



# A Note from the Associate Vice Chancellor *Student Services*

August 15, 2016

Title IX: Sexual Harassment and Sexual Violence and How to Report It

Members of the Los Rios Community:

Each year we must distribute to all enrolled students an Annual Notice of Consumer Information that covers a wide range of topics. The four Los Rios Colleges have collected this information and made it available on a common [District web page](#). From the District web page, students can link to their appropriate college web pages to review the information. This memo is to inform you of new developments and information regarding one of these topics: required information on sexual assault prevention, education and response.

With the updating of federal Title IX mandates in spring 2011, the U.S. Department of Education has mandated that colleges and universities take the necessary and appropriate steps to ensure a positive learning and working environment for students on campus, free from unlawful discrimination and sexual harassment. It is important to note that sexual assault – including sexual violence, relationship violence and stalking – is a violation of Title IX and a form of sexual harassment or discrimination.

We have prepared and compiled a set of resources and Los Rios District policies, all found on the District's General Counsel [web page](#), and invite you to become familiar with them so you can refer students as needed:

- Sexual Assault: Education and Resources [Guide](#)
- WEAVE: [Understanding Sexual Assault](#)
- A slide presentation on [Title IX](#)
- The District's non-discrimination policy ([P-2113](#); [R-2113](#))
- The District's sexual harassment policy ([P-2424](#))
- The district's sexual assault policy ([P-2541](#))
- The District's discrimination complaint procedures ([P-2423](#); [R-2423](#))

The new development, effective August 22, concerns a new partnership between Los Rios and Sacramento-based WEAVE, the region's widely respected provider of crisis intervention services for survivors of relationship violence. Under the partnership, WEAVE will make available a Confidential Advocate to provide a wide range of information, support and assistance for persons in the District who report they have experienced sexual assault (which includes sexual violence, relationship violence and stalking). The creation of an advocate for those who report sexual violence, while not yet a federal mandate, has been at the forefront of federal legislation and has been a top priority of the California Community Colleges Chancellor's Office. Anyone may reach the Advocate by emailing her at [weaveconfidentialadvocate@losrios.edu](mailto:weaveconfidentialadvocate@losrios.edu) or by calling (916) 568-3011. This is a confidential phone line and only the Advocate will be able to retrieve messages and return calls.



Beginning September 12, the WEAVE Confidential Advocate will be available onsite one day a week at each of the colleges: SCC (Monday); FLC (Tuesday); ARC (Wednesday); and CRC (Thursday). The WEAVE Confidential Advocate's precise hours of operation and location at each college are still being worked out, but we felt it was important to share this information with staff and faculty at the outset of the partnership so that you are well informed.

This rest of this memo explains what all employees of the District must do if they receive a report of sexual assault. It incorporates existing practices and provides a common understanding of how the District and/or colleges will respond to complaints of sexual assault. The attached materials include an infographic followed by a narrative designed to help explain and describe the processes.

If you have any questions about any of these materials, please feel free to contact your college's Title IX Officer. The Title IX Officers listed below are responsible for the coordination and administration of the District's non-discrimination and harassment policies based on sex.

<p><b>ARC: Robin Neal</b> VP, Student Services Administration Bldg. (916) 484-8461; <a href="mailto:nealr@arc.losrios.edu">nealr@arc.losrios.edu</a></p>	<p><b>CRC: Kimberly McDaniel</b> VP, Student Services College Center Building (916) 691-7487; <a href="mailto:mdanik@crc.losrios.edu">mdanik@crc.losrios.edu</a></p>
<p><b>FLC: Molly Senecal</b> Dean, Planning &amp; Research Harris Center, PAC-2261 (916) 608-6688; <a href="mailto:senecam@flc.losrios.edu">senecam@flc.losrios.edu</a></p>	<p><b>SCC: Julia Jolly</b> Assoc. Vice President, Instruction Rodda Hall North (916) 558-2407; <a href="mailto:jollyj@scc.losrios.edu">jollyj@scc.losrios.edu</a></p>

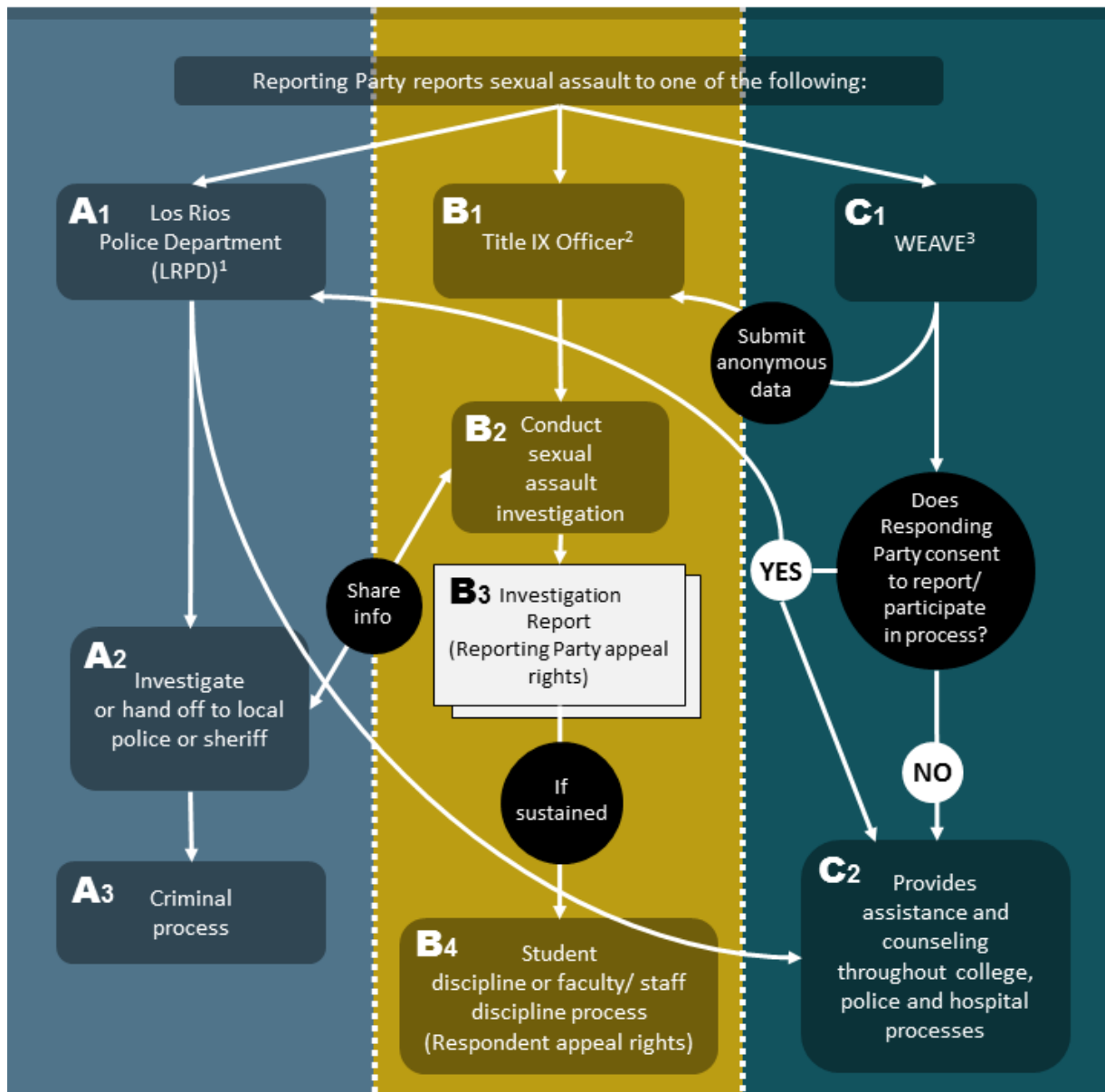
Acknowledgements to General Counsel JP Sherry and his assistant, Katrina Harman, Associate Vice Chancellor Mitchel Benson, Los Rios Police Capt. Valerie Cox, Interim Vice President of Student Services Kate Jaques, and Jaime Gerigk of WEAVE. Their yearlong leadership and perseverance on this project will better inform our college community about what we can do as individuals to stop sexual assault. I look forward to our continued collaborations as we develop and promote sexual assault prevention education programs at each of the four Los Rios Colleges.

Sincerely,



# SEXUAL ASSAULT

## EMPLOYEE RESPONSE PROCESS



<sup>1</sup> Student/faculty discipline should be informed of report for interim remedies.

<sup>2</sup> If reported to any other employee of the District/College, they will refer the matter to the Title IX Officer.

<sup>3</sup> A report to WEAVE is not a report to the college and the college will take no further action on those reports.



## A Person Reports Sexual Violence (Reporting Party)

### HOW THIS WORKS

A complaint of sexual violence generally must come to the attention of the District or college in one of two ways. The person who has experienced sexual violence (reporting party) or a third party close to him or her may report it to the:

- A. Los Rios Police Department (LRPD); or
- B. Title IX Officer (or any other employee of the District); or
- C. WEAVE Confidential Advocate, who is not an employee of the District or college and will not disclose the crime to the District/college or LRPD without permission.

### A. The LRPD's Involvement

WHO	<b>Los Rios Police Department (LRPD)</b> On-campus police who provide police services at all Los Rios locations. Staffed with sworn armed police officers.
WHAT	<ul style="list-style-type: none"> <li>Provide safety</li> <li>Discuss confidentiality</li> <li>Report to Title IX Officer</li> <li>May report to local law enforcement, who may take over the investigation</li> <li>Provide info about on- and off-campus resources</li> <li>Refer matter to district attorney's office for prosecution</li> </ul>
CONTACT	Any LRPD Police Officer  (916) 558-2221 or 911

#### A1. IF SEXUAL VIOLENCE IS REPORTED TO THE LRPD

A Reporting Party may report the matter to the LRPD. The LRPD should provide for the safety of the reporting party, discuss confidentiality and provide information about on- and off-campus resources. As an arm of the justice system, the LRPD investigates and reports its findings to the District Attorney's Office. The LRPD's investigation is independent of and takes primacy over the Title IX Officer's investigation, but must be coordinated with that investigation. The LRPD will notify the college's Student Discipline Officer as necessary.

#### A2. INVESTIGATION

Based on the District's Memoranda of Understanding with the local police and sheriff's departments, the LRPD's investigation is often transferred to those agencies for further investigation.

#### A3. CRIMINAL PROCESS

The District Attorney decides, based on the investigation report it receives from the LRPD or local law enforcement agency, whether criminal charges will be filed, and how the criminal case is resolved.



## B. The District/College Title IX Officer's Involvement

WHO	<p style="text-align: center; background-color: #808080; color: white; padding: 5px;"><b>Title IX Officer</b></p> <p>The employee charged with addressing claims of sexual assault.</p>
WHAT	<ul style="list-style-type: none"> <li>• Provide safety</li> <li>• If you ask, connect you to police</li> <li>• Discuss confidentiality</li> <li>• Investigate</li> <li>• Take action to end any harassment or violence</li> <li>• Provide notice of outcome</li> <li>• Provide info about on- and off-campus resources</li> </ul>
CONTACT	<p style="text-align: center;">Title IX Officer</p> <p>Online directory: <a href="http://tinyurl.com/grrjyzh">tinyurl.com/grrjyzh</a></p>

### B1. IF SEXUAL VIOLENCE IS REPORTED TO THE TITLE IX OFFICER (OR ANY OTHER EMPLOYEE OF THE DISTRICT)

A reporting party may report the matter to the college's Title IX Officer. If a reporting party reports sexual violence to a District/college faculty member, staff member or administrator, the person receiving the complaint should:

- Immediately report the matter to the District/college's Title IX Officer and the LRPD; and
- Refer the reporting party to the Title IX Officer and/or the LRPD.

Upon receipt of a report, the Title IX Officer should ensure the reporting party is safe and confirm the matter has also been reported to the LRPD, if the reporting party has requested it. The Title IX Officer should discuss confidentiality with the reporting party.

### B2. CONDUCT INVESTIGATION

Upon the receipt of a complaint of sexual violence, the District/college must:

- Investigate to determine if sexual violence has occurred;
- If sexual violence has occurred, take action to halt it immediately;
- In the interim, while the investigation is ongoing, protect the reporting party;
- Provide notice of the outcome; and
- Provide a grievance process.

These obligations are the District/college's and exist independent of the LRPD function.

In the case of sexual violence, the District/college's investigation will take place after the LRPD investigation, so as to not interfere with the primacy of the LRPD's investigation. However, the District/college's investigation cannot be indefinitely delayed. At some colleges, the Title IX Officer



is also the Equity Officer. The Equity Officer's job is to conduct investigations of all discrimination complaints, including complaints of sexual harassment and sexual assault. Upon commencement of the investigation, the Equity Officer should interview the reporting party, the person alleged to have committed the sexual violence (responding party), the witnesses and gather any documents or other evidence available.

### **B3. INVESTIGATION REPORT CONCLUSIONS**

Upon the conclusion of the investigation, the Title IX Officer will issue a report confirming or denying that sexual violence occurred based upon the preponderance of evidence standard.

If sexual violence occurred: the matter is referred to Student Discipline or Human Resources.

If sexual violence did not occur: the reporting party has three appeal choices: a) to the Board of Trustees; b) to outside agencies; or c) to the state Chancellor's Office.

### **B4. DISCIPLINE**

If the report concludes that sexual violence has occurred, either Human Resources (for employees) or Student Discipline (for students) will take the next steps in assessing what remedy to impose against the responding party. Depending on the misconduct, for students, the sanctions can range from counseling, to a reprimand, to suspension, to permanent expulsion. For employees, the sanctions can range from counseling, to a reprimand, to suspension, to termination.

Both the Student Discipline Process and the Human Resources Process are independent of the criminal process. Due process must be afforded to both the reporting party and the responding party, which typically means notice of the charges and the right to be heard. Responding parties who are employees have the added right to confront the reporting party.

*Human Resources Process:* This process starts with a notice of intent to discipline. If the discipline is more than a letter of reprimand, the District's Policies and Collective Bargaining Agreements allow the employee to appeal the findings and discipline by way of a hearing before an arbitrator. This hearing is very similar to a court hearing and the employee has the right to notice of the charges, to present evidence, to call witnesses and to cross-examine witnesses. At the hearing, the District must prove those charges to be true by a preponderance of the evidence. Upon the conclusion of the hearing, the hearing officer provides a recommendation to the Board of Trustees, which imposes the ultimate action.

*Student Discipline Process:* The Student Discipline Officer provides a notice of discipline to the student. The student against whom the charges are made has the right to appeal the matter to a student/faculty panel. That hearing is also similar to a court hearing; however, it is less formal. All





questioning is done through the faculty/student panel. There is no right to confront, challenge or cross-examine. Students can appear by television or other means, if appropriate, to avoid further trauma to the reporting party.

## C. WEAVE's Involvement

WHO	<p style="text-align: center;"><b>WEAVE Confidential Advocate</b></p> <p>Person designated to receive a confidential report of sexual assault and to provide access to confidential assistance.</p>
WHAT	<ul style="list-style-type: none"> <li>• Provide support services (advocacy, resources and information)</li> <li>• If you ask, connect you to police or college</li> </ul> <p><i>*A report to WEAVE is not a report to the college and the college will take no further action on those reports</i></p>
CONTACT	<p>WEAVE Confidential Advocate</p> <p>(916) 568-3011</p> <p>WEAVEConfidentialAdvocate@losrios.edu</p>

### C1. IF SEXUAL VIOLENCE IS REPORTED TO WEAVE CONFIDENTIAL ADVOCATE

WEAVE Confidential Advocates provide reporting parties with the opportunity to report sexual violence confidentially and obtain care and services they need.

- The WEAVE Confidential Advocate will provide support services and materials to the reporting party and inform him or her about the processes and resources available at the District/college, in the legal system and in the community.
- The WEAVE Confidential Advocate must also provide anonymous information regarding the circumstances of the sexual violence to the Title IX Officer in writing (email counts as writing).
- In turn, the Title IX Officer must provide this information to the LRPD in writing for inclusion in the annual Clery statistics.
- The WEAVE Confidential Advocate should ask the reporting party if he or she wishes to report to the Title IX Officer, to the LRPD, or to the local law enforcement agency, and/or participate in the process.

### C2. ADVOCACY FUNCTION

If requested by the reporting party, the WEAVE Confidential Advocate will assist him or her in obtaining medical care, legal assistance and assistance at the District/college, as well as act as a support and advocate for him or her in the hospital, in the legal system and at the District/college.