



CELEBRATING

70 Years

of EXCELLENCE

PALO VERDE COMMUNITY COLLEGE DISTRICT

ANNUAL SAFETY AND SECURITY REPORT

SEPTEMBER 2021

Campus Safety and Security Survey Completion Certificate

The Campus Safety and Security data for
Palo Verde College

(120953)

were completed and locked on **August 30, 2021**.



| <u>Campus Name (ID)</u> | <u>Date of Completion</u> |
|----------------------------|---------------------------|
| Main Campus (120953001) | August 30, 2021 |
| Needles Campus (120953002) | August 30, 2021 |

Thank you for your participation in the 2021 data collection.

This certificate was prepared on **August 30, 2021**

| Number of Incidents | 2018 | 2019 | 2020 |
|-----------------------|------|------|------|
| Homicide | 0 | 0 | 0 |
| Sex Offenses | 0 | 0 | 0 |
| Robbery | 0 | 0 | 0 |
| Aggravated Assault | 0 | 0 | 0 |
| Burglary | 0 | 0 | 0 |
| Vehicle Theft | 0 | 0 | 0 |
| Liquor Law Violations | 0 | 0 | 0 |
| Drug Abuse Violations | 0 | 0 | 0 |
| Weapon Law Violations | 0 | 0 | 0 |
| Arson | 0 | 0 | 0 |
| Murder | 0 | 0 | 0 |
| Dating Violence | 0 | 0 | 0 |
| Domestic Violence | 0 | 0 | 0 |
| Stalking | 0 | 0 | 0 |

Please report any suspicious activity to Security Personnel or to Maintenance and Operations Employees immediately.

PHONE NUMBERS TO CALL:

| | |
|---------------------------------|---------------------|
| Emergency | 911 |
| Blythe Police | 760-922-6111 |
| Riverside County Sheriff | 760-921-7900 |
| Riverside County Fire | 760-921-6116 |
| Maintenance Department | 760-504-1615 |
| Business Services Office | 760-921-5446 |
| Security | 818-304-2069 |

Campus security provided by

Allied Universal

34-100 Gateway, Suite 200

Palm Desert, CA 92211

760-328-8320

Crime Reporting Procedures

Working together at Palo Verde College is everyone's responsibility. No community, of course, can be totally risk-free in today's society. Students, faculty, staff, and visitors are partners in creating an atmosphere that is safe and conducive to learning.

Palo Verde Community College District maintains security personnel at each location during hours when students are on campus. You may report any criminal action by calling the Blythe Police Department at 760-922-6111, or by coming into the Business Office or calling 760-921-5446.

Access to Campus Facilities

BUILDINGS:

Most campus buildings are open from 7:30 a.m. to 9:30 p.m. M-F. Individuals who need to be in campus buildings or areas, other than during regularly scheduled work hours, must obtain permission for that date and time from the Vice President of Instruction's Office. Campus is closed after 10:00 p.m.

Campus buildings will normally be locked from 4:30 p.m. Friday to 7:30 a.m. Monday. Weekend classes and other events must be approved. Most campus rooms are protected by intrusion alarms. Before entering secured areas, please call maintenance.

It is the responsibility of those who use the rooms, offices, and areas to lock access doors, turn off lights and close any windows. Maintenance and Operations and Security will check many of the areas of the campus but the primary responsibility for security lies within the user.

KEYS:

Keys are provided to individual staff members on a need-to-enter basis. Lost keys must be reported immediately to Business Services. Staff members must return all keys when requested by Business Services or upon separation from District employment.

Keys should never be loaned to other staff members or students. College Security personnel will confiscate any keys which have not been specifically issued to a particular individual. Unauthorized duplication of District keys is a misdemeanor.

Timely Warnings

A Timely Warning will be issued for all Clery Act crimes that occur within the Palo Verde Community College District Clery Act geography that are reported to campus security authorities or local police agencies and are considered by the institution to represent a serious or continuing threat to students and employees. Palo Verde Community College District will make the determination whether to issue a Timely Warning to aid in the prevention of similar occurrences. Such warnings differ from the Everbridge Emergency Notifications in that Timely Warnings may include the type of crime; the date, time, and location of the incident; and suspect information, when applicable. Timely Warnings will withhold the names of victims as confidential or limit information that may jeopardize the safety of the victim or compromise law enforcement efforts. Information reported in a Timely Warning may not have been investigated or confirmed at the time of the issuance of the warning, and physical descriptions of a suspect will be included in timely warnings only if there are enough details to help distinguish the suspect's appearance from the general population. Palo Verde Community College District may also issue Crime Advisories for incidents that don't meet the requirements for a Timely Warning when, in the opinion of Palo Verde Community College District, there may be serious or continuing threat to students and employees. This may include any crime that occurs outside Palo Verde Community College District's Clery Act geography, or non-Clery Act crimes that occur on Palo Verde Community College District's Clery Act geography.

Systems for issuing timely warnings and crime advisories may include web postings; direct distribution of flyers; text messages; emails to students, faculty, staff; the campus websites; and social media. Timely Warnings will be sent to all registered Palo Verde Community College District email addresses. Updates on crimes are provided on the Palo Verde Community College District web page, www.paloverde.edu.

Anyone with information warranting a Timely Warning should report the circumstances to Palo Verde Community College District Business Office at (760) 921-5446 or in person.

College Security and Safety

It is the policy of the Palo Verde Community College District Board of Trustees to protect the members of the total college community and to protect the property of the District. Under the general direction of the Director of Maintenance and Operations, college security shall insure that reasonable protection is provided by using methods that fit within and contribute to the educational philosophy and process of the institution.

Palo Verde Community College District employs security officers with training specific to parking and security. Security officers are not peace officers.

Campus security works in cooperation with the Blythe Police Office and Riverside County Sheriff's Office in requesting assistance for incidents that require resources not available to the District. The college will summon the assistance of other agencies to provide services for incidents that require special resources. A victim of any crime may report directly to the Police or Sheriff's Office but must also notify campus security or maintenance.

Weapons Prohibition on Campus

Possession of firearms or replicas, ammunition, explosives, knives with blades longer than 2½ inches, other weapons, and fireworks are prohibited on campus. California Penal Code Sections 626.9 and 626.10 also prohibit the possession of firearms (including pellet and BB guns) on Palo Verde College property without specific written permission from the Chief of Police.

If you are a witness to a crime involving a weapon or see a weapon of any kind on campus, please alert Blythe PD by calling 9-1-1 or (760) 922-6111 immediately.

As a public college, Palo Verde Community College campus is accessible to the general public. Consequently, regardless of the time of day or night, and no matter where you may be on campus, it is important for you to be alert and aware of your surroundings and exercise personal safety.

Palo Verde Community College encourages students, faculty and staff to be responsible for their own safety by taking proactive steps to reduce the likelihood of victimization or crimes on campus. Many crimes can be prevented by staying alert and aware of your surroundings and by securing your property at all times.

Crime Prevention

One of the essential ingredients of any successful crime prevention program is an informed public. It is the intent of Palo Verde Community College District to inform students and staff, in a timely manner, of any criminal activity or security problem which may pose a reasonable threat to their physical safety. Such information will normally be distributed to students through this report and through student publication as well as our website. Staff/Faculty are informed through in-house email memos or bulletins.

All effective crime prevention programs include some measure of people watching out for one another. All staff and students are asked to be ALERT, SECURITY CONSCIOUS, AND INVOLVED. Report any suspicious behavior.

California Mandatory Reporting Laws

As outlined by Penal Code §368 and Welfare and Institutions Code §15600 et al., the California Legislature enacted recent laws to require elderly and dependent adult care custodians, health practitioners, Adult Protective Services staff, law enforcement, and other designated agencies to report and to investigate incidents

of abuse/neglect. The categories of abuse and neglect that must be reported by mandated parties now include: physical, sexual, financial, isolation, abandonment, abduction, neglect, mental suffering, and self-neglect.

The Child Abuse Neglect and Reporting Act (CANRA), codified in California Penal Code §§11164-11174.3, requires that employers of mandated reporters (as defined in the Act) promote identification and reporting of child abuse or neglect. It is the policy of Palo Verde Community College District to comply with its obligations under the Act; to require that all District employees and administrators who are mandated reporters make required reports to child protection or law enforcement agencies; and, more broadly, to encourage all members of the District community who observe, have actual knowledge of, or reasonably suspect child abuse or neglect at a District facility or perpetrated by District personnel to promptly report the concern to appropriate law enforcement, external officials and District officials.

Pursuant to California Education Code §§ 67380(a)(6)(A), 67381 and 67383(a), Palo Verde Community College District must report immediately or as soon as practicably possible to the appropriate local law enforcement agency, all reports received by a CSA of any Part 1 violent crime, sexual assault, or hate crime, committed on or off campus. This includes reports victims make directly to CSAs as well as reports victims make to other District employees that are then conveyed to the Palo Verde Community College District or other CSAs.

Such reports will include, when the victim has consented to being identified:

- The name and characteristics of the victim;
- The name and characteristics of the perpetrator if known;
- Description of the incident, including location and date and time; and
- Any report number assigned to the police incident report documenting the investigation being conducted by the jurisdictional agency.

Upon confirmation of conditions that present an emergency or dangerous situation posing an immediate threat to the health or safety of some or all members of the community, the Palo Verde Community College District Business Office will immediately initiate its mass warning policy and activate the campus emergency notification systems.

If the victim does not consent to being identified, the alleged assailant shall not be identified in the information disclosed to the local law enforcement agency.

Security Awareness & Crime Prevention Programs

Preventing crime effectively requires a partnership between the District and the surrounding community. Palo Verde Community College is dedicated to promoting personal safety awareness through community outreach programs.

Presentations and workshops regarding a variety of aspects of personal safety, prevention of workplace violence, office and business safety, sexual assault, dating and domestic violence, stalking, and other crime prevention and related topics are scheduled on a regular basis or by request for all campus members. Safety information is provided at employee and student orientations.

- **Personal Safety:** Crime prevention tips and actions that individuals can take to make themselves less vulnerable to crime. Examples of topics include robberies, assaults, stalking, dealing with difficult individuals, active shooter, identity theft, property theft, and safety while ride sharing.
- **Sexual Assault Awareness & Prevention:** Crime prevention tips regarding actions that individuals can take to make themselves less vulnerable to a sexual assault, dating and domestic violence, or stalking. Topics include sexual assault prevention, cultural awareness, acquaintance rape, the role of alcohol, date-rape drugs such as Rohypnol and GHB, and bystander involvement.

- **Hate Crimes:** Defines what constitutes a hate crime or hate incident, inclusion, relevant laws, how to report hate crimes and available resources.
- **Drug & Alcohol Awareness:** Designed to increase awareness and prevention of drug and alcohol use/abuse.
- **Response to an Active Shooter:** Designed to address prevention, recognition of subjects of concern, options to take during an event (Run, Hide, Fight), and management after an event.

The Maintenance and Operations Department also conducts security surveys and inspects campus grounds based on the principles of CPTED (Crime Prevention through Environmental Design) to identify and address future security and safety needs.

Missing Person Procedures

Palo Verde Community College accepts reports, including telephonic report, of a missing Palo Verde Community College student. Missing person cases are given a high priority and will not require any time frame to pass before beginning a missing person investigation. A report is accepted regardless of where the person was last seen, where the person resides, or any other question of jurisdiction. If the individual is not immediately located, Palo Verde Community College will contact Blythe PD so the information can be entered into the appropriate missing person database.

If any person has reason to believe that a member of the District community is missing, they should immediately notify the Palo Verde Community College at 760-921-5446 or 911.

When Palo Verde Community College takes a missing person report for a Palo Verde Community College student, we will notify Blythe PD.

Emergency Response

The District has developed emergency plans, policies and procedures, contingency plans and continuity of operations plans. Each year the district conducts testing of the emergency notification systems on campus.

These exercises and tests are designed to assess and evaluate emergency plans, department response, capabilities of the institution, and to educate the campus community about emergencies, the systems they may encounter, and how to safely respond.

General information about emergency response and evacuation procedures for Palo Verde Community College District is publicized each year as part of the institution's Clery Act compliance efforts.

The District also uses the Everbridge emergency alert system to notify students and staff of potential safety threats and necessary information on a broad scale notification.

COLLEGE PROPERTY:

No District property may be removed from the campus without express permission from Administration. Unauthorized removal of District property from the campus is a violation of the law and may be prosecuted by the District.

Off Campus Crime

Local law enforcement departments have been requested to provide Palo Verde Community College District with crime data for the areas surrounding the facilities. The College will notify persons using these facilities when a security problem arises.

Amber Alert

The AMBER Alert™ Program is a voluntary partnership between law enforcement agencies, broadcasters, transportation agencies and the wireless industry, to activate urgent bulletins in child abduction cases.

The following conditions must be met before activating an AMBER Alert [Government Code 8594(a)]:

- a) Abduction has been determined to have occurred.
- b) The victim is 17 years of age or younger, or has a proven mental or physical disability.
- c) The victim is in imminent danger of serious injury or death.
- d) There is information available that, if provided to the public, could assist in the child's safe
- e) recovery.

Substance Abuse

In accordance with Public Law 101-226 "Drug Free Schools and Communities Act Amendment of 1989", The Board of Trustees of Palo Verde Community College District prohibits the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees on Palo Verde Community College District property and as part of any District sponsored or sanctioned activity.

Any student or employee in violation of this policy is subject to disciplinary action up to and including expulsion from Palo Verde Community College District or termination from employment for violations of the standards of conduct.

The decision to take disciplinary action in any instance rests with the Board of Trustees after consideration of the recommendation of the Superintendent/President.

The possession, use and sale of alcoholic beverages by anyone on Palo Verde Community College District property is a misdemeanor as per California Business Code 25608 (community colleges) and a violation of the Standards of Student Conduct. The use, sale or possession of any illegal drug is a violation of state law and any

person found in violation may be subject to arrest by Federal, State, or local law enforcement authorities. Criminal prosecution is separate from any administrative discipline that may be imposed by Palo Verde Community College District.

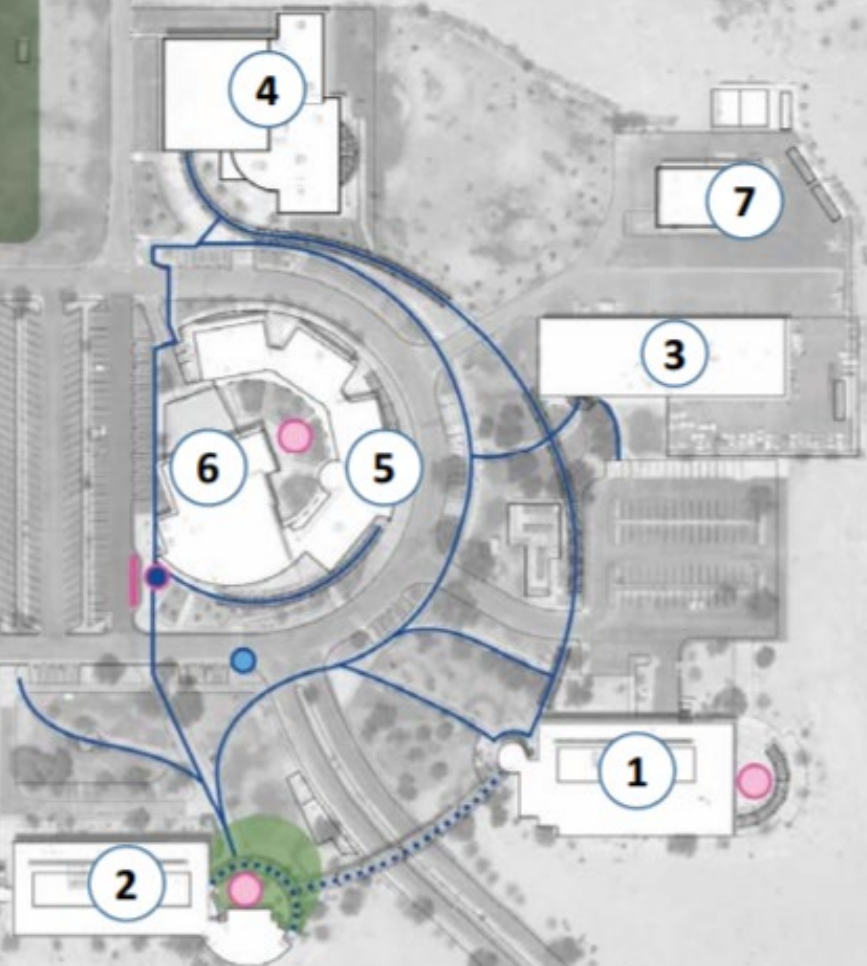
Campus Sexual Assault Policy

The Palo Verde Community College District recognizes that harassment based on sex is a violation of both Federal and State discrimination laws as well as District Policy. The District is committed to providing all employees, applicants for employment and students with an environment free from sexual harassment and will not tolerate such conduct on the part of any employee or student (Board Policy 3410).

The District's sexual assault policy, to the fullest extent possible, ensures that students, faculty, and staff who are victims of sexual assault committed on campus grounds or District off-campus facilities shall receive treatment and information to deal with the assault. Any crime of this nature should be reported to the Business Office as well as local law enforcement agencies.

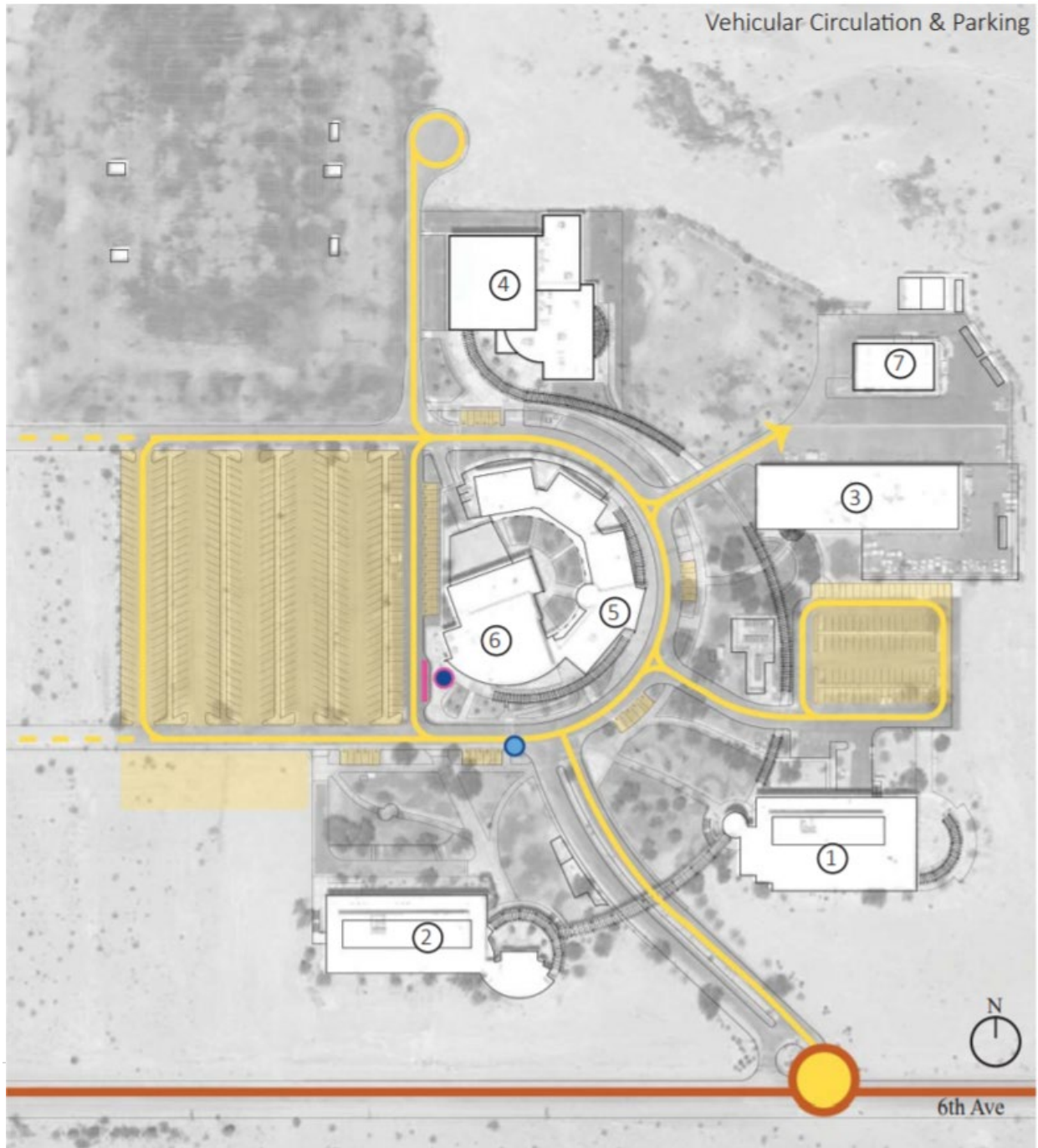
Palo Verde Community College District Clery Act Geography: (i) For the purpose of collecting statistics on the crimes listed in paragraph (c) of this section for submission to the Department and inclusion in an institution's annual security report, Clery geography includes— (A) Buildings and property that are part of the institution's campus; (B) The institution's non-campus buildings and property; and (C) Public property within or immediately adjacent to and accessible from the campus. (ii) For the purposes of maintaining the crime log required in paragraph (f) of this section, Clery geography includes, in addition to the locations in paragraph (i) of this definition, areas within the patrol jurisdiction of the campus security department.

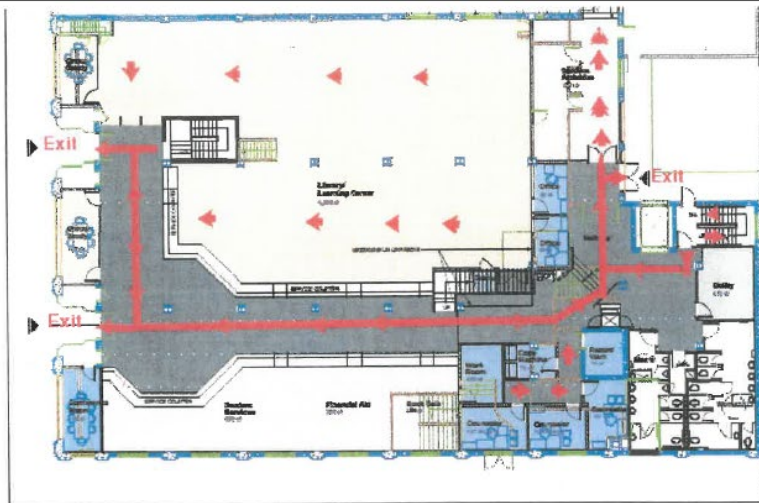
1. Student Services
2. Classroom / Lab
3. Technology Building
4. Physical Education Center
5. Fine Arts
6. Theater
7. M/O



6th Ave

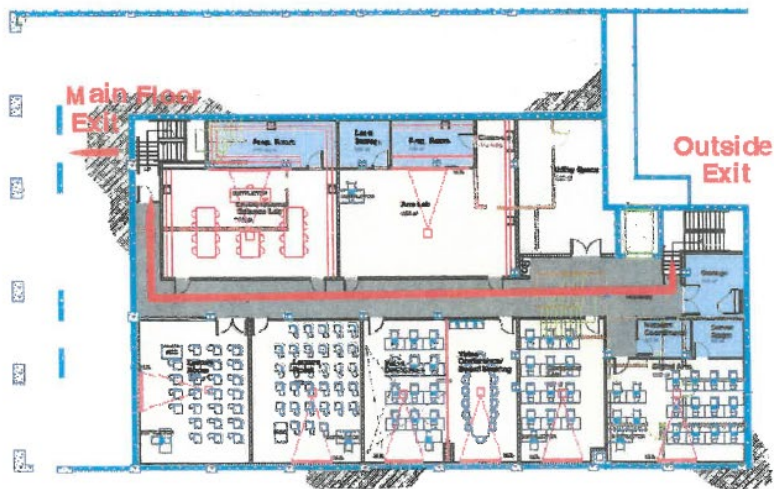
Vehicular Circulation & Parking





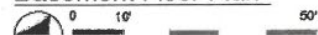
Palo Verde College Claypool Building

First Floor Plan



Palo Verde College Claypool Building

Basement Floor Plan



Responding to Harassment Based on Sex under Title IX

Introduction

The District encourages members of the District community to report sexual harassment. This procedure only applies to conduct defined sexual harassment under Title IX and applicable federal regulations and that meet Title IX jurisdictional requirements. The District will respond to sexual harassment and sexual misconduct that falls outside that definition and outside the jurisdiction of the Title IX federal regulations using California law and applicable District policies and procedures. In implementing these procedures discussed below, the District will also provide supportive measures, training, and resources in compliance with California law, unless they are preempted by the Title IX regulations.

Title IX Coordinator

Questions concerning Title IX may be referred to the District Title IX Coordinator whose contact information is below. The District's Title IX Coordinator is the Associate Dean of Counseling and the Title IX Coordinator's contact information is:

One College Drive
Blythe, CA 92225
(760)921-5552
igonzalez@paloverde.edu

The Title IX Coordinator is required to respond to reports of sexual harassment or misconduct. The Title IX Coordinator will handle information received with the utmost discretion and will share information with others on a need-to-know basis. For example, the Title IX Coordinator may need to address public safety concerns on campus, comply with state and federal legal requirements, or share information to implement supportive measures.

A report of sexual harassment to the Title IX Coordinator does not necessarily lead to a full investigation, as discussed more fully below. However, the Title IX Coordinator will make an assessment to determine if there is a safety risk to the campus. If the Title IX Coordinator finds there is a continued risk, the Title IX Coordinator will file the formal complaint without the Complainant's consent or cooperation.

Title IX Harassment Complaints, Investigations, and Hearings

These Title IX sexual harassment procedures and the related policy protect students, employees, applicants for employment, and applicants for admission.

Jurisdictional Requirements – Application of Procedures

These procedures apply if the conduct meets the following three jurisdictional requirements:

- The conduct took place in the United States;
- The conduct took place in a District “education program or activity.” This includes locations, events, or circumstances over which the District exercised substantial control over both the Respondent and the context in which the harassment occurred, including on-campus and off-campus property and buildings the District owns or controls or student organizations officially recognized by the District own or control.
- The conduct meets the definition of Title IX “sexual harassment.”

Definitions

Advisor: Throughout the grievance process, both the Complainant and Respondent have a right to an Advisor of their choice. If a Party does not have an Advisor at the time of the hearing, the District must provide the Party an Advisor of the District's choice, free of charge. The District may establish restrictions regarding the extent to which the Advisor may participate in the proceedings as long as the restrictions apply equally to both Parties.

Complainant: A Complainant is an individual who alleges he/she/they is the victim of conduct that could constitute sexual harassment.

Consent: Consent means affirmative, conscious, and voluntary agreement to engage in sexual activity. Both Parties must give affirmative consent to sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he/she/they has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest, lack of resistance, or silence does not indicate consent. Affirmative consent must be ongoing throughout a sexual activity and one can revoke his/her/their consent at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, is not an indicator of consent.

The Respondent's belief that the Complainant consented will not provide a valid defense unless the belief was actual and reasonable, based on the facts and circumstances the Respondent knew, or reasonably should have known, at the time of the incident. A Respondent's belief is not a valid defense where:

- The Respondent's belief arose from the Respondent's own intoxication or recklessness;
- The Respondent did not take reasonable steps to ascertain whether the Complainant affirmatively consented; or
- The Respondent knew or a reasonable person should have known that the Complainant was unable to consent because the Complainant was incapacitated, in that the Complainant was:
 - asleep or unconscious
 - unable to understand the fact, nature, or extent of the sexual activity due to the influence of drugs, alcohol, or medication; or
 - unable to communicate due to a mental or physical condition.

Decision-Maker: The Vice President of Instruction and Student Services will oversee the live hearing and make a determination of responsibility. The Decision-Maker cannot be the Title IX Coordinator or the investigator.

Formal Complaint: A written complaint signed by the Complainant or Title IX Coordinator, alleging sexual harassment and requesting an investigation. If the Title IX Coordinator signs the formal complaint, he/she/they will not become a Party to the complaint.

Parties: As used in this procedure, this means the Complainant and Respondent.

Respondent: A Respondent is an individual reported to be the perpetrator of conduct that could constitute sexual harassment.

Sexual Harassment under Title IX: Conduct that satisfies one or more of the following:

- A District employee conditions the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct (*quid pro quo* harassment);
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity;
- Sexual assault, including the following:
 - **Sex Offenses.** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
 - **Rape** (except Statutory Rape). The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity. There is carnal knowledge if there is the slightest penetration of the genital or anal opening of the body of another person.
 - **Sodomy.** Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity.
 - **Sexual Assault with an Object.** To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim,

including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything the offender uses other than the offender's genitalia, e.g., a finger, bottle, handgun, stick.

- **Fondling.** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity.
- **Sex Offenses, Non-Forcible Unlawful, Non-Forcible Sexual Intercourse.**
 - **Incest.** Non-Forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - **Statutory Rape – Non-Forcible.** Sexual intercourse with a person who is under the statutory age of consent. There is no force or coercion used in Statutory Rape; the act is not an attack.
- **Dating violence.** Violence against a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a relationship will be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- **Domestic Violence.** Violence committed:
 - By a current or former spouse or intimate partner of the victim;
 - By a person with whom the victim shares a child in common;
 - By a person who is co-habiting with, or has co-habited with, the victim as a spouse or intimate partner;
 - By a person similarly situated to a spouse of the victim under the domestic or family violence laws of California; or
 - By any other person against an adult or youth victim protected from that person's acts under the domestic or family violence laws of California.

- **Stalking.** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her/their safety or the safety of others or suffer substantial emotional distress.

Reporting Options

Any individual may report sexual harassment to the District's Title IX Coordinator.

The District strongly encourages prompt reporting of sexual harassment. Prompt reporting allows for the collection and preservation of evidence, including physical evidence, digital media, and witness statements. A delay may limit the District's ability to effectively investigate and respond.

Because individuals may be deterred from reporting incidents of sexual harassment if alcohol, drugs, or other violations of District or campus rules were involved, the District will inform individuals that the primary concern is for student and employee safety and that use of alcohol or drugs never makes a Complainant at fault for sexual harassment. If other rules are violated, the District will address such violations separately from and allegation of sexual violence.

Individuals have the opportunity to decide whether they want to pursue a formal Title IX complaint. Reporting sexual harassment to the Title IX Coordinator does not automatically initiate an investigation under these procedures. A report allows the District to provide a wide variety of support and resources to impacted individuals and to prevent the reoccurrence of the conduct. A Complainant or the Title IX Coordinator filing a formal complaint will initiate an investigation.

If there are parallel criminal and Title IX investigations, the District will cooperate with the external law enforcement agency and will coordinate to ensure that the Title IX process does not hinder legal process or proceedings.

The District will document reports of sexual harassment in compliance with the Clery Act, a federal law requiring data collection of crime within the campus geography. Under the Clery Act, the District does not document personal

information; the District reports the type of conduct, and the time, date, and location. (Also see BP/AP 3540 Sexual and Other Assaults on Campus).

District Employees and Officials with Authority

District Officials with Authority are not confidential resources and are required to report allegations of sexual harassment to the Title IX Coordinator promptly. All other employees are encouraged to report allegations to the Title IX Coordinator but are not required to do so.

The District has designated the following employees as Officials with Authority: all individuals identified as supervisors under California's Fair Employee and Housing Act.

Officials with Authority are required to report all relevant information they know about sexual harassment including the name of the Respondent, the Complainant, any other witnesses, and the date, time, and location of the alleged incident.

Intake and Processing of Report

Receipt of Report

After receiving a report of sexual harassment, the Title IX Officer will contact the Complainant and reporting party to explain rights under this policy and procedure and invite the Complainant to an in-person meeting. The Title IX Officer will discuss supportive measures with the Parties.

Timeframe for Reporting

To promote timely and effective review, the District strongly encourages individuals to report sexual harassment as soon possible because a delay in reporting may affect the ability to collect relevant evidence and may affect remedies the District can offer.

Supportive Measures

Supportive measures are non-disciplinary, non-punitive individualized services offered free of charge to the Complainant or the Respondent regardless of whether a formal complaint has been filed. The District will provide the Complainant and Respondent with supportive measures as appropriate and as reasonably available to restore or preserve equal access to the District's education program or activities. These measures are designed to protect the safety of all Parties, protect the District's educational environment, or deter sexual harassment. The District will provide supportive measures on a confidential basis and will only make disclosures to those with a need to know to enable the District to provide the service. Supportive measures may include counseling, extensions of deadlines, other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the Parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

Removal of Respondent Pending Final Determination

Upon receiving a report regarding sexual harassment, the Title IX Coordinator will make an immediate assessment concerning the health and safety of the Complainant and campus community as a whole. The District has the right to order emergency removal of a Respondent, or if the Respondent is an employee, place the employee on administrative leave.

Emergency Removal

The District may remove a non-employee Respondent from the District's education program or activity on an emergency basis after it conducts an individualized safety and risk analysis and determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal.

The District may not use emergency removal to address a Respondent's threat of obstructing the sexual harassment investigation or destroying relevant evidence. Emergency removal is only available to address health or safety risks

against individuals arising out of sexual harassment allegations, not to address other forms of misconduct that a Respondent might commit pending the processing of a complaint.

The District's Superintendent/President or designee will conduct the individualized safety and risk analysis.

If the Superintendent/President determines emergency removal is appropriate, he/she/they or designee will provide the person the District is removing from campus on an emergency basis with a notice and opportunity to attend a meeting and challenge the basis of his/her/their removal. The Superintendent/President or designee will determine whether the emergency removal from campus order is warranted after considering information provided by the Respondent challenging the emergency removal.

Administrative Leave

The District may place a non-student employee Respondent on administrative leave during the pendency of a grievance process described in the formal complaint process below. The District will follow any relevant policies, procedures, collective bargaining agreements, or state law in placing an employee on administrative leave.

Formal Complaint Grievance Process

Notice to Parties

Upon receipt of a formal complaint, the Title IX Coordinator will provide the following notice in writing, to the Parties:

- Notice of the District's Title IX grievance process;
- Notice of the allegations of alleged sexual harassment with sufficient details known at the time and with sufficient time to prepare a response before any initial interview;
- Statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;

- Notice that the Parties may have Advisor of their choice, who may be, but is not required to be, an attorney;
- Notice that the Parties may inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence whether obtained from a Party or other source; and
- Inform the Parties of any provision in the District’s code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the District decides to investigate allegations about the Complainant or Respondent that are not included in the notice provided above, the Title IX Coordinator will provide notice in writing of the additional allegations to the Parties.

Dismissal of Formal Complaint

The District must investigate the allegations in a formal complaint. However, the District must dismiss the formal complaint and will not process the complaint under these procedures if any of the following three circumstances exist:

- If the conduct alleged in the formal complaint would not constitute Title IX sexual harassment as defined in this procedure;
- If the conduct alleged did not occur in the District’s education program or activity;
- If the conduct alleged did not occur against a person in the United States.

The District has discretion to dismiss a formal complaint or any allegation under the following circumstances:

- If at any time during the investigation or hearing: a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations;
- If the Respondent is no longer enrolled or employed by the District; or

- If there are specific circumstances that prevent the District from gathering evidence sufficient to reach a determination regarding responsibility as to the formal complaint or allegations.

If the District dismissed the formal complaint or any allegations, the Title IX Coordinator shall simultaneously provide the Parties with written notice of the dismissal and reason. The District will also notify the Parties of their right to appeal.

The District may commence proceedings under other policies and procedures after dismissing a formal complaint.

Consolidation of Formal Complaints

The District may, but is not required to, consolidate formal complaints as to allegations of sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against the other Party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Equitable Treatment of the Parties

The District's determination of responsibility is a neutral, fact-finding process. The District will treat Complainants and Respondents equitably. The procedures will apply equally to both Parties. The District will not discipline a Respondent unless it determines the Respondent was responsible for sexual harassment at the conclusion of the grievance process.

Statement of Presumption of Non-Responsibility

The investigation is a neutral, fact-finding process. The District presumes all reports are in good faith. Further, the District presumes the Respondent is not responsible for the alleged conduct. The District makes its determination regarding responsibility at the conclusion of the grievance process.

Bias or Conflict of Interest

The District's Title IX Coordinator, investigator, Decision-Maker, or any person designated by the District to facilitate an informal resolution process, will not have potential actual bias or conflict of interest in the investigatory, hearing, sanctioning, or appeal process or bias for or against Complainants or Respondents generally. Actual bias is an articulated prejudice in favor of or against one Party or position; it is not generalized concern about the personal or professional backgrounds, positions, beliefs, or interests of the Decision-Maker in the process. The District will ensure that the Title IX Coordinator, investigator, Decision-Maker, and facilitator receive training on:

- The definition of sexual harassment in this procedure;
- The scope of the District's education program or activity;
- How to conduct an investigation;
- The grievance process including conducting hearings, appeals, and informal resolution processes; and
- How to serve impartially, including avoiding: prejudgment of the facts at issue; conflicts of interest; and bias.

Timeline for Completion

The District will undertake its grievance process promptly and as swiftly as possible. The District will complete the investigation and its determination regarding responsibility or the informal resolution process within 180 calendar days.

When appropriate, the Title IX Coordinator may determine that good cause exists to extend the 180 calendar day period to conduct a fair and complete investigation, to accommodate an investigation by law enforcement, to accommodate the unavailability of witnesses or delays by the Parties, to account for District breaks or vacations, or due to the complexity of the investigation. The District will provide notice of this extension to the Complainant and Respondent in writing and include the reason for the delay and anticipated timing of completion.

A Party may request an extension from the Title IX Coordinator in writing by explaining the reason for the delay and the length of the continuance requested. The Title IX Coordinator will notify the Parties and document the grant or denial of a request for extension or delay as part of the case recordkeeping.

Role of Advisor

The role of the Advisor is to provide support and assistance in understanding and navigating the investigation process.

The Advisor may not testify in or obstruct an interview or disrupt the process. The Title IX Coordinator has the right to determine what constitutes appropriate behavior of an Advisor and take reasonable steps to ensure compliance with this procedure.

A Party does not have a right to self-representation at the hearing; an Advisor must conduct any cross-examination. The District must provide an Advisor of its choice, free of charge to any Party without an Advisor in order to conduct cross-examination. If an Advisor fails to appear at the hearing, the District will provide an Advisor to appear on behalf of the non-appearing Advisor. To limit the number of individuals with confidential information about the issues, each Party may identify one Advisor.

Confidentiality Agreements

To protect the privacy of those involved, the Parties and Advisors are required to sign a confidentiality agreement prior to attending an interview or otherwise participating in the District's grievance process. The confidentiality agreement restricts dissemination of any of the evidence subject to inspection and review or use of this evidence for any purpose unrelated to the Title IX grievance process. The confidentiality agreement will not restrict the ability of either Party to discuss the allegations under investigation.

Use of Privileged Information

The District's formal complaint procedure does not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally-recognized privilege (e.g., attorney-client privilege, doctor-patient privilege, spousal privilege, etc.), unless the person holding the privilege provides voluntary, written consent to waive the privilege.

Investigations

The Title IX Coordinator is responsible to oversee investigations to ensure timely resolution and compliance with Title IX and this procedure.

Both Parties have the right to have an Advisor present at every meeting described in this section.

Trained Investigators

The District will investigate Title IX formal complaints fairly and objectively. Individuals serving as investigators under this procedure will have adequate training on what constitutes sexual harassment and how the District's grievance procedures operate. The District will also ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence and complies with this procedure.

Burden of Gathering Evidence

The District, not the Parties, has the responsibility to gather information and interview witnesses. As part of the District's burden of gathering evidence, the District's investigator will create an investigative report that fairly summarizes relevant evidence, whether it is inculpatory or exculpatory. The investigator shall not make findings or determinations of law or fact.

Notice of Investigative Interview

The District will provide written notice of the date, time, location, participants, and purpose of all investigative interviews to a Party whose participation is invited or expected, with sufficient time for the Party to prepare to participate.

Evidence Review

Both Parties have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a Party or other source.

Prior to the investigator preparing an investigative report, the District will send to each Party and the Party's Advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The Parties will have at least ten days to submit a written response. The investigator must consider this written response prior to completing the investigative report.

Investigative Report

The results of the investigation of a formal complaint will be set forth in a written report that will include at least all of the following information:

- A description of the circumstances giving rise to the formal complaint;
- A description of the procedural steps taken during the investigation, including all individuals contacted and interviewed;
- A summary of the testimony of each witness the investigator interviewed;
- An analysis of relevant evidence collected during the investigation, including a list of relevant documents;
- A specific finding as to whether the allegations occurred using a preponderance of the evidence standard;
- A table of contents if the report exceeds ten pages; and

- Any other information deemed appropriate by the District.

The investigator will not make a determination regarding responsibility.

The investigator may redact information not directly related to the allegations or privileged information. However, the investigator will keep a log of information he/she/they do not produce to the Parties. The investigator will provide this log only to the Title IX Coordinator. The Title IX Coordinator will not disclose the log to the Parties but will maintain the log in the Title IX Coordinator's file, in the event it later becomes relevant.

At least ten days prior to a hearing, the District will send the investigative report to each Party and their Advisors, if any, the investigative report in an electronic format or a hard copy, for review and written response. The Parties will have at least ten days to submit a written response.

Hearing

After completing an investigation and prior to completing a determination regarding responsibility, the District will hold a live hearing to provide the Complainant and Respondent an opportunity to respond to the evidence gathered before a Decision-Maker. Neither Party may choose to waive the right to a live hearing, but the Parties can choose whether to participate in the hearing or answer some or all cross-examination questions.

Notice

If the District proceeds to a hearing, the District will provide all Parties written notice of the date, time, location, participants, and purpose of the hearing with sufficient time for the Party to prepare to participate.

Hearing Format

The District may provide a live hearing with all Parties physically present in the same geographic location or, at the District's discretion if either Party requests, the District may provide any or all Parties, witnesses, and other participants the ability to appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other in real time.

The District will make the information reviewed during the Evidence Review available at the hearing for reference and consultation. The District will not restrict the ability of either Party to discuss the allegations under investigation or to gather and present relevant evidence.

The District will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the Parties for inspection and review.

Decision-Maker

The Decision-Maker will be free from conflict of interest or bias, including bias for or against Complainants or Respondents.

The Decision-Maker may ask the Parties and the witnesses questions during the hearing. The Decision-Maker must objectively evaluate all relevant evidence both inculpatory and exculpatory and must independently reach a determination regarding responsibility without giving deference to the investigative report. The Decision-Maker must receive training on issues of relevance, how to apply the rape-shield protections for Complainants, and any technology to be used at the hearing.

Presenting Witnesses

The District will provide the Complainant and Respondent an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. Witnesses, like Parties, are not required to participate in the live hearing process.

Only relevant evidence will be admissible during the hearing. Relevant evidence means evidence, including evidence relevant to the credibility of a Party or witness, having any tendency in reason to prove or disprove any disputed fact material to the allegations under investigation.

Cross-Examination

The District shall permit each Party's Advisor to ask the other Party and any witness relevant questions, including questions challenging credibility. The Party's Advisor must conduct cross-examination directly, orally, and in real time. A Party may never personally conduct cross-examination.

If a Party or witness does not submit to cross-examination at the live hearing, the Decision-Maker will not rely on any statement of that Party or witness in reaching a determination regarding responsibility.

Before a Complainant, Respondent, or witness answers question, the Decision-Maker must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. The Decision-Maker need not provide a lengthy or complicated explanation in support of a relevance determination. If a Party or witness disagrees with a relevance determination, that individual has the choice of either (1) abiding by the Decision-Maker's determination and answering the question or (2) refusing to answer the question.

The Decision-Maker cannot rely on the statements or testimony of a Party or witness who has refused to answer a question the Decision-Maker had found relevant unless the Decision-Maker reconsiders and changes the ruling before reaching the determination of responsibility. If the Decision-Maker changes the determination of relevance of an unanswered question, the Decision-Maker must explain the decision to reconsider the ruling in the written determination of responsibility.

The Decision Maker cannot draw an inference about the determination of responsibility based solely on a Party's or witness's absence from the live hearing or refusal to submit to cross-examination or to answer any question.

The Decision-Maker may also ask any Party or witness questions. If a Party or witness refuses to respond to a Decision-Maker's questions, the Decision-Maker is not precluded from relying on that Party or witness' statements.

Determinations of Responsibility

When the Decision-Maker makes a determination of responsibility or non-responsibility, the Decision-Maker will issue a written determination regarding responsibility, no later than 20 business days after the date that the hearing ends.

When making a determination regarding responsibility, a Decision-Maker will objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence. A Decision-Maker may not make credibility determinations based on an individual's status as a Complainant, Respondent, or witness. In evaluating the evidence, the Decision-Maker will use the 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 sexual harassment occurred.

The written determination will include:

- Identification of the allegations potentially constituting Title IX sexual harassment as defined in these procedures;
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including who conducted the investigation and gave notifications to the Parties. The determination will also state when, where, and the date the investigator interviewed the Parties and witnesses, conducted site visits, the methods used to gather other evidence. The procedural section should also discuss the dates and how the Parties were provided the opportunity to review and inspect evidence and the date of any hearings held and who attended the hearing;
- Findings of fact supporting the determination. In making these findings, the Decision-Maker will focus on analyzing the findings of fact that support the determination of responsibility or non-responsibility;
- Conclusions regarding the application of the District's code of conduct to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility;
- A statement of, and rationale for, any disciplinary sanctions the District imposes on the Respondent;

- A statement of whether the District will provide the Complainant with remedies designed to restore or preserve equal access to the District's education program or activity;
- The District need not disclose to the Respondent remedies that do not affect him/her/them as part of the written determination. The District can inform the Respondent that it will provide remedies to the Complainant. However, the District will inform the Complainant of the sanctions against the Respondent;
- The District's procedures and permissible bases for the Complainant and Respondent to appeal.

The District will provide the written determination to the Parties simultaneously. The determination regarding responsibility becomes final either on the date that the District provides the Parties with the written determination of the result of the appeal, if the Parties file an appeal, or if the Parties do not file an appeal, the date on which an appeal would no longer be timely.

Disciplinary Sanctions and Remedies

The District must have completed the grievance procedures (investigation, hearing, and any appeal, if applicable) before the imposing disciplinary sanctions or any other actions that are not supportive measures against a Respondent. If the Decision-Maker determines the Respondent was responsible for conduct that constitutes sexual harassment, the District will take disciplinary action against the Respondent 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:

- Providing an escort to ensure that the Complainant can move safely between classes and activities;
- Ensuring that the Complainant and Respondent do not attend the same classes or work in the same work area;
- Providing counseling services or a referral to counseling services;
- Providing medical services or a referral to medical services;
- Providing academic support services, such as tutoring;

- Arranging for a Complainant, if a student, to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the Complainant's academic record; and
- 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's discipline.

Possible disciplinary sanctions for student Respondents include written or verbal reprimand, required training or counseling, non-academic probation, suspension, and expulsion. Possible disciplinary sanctions for employee Respondents include written or verbal reprimand, required training or counseling, reduction in pay (if negotiated or available through policy or procedure), demotion (if negotiated or available through policy or procedure), suspension, or discharge.

Appeal of Dismissal of a Formal Complaint or of the Determination of Responsibility

A Complainant or Respondent may appeal the District's determination regarding responsibility or the dismissal of a formal complaint or any allegations. A Complainant or Respondent must submit a written appeal within 10 business days from the date of the notice of determination regarding responsibility or from the date of the District's notice of dismissal of a formal complaint or any allegations.

Grounds for Appeal

The Superintendent/President will serve as the Decision-Maker on Appeal. In filing an appeal of the District's determination regarding responsibility or the District's dismissal of a formal complaint, the Party must state the grounds for appeal and a statement of facts supporting those grounds. The grounds for appeal are as follows:

- A procedural irregularity affected the outcome;
- New evidence was not reasonably available at the time the District's determination regarding responsibility or dismissal was made, and this new evidence could affect the outcome; or
- The District's Title IX Coordinator, investigator, or Decision-Maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome.

Appeal Procedure

If the Complainant or Respondent submits an appeal to the District, the District will:

- Notify the other Party in writing within 5 business days of receiving a Party's appeal;
- Allow the non-appealing Parties at least ten business days from the date of receipt of the appeal to submit a written statement in support of, or challenging, the outcome;

The appeal Decision-Maker will issue a written decision on whether to grant or deny the appeal, and the rationale for the decision, within 45 business days after the Decision-Maker on appeal receives the response to the appeal or the last day to provide a response. The District will provide the written decision simultaneously to both Parties.

The Decision-Maker on appeal may extend or otherwise modify the deadlines provided above. Either Party may seek an extension by submitting a written request to the appeal Decision-Maker explaining the need for the extension and the proposed length of the extension. The Decision-Maker will respond to the request within 48 hours in writing and will inform the Parties simultaneously whether the extension is granted.

Informal Resolution

If the District determines that a formal complaint is appropriate for informal resolution, it may provide the Parties with the opportunity to participate in an informal resolution process, including mediation, at any time prior to reaching a determination regarding responsibility.

The District will provide the Complainant and Respondent written disclosure of the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the Parties from resuming a formal complaint arising from the same allegations, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

The District must obtain the Parties' voluntary, written consent to the informal resolution process. If the Parties reach an agreement, the District does not have to complete a full investigation and adjudication of a report of

sexual harassment. At any time prior to agreeing to a resolution, any Party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.

The informal resolution process is not available to resolve allegations that an employee sexually harassed a student.

Retaliation Prohibited

The District prohibits any intimidation, threats, coercion, or discrimination against any individual who made a report or complaint of sexual harassment, testified, assisted, or participated or refused to participate in any manner in a Title IX investigation, proceeding, or hearing. Individuals who experience retaliation may file a complaint using the formal complaint process described above.

Dissemination of Policy and Procedures

The District will provide its policy and procedures related to Title IX on its website and in each handbook or catalog provided to applicants for admission and employment, students, employees, and all unions or professional organizations holding collective bargaining with the District.

When hired, employees are required to sign acknowledging that they have received the policy and procedures. The District will place the signed acknowledgment of receipt in each employee's personnel file.

Training

The District will provide training to Title IX Coordinators, investigators, Decision-Makers, and any individual who facilitates an informal resolution process, on the definition of sexual harassment, the scope of the District's education program or activities, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Any materials used to train the District's Title IX Coordinator, investigators, Decision-Makers, and any person who facilitates an informal resolution process, will not rely on sex

stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

File Retention

The District will retain on file for a period of at least seven years after closing the case copies of:

- The original report or complaint;
- Any actions taken in response to the complaint, including supportive measures;
- The investigative report including all evidence gathered and any responses from the Parties;
- The District's determination regarding responsibility;
- Audio or audiovisual recording or transcript from a hearing;
- Records of any disciplinary sanctions imposed on the Respondent;
- Records of any remedies provided to the Complainant;
- Any appeal and the result;
- Any informal resolution and the result; and
- All materials used to train Title IX Coordinators, investigators, Decision-Makers, and any person who facilitates an informal resolution process. The District will make these training materials publicly available on its website.

The District will make these documents available to the U.S. Department of Education Office for Civil Rights upon request.

Clery Act Crime Definitions

The Clery Act applies the crime definitions from the Federal Bureau of Investigation's (FBI's) Uniform Crime Reporting (UCR) Program when classifying and counting Clery crimes. The definitions for murder/non-negligent manslaughter, negligent manslaughter, rape, robbery, aggravated assault, burglary, motor vehicle theft, weapon law violations, drug law violations, and liquor law violations are derived from the "Summary Reporting System (SRS) User Manual" from the FBI's UCR Program. The definitions of fondling, incest and statutory rape are from the "National Incident-Based Reporting System (NIBRS) User Manual" from the FBI's UCR Program. The definitions of larceny-theft (except motor-vehicle theft), simple assault, intimidation, and destruction/damage/vandalism of property are from the "Hate Crime Data Collection Guidelines and Training Manual" from the FBI's UCR Program. The definitions of dating violence, domestic violence, and stalking (for purposes of Clery crime statistics) are from the Code of Federal Regulations (Clery Regulations) section 668.46(a). It should be noted that Clery crime definitions used in compiling Clery crime statistics are different than California state crime definitions that may be used by law enforcement authorities and prosecutorial agencies as well as Palo Verde Community College District administrative policy definitions of certain crimes.

The Clery Act crime definitions are as follows (in hierarchical order):

Murder/Non-Negligent Manslaughter: The willful killing of one human being by another.

Manslaughter by Negligence: The killing of another person through gross negligence.

Sexual Assault: Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

- a. Rape: 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, including when the victim is incapable of giving consent. This offense includes the rape of both males and females.
- b. Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
- c. Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- d. Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

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

Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accomplished by the use of weapons or by means likely to produce death or great bodily harm.

Burglary: The unlawful entry of a structure to commit a felony or a theft.

An incident must meet three conditions to be classified as a burglary:

1. There must be evidence of unlawful entry (trespass).
2. The unlawful entry must occur within a structure, which is defined as having four walls, a roof, and a door.
3. (The structure was unlawfully entered to commit a felony or theft. If the intent was not to commit a felony or theft, the incident is not a burglary).

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle.

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

Weapons: Carrying, Possessing, Etc., Violations: The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

Drug Abuse Violations:

- The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use.
- The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance.
- Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

Liquor Law Violations: The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

Violence Against Women Act Definitions

The Violence Against Women Reauthorization Act of 2014 (VAWA) definitions are as follows:

Domestic Violence: The term “domestic violence” is defined as a felony or misdemeanor crime of violence committed (a) by a current or former spouse or intimate partner of the victim, (b) by a person with whom the victim shares a child in common, (c) by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner, (d) by a person similarly situated to a spouse of the victim under the domestic or

family violence laws of the jurisdiction in which the crime of violence occurred, or (e) by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Dating Violence: The term "dating violence" is defined as 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 such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

Stalking: The term "stalking" is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (a) fear for the person's safety or the safety of others; or (b) suffer substantial emotional distress. "Course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. "Reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim. "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

Hate Crime Definitions

The Hate Crime definitions are as follows:

Hate Crime: A hate crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim.

For Clery Act purposes, Hate Crimes include any of the following offenses that are motivated by bias:

- Murder and Non-negligent Manslaughter

- Sexual Assault
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- **Larceny-Theft:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.
- **Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
- **Intimidation:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- **Destruction/Damage/Vandalism of Property:** To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or person having custody or control of it.

There are eight categories of bias under the Clery Act:

- **Race:** A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, blacks or African Americans, whites.

- **Religion:** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.
- **Sexual Orientation:** A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation.
- **Gender:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.
- **Gender Identity:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender nonconforming individuals.
- **Ethnicity:** A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry.
- **National Origin:** A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.
- **Disability:** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

Other Definitions

Awareness Programs: Community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

Business Day: Monday through Friday, excluding any day when the institution is closed.

Bystander Intervention: Safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

On-Campus: (i) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and (ii) Any building or property that is within or reasonably contiguous to the area identified in paragraph (i) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

Consent (California Penal Code §261.6): 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. A current or previous dating or marital relationship shall not be sufficient to constitute consent. Consent is informed. Consent is an affirmative, unambiguous, and conscious decision by each participant to engage in mutually agreed-upon sexual activity. Consent is voluntary. It must be given without coercion, force, threats, or intimidation. Consent means positive cooperation in the act or expression of intent to engage in the act pursuant to an exercise of free will.

Consent (Palo Verde Community College District Administrative Policy Definition, Sexual Harassment & Sexual Violence Policy):

Consent is revocable. Consent to some form of sexual activity does not imply consent to other forms of sexual activity. Consent to sexual activity on one occasion is not consent to engage in sexual activity on another occasion. A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even

in the context of a relationship, there must be mutual consent to engage in sexual activity. Consent must be ongoing throughout a sexual encounter and can be revoked at any time.

Once consent is withdrawn, the sexual activity must stop immediately. Consent cannot be given when a person is incapacitated. A person cannot consent if s/he is unconscious or coming in and out of consciousness. A person cannot consent if s/he is under the threat of violence, bodily injury or other forms of coercion. A person cannot consent if his/her understanding of the act is affected by a physical or mental impairment. For purposes of this Policy, the age of consent is consistent with California Penal Code Section 261.5.

Federal Bureau of Investigation’s (“FBI”) Uniform Crime Reporting (“UCR”) Program: Nationwide, cooperative statistical effort in which city, university and college, county, State, Tribal, and federal law enforcement agencies voluntarily report data on crimes brought to their attention. The UCR program also serves as the basis for the definitions of crimes in the Clery Act and the requirements for classifying Clery Act crimes.

Hierarchy Rule: A requirement in the FBI’s UCR program that, for purposes of reporting crimes in that system, when more than one criminal offense was committed during a single incident, only the most serious offense be counted.

Non-campus Buildings or Property: (i) any building or property owned or controlled by a student organization that is officially recognized by the institution; or (ii) Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Ongoing Prevention and Awareness Campaigns: Programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution.

Pastoral Counselor: A person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling and is functioning within the scope of that recognition as a pastoral counselor.

Primary Prevention Programs: Programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

Professional Counselor: A person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of the counselor's license or certification.

Programs to Prevent Dating Violence, Domestic Violence, Sexual Assault, and Stalking: (i)

Comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that— (A) Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome; and (B) Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels. (ii) Programs to prevent dating violence, domestic violence, sexual assault, and stalking include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees, as defined in paragraph (j)(2) of this section.

Public Property: All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

Risk Reduction: Options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

Referred for Campus Disciplinary Action: The referral of any person to any campus official who initiates a disciplinary action of which a record is kept, and which may result in the imposition of a sanction.

Test: Regularly scheduled drills, exercises, and appropriate follow through activities, designed for assessment and evaluation of emergency plans and capabilities.