authority's decision to uphold, modify or reject the recommended or imposed sanctions shall be sent via certified or registered mail to the student's last known address.
- G. If the student fails to attend the appeal hearing without prior notice of cancellation, or without rescheduling another hearing, the Hearing Authority may uphold, modify, or reject the disciplinary sanctions imposed and/or recommended by the Discipline Officer without input from the student. Sanctions imposed by the Hearing Authority could result in suspension, the recommendation of expulsion and/or revoking or withholding a degree or certificate. In the case of long-term suspension, the Hearing Authority's decision shall be final.
- H. The Hearing Authority shall report all long-term suspensions, recommendations of expulsion, and recommendations to revoke or withhold a degree or certificate for which the Hearing Authority granted and conducted an appeal hearing, to the Superintendent/President within five (5) school days of the hearing. If no hearing is held, the Discipline Officer will make the report.

IX. EMERGENCY INTERIM SUSPENSION

- A. The Discipline Officer or any educational administrator may impose an emergency/summary suspension if deemed warranted. It is an extraordinary measure and shall be utilized only when necessary to protect individuals from injury or death, or damage to property, or to ensure the maintenance of order pending an opportunity for the student to be heard.
- B. A meeting shall be provided to the student within five (5) school days of an emergency/summary suspension (Education Code section 66017). The procedures set forth in sections VII and VIII shall apply to the meeting and any appeal hearing.
- C. An emergency/summary suspension shall be reported immediately to the Superintendent/President and to the Board of Trustees at its next regular meeting after such suspension has been imposed.

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X. SUPERINTENDENT/PRESIDENT

In cases where a sanction of a long-term suspension or withdrawal of consent to remain on campus is imposed, or expulsion and/or revoking or withholding a degree or certificate is recommended, the following shall apply:

- A. **Long-Term Suspension:** If the Hearing Authority grants and conducts an appeal hearing, the student/individual may appeal the imposed sanction of long-term suspension by the Hearing Authority to the Superintendent/President. The written request for an appeal must be received by the Superintendent/President within five (5) school days of receipt of notification of right to appeal. The written request for an appeal must cite the specific ground(s) for the appeal (listed below), and provide information which substantiates the ground(s) on which the appeal is being made. The failure to request an appeal within the five (5) school days shall constitute a waiver of the right to an appeal.

Grounds for appeal. A student may appeal the decision of the Hearing Authority on the grounds that:

- i. fair consideration was not provided to the student (i.e., there is evidence that some aspect of the Hearing Authority's meeting was prejudicial, arbitrary, or capricious); or
- ii. new and significant information, not reasonably available at the time of the Hearing Authority's meeting, has become available; or
- iii. the sanction or remedy imposed is not in due proportion to the nature and seriousness of the offense. Any evidence supporting these grounds must be included in the request for an appeal.

Within ten (10) school days following receipt of the request for an appeal, the Superintendent/President shall render a final written decision. The Superintendent/President may uphold, modify or reject the long-term suspension imposed by the Hearing Authority. If the Superintendent/President modifies or rejects the imposed sanction, the Superintendent/President shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the Superintendent/President to uphold, modify or reject the recommended or imposed sanction shall be final. The final decision shall be sent via certified or registered mail to the student's last known address. The Superintendent/President shall report all student suspensions to the Board of Trustees in closed session at its next regular meeting after he or she has received notification of the suspension.

- B. **Expulsion and/or Revoking or Withholding a Degree or Certificate:** The student may appeal the recommended sanction of expulsion and/or revoking or withholding a degree or certificate by the Hearing Authority to the Superintendent/President. The appeal must be in writing and received by the Superintendent/President within five (5) school days of receipt of notification of right to appeal. The Superintendent/President may uphold, modify or reject the recommended expulsion and/or revoking or withholding

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a degree or certificate by the Hearing Authority. If the Superintendent/President modifies or rejects the expulsion recommendation and/or the recommendation to revoke or withhold a degree or certificate, the Superintendent/President shall prepare a new written decision which contains specific factual findings and conclusions. The written decision to uphold, modify or reject the recommended expulsion and/or revoking or withholding a degree or certificate shall include the right of the student to request a formal hearing by the Board of Trustees, and shall be sent via certified or registered mail to the student's last known address within 10 school days of receipt of the appeal. The Superintendent/President's written decision shall be forwarded to the Board of Trustees.

XI. BOARD OF TRUSTEES

In cases where expulsion and/or revoking or withholding a degree or certificate is recommended, the following shall apply:

- A. The Board of Trustees shall consider any recommendation from the Superintendent/President for expulsion and/or revoking or withholding a degree or certificate at its next regularly scheduled meeting or as soon thereafter as is practicable. The Board of Trustees shall consider an expulsion recommendation in closed session, unless the student requests the matter be heard in open session in accordance with these procedures and Education Code section 72122. The Board may expel a student for good cause when other means of correction fail to bring about proper conduct or when the presence of the student causes a continuing danger to the physical safety of the student or others (Education Code section 76030).
- B. The student shall be notified in writing, by registered or certified mail or by personal service, at least five (5) school days prior to the meeting, of the date, time, and place of the meeting of the Board of Trustees. The student may, within forty-eight (48) hours after receipt of the notice, request that the hearing be held in open session. Even if a student has requested that the Board of Trustees hear an expulsion and/or revoking or withholding a degree or certificate recommendation in open session, the Board of Trustees may deliberate in closed session in accordance with Education Code section 72122.
- C. A closed hearing will be closed to everyone except the following:
 - 1. the student charged;
 - 2. an advisor/advocate for the student charged, if so desired. If the student chooses to be accompanied by an attorney, the student must notify the District in writing of his/her intent to bring an attorney at least two (2) school days prior to the hearing. Failure to notify the District will result in a postponement of the hearing;
 - 3. the District Superintendent/President and/or President's designee;
 - 4. the Board of Trustees;
 - 5. Counsel for the District;

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6. the student's parent(s) or guardian, if the student is a minor;
 7. Campus Safety or such other law enforcement personnel deemed necessary for the safety of meeting participants.
- D. The hearing shall be conducted in accordance with the following procedures:
1. The President of the Board of Trustees will serve as chair of the hearing, and will rule on all questions of procedure and admission of evidence.
 2. Hearings need not be conducted in accordance with strict rules of evidence or the formality of a court hearing.
 3. Before commencement of the hearing, the Board of Trustees shall review a description of the charges, notices, evidence, findings, and a copy of the proposed decision from the college-level disciplinary appeal hearing. The Board of Trustees shall consider no evidence other than that evidence received in the hearing process.
 4. The District Superintendent/President or designee shall make a brief statement to the Board of Trustees, referring to relevant evidence regarding the alleged misconduct.
 5. The accused student may then make a brief statement to the Board of Trustees and present any relevant evidence.
 6. The statements shall be limited to five (5) minutes each.
 7. Upon completion of these statements, the Board of Trustees will have an opportunity to ask questions of both the student and the District Superintendent/President or designee.
 8. The Board of Trustees will conclude the hearing, dismiss the parties, and privately deliberate as to a decision.
 9. The Board of Trustees shall issue a statement of decision including findings of fact and a determination that the accused student did or did not commit the act(s) charged, a finding that the student's act(s) did or did not constitute a violation of the Standards of Conduct, and a decision as to whether the expulsion and/or revoking or withholding a degree or certificate proposed by the District Superintendent/President will be upheld or modified. The Board of Trustees may also recommend further investigation. Pursuant to Education Code section 72122, regardless of whether the matter is heard in open or closed session, the final action of the Board of Trustees shall be taken in open session, and the result of the action shall be a public record. The name of the student, however, shall not be released.

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10. The hearing (but not the deliberations of the Board of Trustees) shall be recorded either in written format or electronically. The record shall be the property of the District. The student may read the record or listen to the tape at a mutually agreeable location at the District. An accused student may, upon request, be provided a copy of the written record or electronic recording at his or her own expense.
11. A written statement of the Board of Trustees' decision shall be sent via certified or registered mail to the student's last known address within three (3) school days after the conclusion of the hearing.
12. If the Board of Trustees' decision is unfavorable to the student, the student shall have the right to submit a written statement of his/her objections to the decision. This statement shall become a part of the student's records.
13. The decision of the Board of Trustees is final and not subject to further appeal.

XII. NOTIFICATION

The District Superintendent/President or designee shall, upon suspension or expulsion of any student, notify the appropriate law enforcement authorities of the county or city in which the District is situated of any acts of the student that may be in violation of section 245 of the Penal Code (Education Code section 76035).

XIII. EXTENSIONS OF TIME

Calendar restraints may be extended with the agreement of both parties.

Board Reviewed 4/13/11
Board Reviewed 10/09/13
Reviewed by the Board's Ad Hoc Committee on Policy 6/11/14
Board Reviewed Revisions 7/09/14
Reviewed by the Board's Ad Hoc Committee on Policy 7/08/15
Board Reviewed Revisions 7/08/15
Reviewed by the Board's Ad Hoc Committee on Policy 2/17/16
Board Reviewed Revisions 3/09/16

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Student Rights and Grievances

BP 5530

Reference: ***Title IX, Education Amendments of 1972; Education Code Section 76224(a); HEA Title IV, CFR, Sections 600.9 and 668.4(3)(b); WASC Accreditation Standard II.B.2.c; ACCJC Accreditation Eligibility Requirement 20; ACCJC accreditation Standard IV.D***

Definition of Student Grievance

For the purpose of this policy, a student grievance is defined as a claim by a student that his/her student rights have been adversely affected by a college decision or action. This policy is available for students who desire to pursue grievance procedures against an employee of the District. The student shall be entitled to representation, by a person of his/her choice, other than legal counsel, at all informal complaint meetings.

Note: The District is committed to resolving student complaints and/or grievances in a fair and equitable manner. Students should work through the District's process first before escalating issues to other agencies. Issues that are not resolved at the District level may be presented to the California Community Colleges Chancellor's Office (CCCCO) at: www.californiacommunitycolleges.cccco.edu/ComplaintsForm.aspx.

This Policy and the related Administrative Procedure is not available for use by any student or applicant for admission who believes that he/she has been subjected to unlawful discrimination, including sex discrimination as prohibited by Title IX of the Higher Education Amendments of 1972. The basis for filing a complaint of unlawful discrimination and the procedures to be used to file such a complaint are set forth in the District's Board Policy and Administrative Procedure 3430 – Prohibition of Unlawful Discrimination or Harassment, which can be obtained in the Human Resources Office in the Shasta College Administration Building 100, Room 121, 11555 Old Oregon Trail, Redding, CA 96003 or on the District's web site at: www.shastacollege.edu.

See Administrative Procedure 5530

Board Approved 1/17/07
Reviewed by the Board Ad Hoc Committee on Policy 8/12/09
Board Approved Revisions 5/12/10
Board Approved 11/09/11
Reviewed by the Board Ad Hoc Committee on Policy 9/09/15
Board Approved 10/14/15 [MANDATED CHANGES]

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Reference: ***Title IX, Education Amendments of 1972; Education Code Section 76224(a); HEA Title IV, CFR, Sections 600.9 and 668.4(3)(b); WASC Accreditation Standard II.B.2.c; ACCJC Accreditation Eligibility Requirement 20; ACCJC accreditation Standard IV.D***

The purpose of this procedure is to provide a prompt and equitable means of resolving student grievances. These procedures shall be available to any student who reasonably believes a college decision or action has adversely affected his or her status, rights or privileges as a student.

This procedure applies, but is not limited to, grievances regarding:

- The exercise of rights of free expression protected by state and federal constitutions and Education Code Section 76120.

This procedure does not apply to:

- Grade changes. Procedures to be used to file such a complaint are set forth in the District's Board Policy and Administrative Procedure 4230.
- Student disciplinary actions. Procedures to be used to file such a complaint are set forth in the District's Board Policy and Administrative Procedure 5520.
- Unlawful discrimination, including sex discrimination. Procedures to be used to file such a complaint are set forth in the District's Board Policy and Administrative Procedure 3430.
- Police citations (i.e. "tickets"); complaints about citations must be directed to the County Courthouse in the same way as any traffic violation.

Definitions

Informal Resolution- Each student who has a grievance shall make a reasonable effort to resolve the matter on an informal basis prior to requesting a grievance hearing, and shall attempt to solve the problem with the person with whom the student has the grievance, that person's immediate supervisor, or the college administration.

Party- The student or any persons claimed to have been responsible for the student's alleged grievance, together with their representatives. "Party" shall not include the Grievance Hearing Officer.

Respondent- Any person claimed by a grievant to be responsible for the alleged grievance.

School Day- Any day during which the District is in session and regular classes are held, excluding Saturdays and Sundays.

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Student- A currently enrolled student, a person who has filed an application for admission to the college, or a former student. A grievance by an applicant shall be limited to a complaint regarding denial of admission. Former students shall be limited to grievances relating to course grades to the extent permitted by Education Code Section 76224(a).

Procedures

The Superintendent/President shall appoint an employee who shall assist students in seeking resolution by informal means, and formal means along with conducting a hearing when necessary. This person shall be called the Grievance Officer. The Grievance Officer and the student may also seek the assistance of the Student Senate Organization in attempting to resolve a grievance informally.

Informal meetings and discussions between persons directly involved in a grievance are essential at the outset of a dispute and should be encouraged at all stages. An equitable solution should be sought before persons directly involved in the case have stated official or public positions that might tend to polarize the dispute and render a solution more difficult. At no time shall any of the persons directly or indirectly involved in the case use the fact of such informal discussion, the fact that a grievance has been filed, or the character of the informal discussion for the purpose of strengthening the case for or against persons directly involved in the dispute or for any purpose other than the settlement of the grievance.

Any student who believes he/she has a grievance shall file a Statement of Grievance with the Grievance Officer within ten (10) school days of the incident on which the grievance is based, or 10 days after the student learns of the basis for the grievance, whichever is later. The Statement of Grievance must be filed whether or not the student has already initiated efforts at informal resolution, if the student wishes the grievance to become official. Within two (2) school days following receipt of the Statement of Grievance Form, the Grievance Officer shall advise the student of his or her rights and responsibilities under these procedures, and assist the student, if necessary, in the final preparation of the Statement of Grievance form.

If at the end of ten (10) school days following the student's first meeting with the Grievance Officer, there is no informal resolution of the complaint which is satisfactory to the student, the student shall have the right to request a formal grievance hearing as described below (Fourth Level).

Levels for Resolving a Student Grievance

FIRST LEVEL – Informal Grievance

Any student with a grievance should first attempt to resolve the matter by means of an informal meeting with the person(s) against whom the student has the grievance. This discussion must take place within ten (10) school days of the alleged incident.

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SECOND LEVEL – Informal Grievance

If the grievance cannot be resolved as specified at the first level within ten (10) school days, the grievant should contact the immediate supervisor or Dean of the appropriate department or program. This discussion must take place within ten (10) school days after contact at the second level. The Supervisor or Dean has ten (10) school days to respond to the student's grievance.

THIRD LEVEL – Informal Grievance

If the grievance cannot be resolved at the second level within ten (10) school days, the grievant should contact the Grievance Officer. The Grievance Officer will review the grievance with the supervisor or administrator and attempt to resolve the grievance informally. This discussion must take place within ten (10) school days after contact at the third level. The Grievance Officer has ten (10) school days to respond to the student's grievance.

FOURTH LEVEL – Formal Grievance and Hearing

If the grievance cannot be resolved informally at the third level, the grievant will be asked to state the grievance in writing within ten (10) school days. Then a formal hearing will be scheduled within ten (10) school days of receipt of the written complaint. The employee being grieved shall have the opportunity to respond in writing. The Grievance Officer, as appointed by the Superintendent/President, will conduct the hearing.

The determination of whether the Statement of the Grievance presents sufficient grounds for a hearing shall be based on the following:

- The statement contains facts which, if true, would constitute a grievance under these procedures;
- The grievant is a student as defined in these procedures, which include applicants and former students;
- The grievant is personally and directly affected by the alleged grievance;
- The grievance was filed in a timely manner;
- The grievance is not clearly frivolous, clearly without foundation, or clearly filed for purposes of harassment.

If the grievance does not meet each of the requirements, the Grievance Officer shall notify the student in writing of the rejection of the Request for a Grievance, together with the specific reasons for the rejection and the procedures for appeal. This notice will be provided within ten (10) school days of the date the decision is made by the Grievance Officer.

If the Request for Grievance Hearing satisfies each of the requirements, the Grievance Officer shall schedule a grievance hearing. The hearing will begin within ten (10) school days following the decision to grant a Grievance Hearing. All parties to the grievance shall be given not less than ten (10) school days' notice of the date, time and place of the hearing.

The hearing will comply with principles of due process, including the right to confront and cross examine witnesses. The decision of the Grievance Officer shall be final on all matters relating to the conduct of the hearing

Student Rights and Grievances

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The hearing will include the grievant(s) and the person(s) grieved against. Each shall be entitled to:

- 1) representation of his/her choice, including legal counsel when mutually agreed;
- 2) the right to present witnesses and evidence; and
- 3) the right to question opposing witnesses.

Each party to the grievance may call witnesses and introduce oral and written testimony relevant to the issues of the matter. Hearings shall be closed and confidential.

The hearing shall be recorded, and shall be the only recording made. The Grievance Officer shall start the hearing by asking each person present to identify themselves by name and thereafter shall ask witnesses to identify themselves by name. No witness who refuses to be recorded may be permitted to give testimony, and will be considered to be unavailable. The recording shall remain in the custody of the District. Any party to the grievance may request a copy of the recording.

The Grievance Officer shall have ten (10) school days after the date of the hearing to render a written decision to the Superintendent/President. The decision shall include specific factual findings regarding the grievance, and shall include specific conclusions regarding whether a grievance has been established as defined above. The decision shall be based only on the record of the hearing, and not on matter outside of that record. The record consists of the original grievance, any written responses, and the oral and written evidence produced at the hearing.

Within ten (10) school days following receipt of the Grievance Officers decision and recommendation(s), the Superintendent/President shall send to all parties his/her written decision, together with the Grievance Officers decision and recommendations. The Superintendent/President may accept or reject the findings, decisions and recommendations of the Grievance Officer. If the Superintendent/President does not accept the decision or a finding or recommendation of the Grievance Officer, the Superintendent/President shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the Superintendent/President shall be final, subject only to appeal as provided below.

Appeal Process

Any appeal relating to a Grievance Officer's decision that the Statement of the Grievance does not present a grievance as defined in these procedures shall be made in writing to the Superintendent/President within ten (10) school days of that decision. The Superintendent/President shall review the Statement of Grievance and Request for Grievance Hearing in accordance with the requirements for a grievance provided in these procedures, but shall not consider any other matters. The Superintendent/President's decision whether or not to grant a grievance hearing shall be final and not subject to further appeal.

Time Limits

Any times specified in these procedures may be shortened or lengthened if there is mutual concurrence by all parties.

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Record of Grievance

A record of the grievance against an employee of the District may only be entered into an employee's personnel file in compliance with an employee's contract and the disciplinary process.

Note: The District is committed to resolving student complaints and/or grievances in a fair and equitable manner. Students should work through the District's process first before escalating issues to other agencies. Issues that are not resolved at the District level may be presented to the California Community Colleges Chancellor's Office (CCCCO) at:
www.californiacommunitycolleges.cccco.edu/ComplaintsForm.aspx

This Policy and the related Administrative Procedure is not available for use by any student or applicant for admission who believes that he/she has been subjected to unlawful discrimination, including sex discrimination as prohibited by Title IX of the Higher Education Amendments of 1972. The basis for filing a complaint of unlawful discrimination and the procedures to be used to file such a complaint are set forth in the District's Board Policy and Administrative Procedure 3430 – Prohibition of Unlawful Discrimination or Harassment, which can be obtained in the Human Resources Office in the Shasta College Administration Building 100, Room 121, 11555 Old Oregon Trail, Redding, CA 96003 or on the District's web site at: www.shastacollege.edu.

Board Reviewed 1/17/07

Board Reviewed Revisions 11/09/11

Reviewed by the Board Ad Hoc Committee on Policy 9/09/15

Board Reviewed Revisions 11/18/15

XII. Appendix B: Important Phone Numbers

IMPORTANT PHONE NUMBERS

On Campus Confidential Resources

Shasta College Health and Wellness professional staff (530) 242-7580

Shasta College Campus Safety Department (530) 242-7910

Shasta College Human Resources and Title IX Coordinator (530) 242-7648

Off-campus or community confidential resources available to sexual assault, domestic violence, dating violence and stalking victims or victims of violence include:

- Shasta Family Justice Center (530) 223-6034
- Shasta County Children and Family Services (530) 225-5144
- One Safe Place - Shasta County (530) 244-0117
- Shasta Regional Medical Center Sexual Assault Response Team (SART) (530) 244-5353
- Shasta County Crime Victims Assistance Center (530) 225-5220
- Alternatives to Violence – Red Bluff – (800) 324-6473
- Tehama County Rape Crisis Intervention (530) 529-3980
- Trinity County Sexual Assault Response Team – contact Trinity County Sheriff (530) 623-2611 or the Trinity County District Attorney (530) 623-1304
- Human Resources Network – Trinity – (866) 623-4357
- National Network to End Domestic Violence (202) 543-5566
- National Domestic Violence Hotline (800) 799-SAFE (7233)
- Rape Abuse Incest National Network (RAINN) (800) 656-4673
- Tehama County Victim/Witness Assistance Center (530) 527-6053
- Trinity County Victim/Witness Assistance Program (530) 623-8357

CAMPUS SAFETY (530) 242-7910

Confidential Report Line (530) 242-7919

Shasta College Student Health and Wellness Office (530) 242-7580

EMERGENCY CALLS DIAL 9-1-1

Redding Police Department (530) 225-4200

Shasta County Sheriff (530) 245-6540

Anderson Police Department	(530) 378-6600
Tehama County Sheriff	(530) 529-7900
Red Bluff Police Department	(530) 527-3131
Trinity County Sheriff	(530) 623-2611

SUPPORT SERVICES

One SAFE Place (Shasta County)	(530) 244-0117 24-Hour Crisis line
Shasta County Crime Victims Assistance	(530) 225-5220
Shasta County Mental Health	(530) 225-5200

Tehama County Health Services	(530) 527-5637 or (800) 240-3208
Tehama County Social Services	(530) 527-1911
Alternatives to Violence (Red Bluff)	(800) 529-7900
Red Bluff Rape Crisis Center	(530) 342-7273

Human Response Network (Trinity)	(530) 623-4357
Trinity Behavioral Health Clinic	(530) 623-1362