



HARTNELL COLLEGE

CLERY ACT 2023

ANNUAL SECURITY REPORT

Safety and Security on Campus

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Introduction

The Hartnell Community College District (HCCD) Office of Public Safety (hereinafter “Public Safety Department”) provides services to protect the members of the college community and the property of the Hartnell Community College District.

The Public Safety Department falls under the general direction of the vice president of administrative services. The Public Safety Department is directed by the director of public safety, who insures that reasonable protection is provided by using methods that fit within and contribute to the educational mission of the institution.

The Public Safety Department is administered from Building E Room 115 on the main Hartnell Community College District Campus, 411 Central Avenue, Salinas, California, 93901.

(Hartnell College has many board policies and administrative procedures that reference safety and security concerns, including: **BP 3500, Campus Safety; References: Education Code Section 67380(a)(4);. AP 3500 Campus Safety; References: Education Code sections 212, 67380, and 87014; Penal Code section 245; Federal Campus Security**

Act of 1990; 20 U.S. Code Sections 1092(f) and 1232g; 34 Code of Federal Regulations 668.36 and 99.31(a)(13), (14); BP 3515 Reporting of Crimes; References: Education Code Section 67380; AP Reporting of Crimes, References: Education Code Sections 212, 67380, 67383, and 87014; Penal Code Sections 245 and 422.55; ; Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990, as amended 2008 (20 United States Code Section 1092(f)); 20 United States Code Section 1232g; 34 Code of Federal Regulations Parts 99.31(a)(13), (14) 99.39, and 668.46; Campus Security Act of 1990; **BP 6520, Security for District Property; References: Education**

Code Sections 81600 et seq., Accreditation Standard III.B.1.; and **AP 6520, Security for District Property; References: Accreditation Standard III.B.1)**

Message from the Public Safety Director

The HCCD Public Safety Department prepares this report and presents it to the campus community as a part of Hartnell's commitment to safety. **This report is written as outlined in compliance with The Jeanne Clery Act of 1990 and the Violence Against Women Reauthorization Act of 2013.**

The full text of this report can be found on the [Campus Safety and Security Website](#), accessible from the [Hartnell Homepage](#).

This report is prepared in cooperation with local law enforcement agencies surrounding our campuses and education centers, along with the Department of Student Affairs and other campus officials, including but not limited to vice presidents, directors, deans, department heads, student organizations, program managers, athletic coaches and assistant coaches, and campus safety authorities.

Each entity provides updated information on their educational efforts and programs to comply with **The Jeanne Clery Act of 1990**.

Campus crime arrest and referral statistics include those reported to Campus Security, by our law enforcement partners, and required reporters. In addition, Hartnell's counseling staff inform their clients of the procedures to report crime on a voluntary or confidential basis, should they feel it is in the best interest of the client. A procedure is in place to anonymously capture crime statistics disclosed confidentially through the counseling staff.

Copies of this Annual Security Report may be obtained through the Hartnell Public Safety Department, located at the Hartnell Community College District on Main Campus in Building E Room 115 or by calling (831) 770-7013. In addition, **this report can be found** at the security station at the Alisal Campus, Bldg. A, 1752 E. Alisal Street, Salinas, CA 93905, the Castroville Education Center, 10241 Tembladera St., Castroville, CA 95012, the Soledad Education Center, 1505 Metz Rd., Soledad, CA 93960, and at the King City Education Center, 117 N. 2nd Street, King City, CA 93930. All prospective employees may obtain a copy from the Human Resources Office in the District Office on Main Campus, Bldg. D-108 or by calling (831) 755-6706.

This report is distributed as required by The Jeanne Clery Act of 1990.

HCCD Public Safety Department

Under the direction of the superintendent/president's designee, the Hartnell Community College District shall establish, implement, and maintain an effective crime awareness and campus safety program. The program must comply with applicable sections of the Education and Penal Codes and all requirements of the Crime Awareness and Campus Safety Act of 1990.

HCCD has contracted services for campus safety officers from GSG Protective Services, who are non-sworn and unarmed. The Public Safety Department shall insure that reasonable protection is provided by using methods that fit within, and contribute to, the educational mission and procedures of the institution. The District works cooperatively with the Monterey County Sheriff's Department at the Castroville Education Center, the Salinas Police Department at the Main Campus and Alisal Campus, the Soledad Police Department at the Soledad Education Center, and the King City Police Department at the King City Education Center in providing assistance with incidents that require Law Enforcement resources. A Memorandum of Understanding (MOU) has been established with the Soledad Police Department and are in process with the other local law enforcement agencies that support the District.

Security Officers are available at all HCCD Campuses:

- 24/7 at the Main and Alisal Campuses in Salinas.
- Monday – Friday 7am to 10pm when classes are in session at the Castroville Education Center
- Monday – Friday 7am to 10pm and Saturday 8:30am to 12:30am when classes are in session at the Soledad Education Center.
- Monday – Thursday 7am to 10pm and Friday 7am to 6:30pm when classes are in session at the King City Education Center.

To fulfill the responsibility of providing Campus Safety at HCCD, campus safety officers use a multifaceted approach. Security Officers provide patrol, parking enforcement, and observation functions. Their approach is to provide a balanced reactive response to criminal incidents and emergencies with a proactive focus on reducing or preventing criminal activity that may compromise campus safety and immediately report criminal activity to local law enforcement officials.

Campus Safety and Education

The Public Safety Department encourages members of the Hartnell community to assist in preventing crime by minimizing opportunities to become a victim by using good judgment, safety practices, and by encouraging students and employees to be responsible for their own and others' safety. During the reporting period there were educational presentations conducted regarding crime prevention and safety to students and staff and records of these trainings have been maintained at the Public Safety Office on the Main Campus in Bldg. E Room 115. A variety of crime prevention handouts can be provided at the Main Campus, Alisal Campus, Castroville Education Center, Soledad Education Center, and King City Education Center.

- **Board Policy 3500 Campus Safety provides that “The Board of Trustees is committed to a safe and secure District work and learning environment. To that end, the superintendent/president shall establish a campus safety plan and ensure that it is posted or otherwise made available to students.**

Any such program must comply with applicable sections of the **Education and Penal Codes and all requirements of the Crime Awareness and Campus Safety Act of 1990.**

The superintendent/president has established procedures for the implementation of this policy, e.g., AP 3500.. These procedures also are located in the Office of the Vice President for Administrative Services.

Access to Campus Facilities

Campus facilities are open Monday - Thursday from 7:00 a.m. – 10:00 p.m. and Fridays from 8:00 a.m. – 5:00 p.m., Saturday 8:00 a.m. - 5:00 p.m. (Excluding Holidays and Semester Breaks).

The use of facilities outside of the regular class schedule may be scheduled by contacting Facilities/Events Scheduling Office at 831-755-6870.

Security Patrol and Escorts

Campus Security patrols at all campuses and escorts are available daily upon request when classes are in session. The Director of Public Safety will have the most current security schedule for all sites.

- Hartnell Main Campus and Alisal Campus: 24/7
- Castroville Education Center: Monday – Friday 7am to 10pm
- Soledad Education Center: Monday – Friday 7am to 10pm and Saturday 8:30am-12:30am
- King City Education Center: Monday – Thursday 7am to 10pm and Friday 7am-6:30pm

Authority of Security and Working Relationship with State and Local Police

Campus Security Officers are authorized to stop and question a person on district property, in addition to communicate criminal activity to local law enforcement:

- To inquire and investigate policy violations of the student code of conduct and associated board policies and administrative procedures;
- Has a reasonable suspicion that the subject may have committed, may be involved in committing, or may be about to commit a crime;
- Believes that a subject may be a hazard to himself, others or property; or
- Believes that the interview may have a proactive effect in the prevention of a crime or incident;

Hartnell College maintains a working relationship with the Monterey County Sheriff's Office, Salinas Police Department, Soledad Police Department, and King City Police Department.

Salinas: All crimes on the campuses in Salinas are reported to the Salinas Police Department. GSG Protective Services Security assists the Salinas Police Department and the victim in the investigation of crimes occurring on the Main and Alisal campuses.

Castroville: All crimes at the Castroville Education Center are reported to the Monterey County Sheriff's Office. GSG Protective Services Security assists the Monterey County Sheriff's Office

and the victim in the investigation of crimes occurring on the Castroville Education Center campus.

Soledad: All crimes at the Soledad Education Center are reported to the Soledad Police Department. GSG Protective Services Security assists the Soledad Police Department and the victim in the investigation of crimes occurring on the Soledad Education Center campus.

King City: All crimes at the King City Education Center are reported to the King City Police Department. GSG Protective Services Security assists the King City Police Department and the victim in the investigation of crimes occurring on the King City Education Center campus.

Reporting a Crime

Victims of crime and persons involved in emergency situations on campus are advised and strongly encouraged to promptly report incidents to Campus Security (GSG Protective Services) and local law enforcement. (See BP and AP 3515, Reporting of Crimes). Most crimes can be reported anonymously if the caller chooses. Reports of crime may also be made to Campus Safety Authorities who include department designated officials including but not limited to vice presidents, directors, deans, department heads, Student Affairs personnel, student organization program managers and all athletic coaches, including assistant coaches.

Professional counselors are encouraged to report crimes to Security for the purpose of annual statistical compilation. The identities of the victim and witnesses need not be disclosed in most circumstances. The victim is encouraged to report the crime to security; however, he/she is not required to do so. Victims and witnesses may report crimes on a voluntary and confidential basis.

Confidential campus resources include the Crisis Counseling Services for students, located in Bldg. D #123 on the Main Campus. Counselors will listen, provide students with support, offer options, and guide students through campus procedures. Staff will help the complainant or respondent with all available options and assistance resources; decide which plan of action he or she feels most comfortable with; craft a statement that contains all of the relevant information regarding the complaint; and make decisions about how to proceed in reports of crimes.

Required Reports to Local Law Enforcement Agency

Any report of willful homicide, forcible rape, robbery, aggravated assault, sexual assault, or hate crime, committed on or off campus, that is received by a Campus Safety authority and made by the victim for the purposes of notifying the institution or law enforcement must be immediately, or as soon as practicably possible, disclosed to the local law enforcement agency. **(Ed. Code § 67383)** The report shall not identify the victim, unless the victim consents to being identified after the victim has been informed of his/her right to have his/her personally identifying information withheld **(California PC 293)**.

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 unless the District determines the following: **(1)** the alleged assailant represents a serious or ongoing threat to the safety of students, employees, or the institution; and **(2)** the immediate assistance of the local law enforcement agency is necessary to contact or detain the assailant. The District will immediately inform the victim of any disclosure made regarding the assailant's identity. **(Ed. Code § 67380)**

To Report a Crime:

Main Campus – Dial “6888” from any campus ext., or call 831-755-6888; dial “911” for Law Enforcement.

Alisal Campus – Dial “7004” from any campus ext., or call 831-770-7004; dial “911” for Law Enforcement.

Castroville Education Center – Dial “7006” From a campus ext. or call 831-770-7006; dial “911” for Law Enforcement.

Soledad Education Center – Dial “7116” From a campus ext. or call 831-386-7116; dial “911” for Law Enforcement.

King City Educational Center – Dial “7131” From a campus ext. or call 831-386-7131; dial “911” for Law Enforcement.

In addition to any reporters as outlined by previous paragraphs.

Board Policy Reporting to Security and Police Agencies

The Superintendent/President shall assure that, as required by law, reports are prepared of all occurrences reported to District's Public Safety Office of and arrests for crimes committed on campus that involve violence, hate violence, theft or destruction of property, illegal drugs, or alcohol intoxication. The Superintendent/President shall further assure that required reports of non-criminal acts of hate violence are prepared. Such reports shall be made available as required by law.

(Hartnell Community College District, Board Policies **BP 3515 Reporting of Crimes;
Reference: Education Code Section 67380)**

Reporting of Crimes Administrative Procedure

References: Education Code Sections 212, 67380, 67383, and 87014; Penal Code Sections 245 and 422.55; The Jeanne Clery Disclosure of Campus Safety Policy and Campus Crime Statistics Act of 1990, as amended 2008 (20 United States Code Section 1092(f)); 20 United States Code Section 1232g; 34 Code of Federal Regulations Parts 99.31(a) (13), (14) 99.39, and 668.46.

Campus Safety Act of 1990

I. Reporting of a Crime

Members of the Hartnell Community College District who are witnesses or victims of a crime should immediately report the crime to Hartnell CCD's Public Safety Office. In the event an employee is assaulted, attacked, or menaced by a student or non-student, the employee shall notify his/her supervisor as soon as practical after the incident. The supervisor of any employee who is attacked, assaulted, or menaced shall assist the employee to promptly report the attack or assault to the Hartnell CCD's Public Safety Office. The supervisor himself/herself shall make the report if the employee is unable or unwilling to do so. The Public Safety Office shall report any such incidents to the local law enforcement agency.

Reporting a complaint to local law enforcement will not relieve the District of its obligation to investigate all complaints of harassment. (Ed. Code § 87014.)

- To report a crime, contact Hartnell CCD's Public Safety Office at (831) 770-7013 (for non-emergencies) and dial 9-1-1 (for emergencies only).
- Any suspicious activity or person seen in the parking lots or loitering around vehicles or inside buildings should be reported to the Public Safety Office.

In addition, you may report a crime to the following areas:

- Chief Student Services Officer (Vice President Student Affairs) (831) 755-6822
- Chief Counseling Officer (Clinical Supervisor for Crisis Counseling) (831) 759-6057
- Chief Human Resources Officer (Vice President of Human Resources) (831) 755-6706

If you are the victim of a crime and do not want to pursue action within the District's system or the criminal justice system, you may still want to consider making a confidential report. With your permission, the District's Campus Security Officers can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others.

With such information, the District can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the Annual Crime Statistics for the institution.

The District's Public Safety Office encourages anyone who is the victim or witness to any crime to promptly report the incident to the police. Because police reports are public records under state law, the District's Public Safety Office cannot hold police reports of crime in confidence. Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can generally be made to other Campus Safety authorities as identified below.

- Confidential reports of crime may also be made to Crime Stoppers of Monterey County at **800-499-2746**.

The District may disclose the final results of disciplinary proceedings to a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, regardless of the outcome. The District may also disclose to anyone, the final results of a disciplinary proceeding in which it concludes that a student violated District policy with respect to a crime of violence or non-forcible sex offense.

The offenses that apply to this permissible disclosure are:

- Arson;
- Assault offenses;
- Burglary;
- Criminal homicide – manslaughter by negligence;
- Criminal homicide – murder and non-negligent manslaughter;
- Destruction, damage, or vandalism of property;
- Kidnapping or abduction;
- Robbery;
- Forcible sex offenses.

The disclosure may only include the final result of the disciplinary proceeding with respect to the alleged criminal offense. The District shall not disclose the name of any other student, including a victim or witness, unless the victim or witness has waived his/her right to confidentiality. **(34 CFR 99.39) (See also AP 5520 Student Discipline, Section VII. Student Record of Discipline)**

II. Required Reports to Local Law Enforcement Agency

Any report of willful homicide, forcible rape, robbery, aggravated assault, sexual assault, or hate crime, committed on or off campus, that is received by a Campus Safety authority and made by the victim for the purposes of notifying the institution or law enforcement must be immediately, or as soon as practicably possible, disclosed to the local law enforcement agency. **(Ed. Code § 67383.)**

The report shall not identify the victim, unless the victim consents to being identified after the victim has been informed of his/her right to have his/her personally identifying information withheld. 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 unless the District determines the following:

1. The alleged assailant represents a serious or ongoing threat to the safety of students, employees, or the institution;
2. The immediate assistance of the local law enforcement agency is necessary to contact or detain the assailant. The District will immediately inform the victim of any disclosure made regarding the assailant's identity. **(Ed. Code § 67380.)**

III. Timely Warnings

In the event that a situation arises, either on or off campus, that, in the judgment of the Director of Public Safety, constitutes an ongoing or continuing threat, a campus wide "timely warning" will be issued. The warning will be issued through the District's email system to students and employees and/or through the District's SMS-based emergency notification service for mobile phone systems. If issuing a notification will compromise efforts to contain the emergency, then a report shall be issued as soon as practical following containment.

The information shall be disseminated by the Director of Communications and/or the Director of Public Safety in a manner that aids the prevention of similar crimes. Depending on the particular circumstances of the crime, especially in all situations that could pose an immediate threat to the community and individuals, the Director of Communications may also post a notice on the [District Website](#), providing the community with more immediate notification.

The electronic bulletin board is immediately accessible via computer by all faculty, staff and students. Anyone with information warranting a timely warning should report the circumstances to the Hartnell CCD's Public Safety Office by calling (831) 770-7013 or in person at Building E Room 115.

Timely warnings shall be published to the campus community for the following crimes:

- Criminal homicide – murder and non-negligent manslaughter;
- Criminal homicide – negligent manslaughter;
- Sex offenses – forcible and non-forcible sex offenses;
- Domestic violence, dating violence and stalking;
- Robbery;
- Aggravated assault;
- Burglary;
- Motor vehicle theft;
- Arson;
- Crimes that manifest evidence that the victim was intentionally selected because of the victim's actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability and involve any of the crimes listed in (a) through (i), in addition to crimes of larceny-theft, simple assault, intimidation, destruction/damage/vandalism of property, or any other crime involving bodily injury;
- Arrests, or persons referred for disciplinary action, for liquor law violations, drug law violations, and illegal weapons possession;
- Those reported to the Salinas Police Department, Monterey County Sheriff's Office, Soledad Police Department, and King City Police Department and those that are considered **to represent a continuing threat** to other students and employees.

The District shall not be required to provide a timely warning with respect to crimes reported to a pastoral or professional counselor.

If there is an immediate threat to the health or safety of students or employees occurring on campus, the District shall follow its emergency notification procedures. **(20 USC 1092(f); 34 CFR 668.46.**

IV. Crime Log

The Public Safety Office shall maintain a written daily crime log that records any crime that occurred on campus, on a non-campus building or property, on public property, or within patrol jurisdiction of the department and is reported to the Public Safety Office.

The log shall include the nature, date, time, and general location of each crime, as well as the disposition of the complaint, if known. All entries to the log must be made within two (2) business days of the report to the Public Safety Office. The District may withhold information from the log, until such time as disclosure would be appropriate, if there is clear and convincing evidence that the release of such information would jeopardize an ongoing investigation or the safety of an individual, cause the suspect to flee or evade detection, or result in the destruction of evidence. This crime log, for the most recent 60 days, shall be open for public inspection during normal business hours. **(20 USC 1092(f); 34 CFR 668.46, subd. (f).)**

The Security Office maintains a daily log of all crimes, emergency responses, and reported incidents. The daily log entries that are required by law are available for review upon request and are posted on the [Campus Safety Website](#).

In addition to a paper copy at each campus to include the main campus repository at Public Safety Office, Hartnell College, 411 Central Avenue, Bldg. T, Salinas, CA 93901.

Requests for information regarding the crime log may be made by calling 831-770-7001 or requests in writing may be sent to:

**Hartnell College Public Safety Office
411 Central Avenue, Building T
Salinas, California 93901**

The disclosure of the information for the purpose of timely warnings to the community and statistical compilation does not contain information concerning victims or witnesses to the crime.

Statistical Information for the years 2010 through 2022, are located on the [Campus Safety Web Page](#).

Preparation of the Annual Disclosure of Crime Statistics

The Director of Public Safety produces the annual disclosure of crime statistics from the crimes reported to Campus Security and crime statistics it receives through consultation with the Campus Community CSA's, Hartnell Crisis Counseling, Monterey County Sheriff's Office, Salinas Police Department, Soledad Police Department, and the King City Police Department.

Statistical information is also gathered from reports made to the Vice President of Student Services and Director of Student Affairs.

The Information received is statistical only, and does not include confidential information about the victim or witnesses. Statistics are provided to the Department of Education annually and that data is available to the general public by visiting [U.S. Department of Education - Campus Safety and Security](#). **(AP 3515)**

(Hartnell Community College District, Board Policies AP 3515 Reporting of Crimes; References: Education Code Sections 212, 67380, 67383; and 87014; Penal Code Sections 245 and 422.55; Jeanne Clery Disclosure of Campus Safety Policy and Campus Crime Statistics Act of 1990, as amended 2008 (20 United States Code Section 1092(f); 20 United States Code Section 1232g; 34 Code of Federal Regulations Parts 99.31(a) (13), (14) 99.39, and 668.46; Campus Safety Act of 1990)

V. Records of Crime Reports

Campus Safety Officers shall compile records of all occurrences reported to the Campus Safety Office, including any arrests for crimes committed on campus involving violence, hate violence, theft, and destruction of property, illegal drugs, or alcohol intoxication. **(Ed. Code § 67380, subd. (a)(1).)**

Any written record of a noncriminal act of hate violence shall include a description of the act of hate violence, victim characteristics, and offender characteristics, if known. "Hate violence" means any act of physical intimidation or harassment, physical force, or physical violence, or the threat of physical force or violence, directed against any person or group of persons, or the property of any person or group, because of the ethnicity, race, national origin, religion, sex, sexual orientation, gender identity, gender expression, disability, or political or religious beliefs of that person or group. **(Ed. Code § 67380, subd. (a)(1), (a)(2), (c)(1).)**

These records shall be available within two (2) business days following the request of any student, employee, or applicant for admission, or to the media, unless the information is exempt from disclosure pursuant to Government Code section 6254, subdivision (f). The name of the victim, or any other personally identifying information of a victim of any crime defined by Section 243.4, 261, 262, 264, 264.1, 273a, 273d, 273.5, 286, 288a, 289, 422.6, 422.7, or 422.75 of the Penal Code shall not be disclosed without permission of the victim or the victim's parent or guardian if the victim is a minor. **(Ed. Code § 67380, subd. (a)(3).)**

Information compiled pursuant to this section, relating to hate violence, shall be reported to the Governing Board. The Governing Board shall report this information to the Legislative Analyst's Office no later than January 1st of each year, and shall make the report available to the general public on the District's website. **(Ed. Code § 67380, subd. (a)(5).)**

A daily crime log is kept in compliance with The Jeanne Clery Act and posted inside the Public Safety Office at each campus location in compliance with the Clery Act.

Information regarding the log may be requested by calling 831-770-7013.

[Campus Safety maintains a website](#) and publishes security incident information. Campus crime statistics and crime prevention information is available at the site; including personal safety tips, how to contact security, security escorts, and links to other public safety information.

Information regarding criminal activity is always provided to the campus community in a manner that protects the privacy of victims and witnesses. **(BP 3515/AP 3515)**

(Hartnell Community College District, Board Policies, BP 3515/AP 3515 Reporting of Crimes; Reference: Education Code Section 67380; Education Codes Section 212, 67380, 67383, and 87014; Penal Code Sections 245 and 422.55; Jeanne Clery Disclosure of Campus Safety Policy and Campus Crime Statistics Act of 1990, as amended 2008 (20 United States Code Section 1092(f); 20 United States Code Section 1232g; 34 Code of Federal Regulations Parts 99.31(a) (13), (14) 99.39, and 668.46; Campus Safety Act of 1990)

VI. Annual Security Reporting

The District shall annually collect and distribute statistics concerning crimes on campus. All District staff with significant responsibility for student and campus activities shall report crimes about which they receive information.

The District shall publish an Annual Security Report every year by October 1st that contains statistics regarding crimes committed on campus and at affiliated locations for the previous three years. The Annual Security Report shall also include policies pertaining to Campus Safety, alcohol and drug use, crime prevention, the reporting of crimes, sexual assault, victims' assistance program, student discipline, campus resources and other matters. The District shall make the report available to all current students and employees.

The District will also provide prospective students and employees with a copy of the Annual Security Report upon request. A copy of the Annual Security Report can be obtained by contacting the Director of Public Safety's Office located in Bldg. E Room 115 or by going online to [Annual Security Report Crime Statistics](#).

(20 USC 1092(f); 34 CFR 668.46)

Emergency Response and Evacuation Procedures

Hartnell Community College District is dedicated to providing a safe and secure environment for its students, staff, faculty, visitors, and guests. The District has an established emergency preparedness and response poster that can be found posted in each common area and public areas of the campus as a guide of what to do in an emergency. In addition, the [Emergency Action Plan has been posted](#) and disseminated. In support of these plans are the main Campus Emergency Management Plan. In addition to a Building Emergency Evacuation Action Plan that has been disseminated to a list of designees who were charged to disseminate the plan to those occupants of their respective areas.

It is the policy of Hartnell Community College to immediately respond to emergencies, notify the campus of the emergency, and evacuate campus when appropriate.

Emergency notifications to the campus are made to the campus population through the use of an electronic notification system which includes email, text alert messaging, and office and cell phone notifications.

Notification messages advise of the campus emergency. The Emergency Notification System is tested annually. In addition, the security office maintains a campus safety and facilities emergency status bulletin telephone number at 831-796-6222, from a campus line, simply dial 6222. This line will announce any known emergency situations or outages at all campuses. The District encourages staff, faculty, and students to maintain current emergency contact information, and list a primary cell phone numbers in order to ensure that they are immediately notified of emergency information. Staff, faculty and students may update their information by contacting the Human Resources Office.

In the event that Campus Security receives a report that there is a significant emergency or immediate threat on campus, Security will immediately respond and investigate the report.

The on-duty Campus Security Officer shall immediately notify the Director of Public Safety or an administrator on duty. The Director of Public Safety or administrator on duty will direct the on-duty Officer to request emergency services as required to the campus, such as police, fire, or paramedics, if such a request has not already been made. The on-duty Security Officer has the authority to make the request prior to notifying the Director of Public Safety.

Upon confirming that significant emergency or dangerous situation involving an immediate threat to the community exists, an emergency notification will be initiated to the campus as soon as possible, without delay, taking into account the safety of the community, unless the notification will, in the professional judgment of the responsible authorities, compromise efforts to assist victim or to contain, respond to, or otherwise mitigate the emergency.

The content of the notification shall be determined based on the nature of the emergency. The content will include the nature of the emergency, such as a gas leak, chemical spill, dangerous threat, and instructions to the campus population such as to shelter in place, remain indoors, evacuate a building, to remain out of the affected area, or to remain away from the campus.

The Director of Public Safety will contact the VP of Administrative Services or the Superintendent/President of the College to brief them on the circumstances of the emergency. The District has established procedures for disseminating emergency information to the larger community.

The District conducts annual training exercises to test the response and capabilities of the campus critical operations. In addition to an annual test to include the Emergency Operations Center.

Incident Reporting System

If you witness, or are aware of, a potential risk to another student, faculty or staff member, you may file a report through our online Report Concerning Behavior icon on the [Hartnell College Web Page](#).

Parents, students, faculty, guests and staff may use this system to report a range of incidents such as: bullying, vandalism, suspicious activity, academic cheating or possession of an illegal substance. The appropriate university department will investigate all reports. Your information will remain confidential and you have the option to submit the form anonymously.

If you have an emergency, please Call 9-1-1 for immediate assistance.

The Jeanne Clery Act “Clery Act”

The Jeanne Clery Disclosure of Campus Safety Policy and Campus Crime Statistics Act (most commonly referred to as the “Clery Act”) is named for a 19-year-old student who was raped and murdered in 1986 while a freshman at Lehigh University. Her death led to national awareness of the way campus law enforcement handles the investigation of crime on campus as well as how it disseminates security information and crime statistics to the campus population with The Jeanne Clery Act.

To be in compliance with The Jeanne Clery Act, Colleges and Universities must comply by completing the:

- Annual Security Report
- Statements of Policy
- Campus Crime Statistics
- Campus Sexual Assault Victim Bill of Rights
- SaVE Act Statistics
- Ongoing Disclosures
- Emergency Notifications
- Timely Warnings
- Public Crime Log

The U.S. Department of Education enforces The Jeanne Clery Act.

Sexual Assault Reporting and Assistance

Members of the College community are acutely aware that the victim of a sexual assault may be physically and emotionally traumatized by an attack and each occurrence requires prompt and immediate attention. Sexual assaults will not be tolerated and each incident will be investigated with appropriate disciplinary, criminal, or legal action with the consent from the victim.

If you are a victim of a sexual assault, please do the following:

- Go to a safe place as soon as you can.
- Try to preserve all physical evidence. Do not wash, use the toilet, or change clothing if you can avoid it. If you change clothes, put all clothing you were wearing at the time of the attack in a paper, not plastic, bag.
- Contact the local law enforcement agency as soon as possible by calling 9-1-1 for an emergency. Campus Safety members will assist you in notifying the appropriate law enforcement agency.
- Get medical attention.
- Talk with Crisis Counseling Services at 831- 770-7019. Campus Safety personnel will assist you in contacting a trained professional whether you want to pursue legal action or not. Victims have the right to have an advocate and support person present at the hospital for examination.
- Contact someone you trust.

Education and Prevention

In an effort to reduce the risk of sexual misconduct as well as the crimes of rape, sexual assault, sexual harassment, stalking, dating violence and domestic violence occurring among its students, Hartnell Community College District utilizes a range of strategies and initiatives to provide awareness, educational, risk reduction and prevention programming.

Hartnell Community College District offers programming to prevent domestic violence, dating violence, sexual assault (including stranger and known offender assaults) and stalking each year. Educational programs are offered to raise awareness for all students, staff and faculty. These programs and others offered throughout the year include strong messages regarding not just awareness, but also primary prevention (including normative messaging, environmental management and bystander intervention), and discuss institutional policies on sexual misconduct as well as the California Penal Code definitions of domestic violence, dating violence, sexual assault, stalking and consent in reference to sexual activity. Bystander engagement is encouraged through safe and positive intervention techniques and by empowering third-party intervention and prevention such as calling for help, identifying allies and/or creating distractions.

The following were conducted in 2022/2023 up to this reporting:

- Clery Act Overview
- Diversity, Equity, and Inclusion
- Drug Free Workplace
- Mandated Reporter: Child Abuse and Neglect
- Sexual Harassment Policy and Prevention
- Suicide Prevention and Campus Safety Awareness
- Safety Presentations given by Public Safety Office

Sexual Violence on Campus

The District has developed a comprehensive Sexual Assault Policy for working with students, staff, and faculty who are victims of sexual violence.

Sexual Assault is a crime regardless of when or where it occurs, or what the relationship is between the attacker and the victim. Hartnell College is committed to providing a safe environment for students and staff. Reports of sexual misconduct will be thoroughly investigated and the victim informed of the outcome.

If you, or someone you know, have been the victim of sexual misconduct, gender based violence or the crimes of rape, acquaintance rape, sexual assault, sexual harassment, stalking, dating violence or domestic violence, some or all of these safety suggestions may guide you after an incident has occurred:

1. Go to a safe place and speak with someone you trust. Tell this person what happened. If there is any immediate danger, contact **Campus Security (831) 755-6888** if you are on campus or call 9-1-1 if you are off campus.
2. Consider securing immediate professional support (e.g. counseling, victim advocacy, medical services, etc.) to assist you in the crisis.
3. If you are on campus during regular business hours, you may go to Counseling Services, for support and guidance. These are both confidential resources.
4. For your safety and well-being, immediate medical attention is encouraged. Further, being examined as soon as possible ideally within 72 hours, is important in the case of rape or sexual assault. The hospital will arrange for a specific medical examination at no charge. To preserve evidence, it is recommended that you do not bathe, shower, douche, eat, drink, smoke, brush your teeth, urinate, defecate or change clothes before receiving medical attention. Even if you have already taken any of these actions, you are still encouraged to have prompt medical care, and evidence may still be recoverable. Typically, if police are involved or will be involved, they will obtain evidence from the scene, and it is best to leave things undisturbed until their arrival. They will gather bedding, linens or unlaundered clothing and any other pertinent articles that may be used for evidence. It is best to allow police to secure items in evidence containers, but if you are involved in transmission of items of evidence, such as to the hospital, secure them in a clean paper bag or clean sheet, to avoid

contamination. If you have physical injuries, photograph or have them photographed, with a date stamp on the photo. Record the names of any witnesses, and their contact information. This information may be helpful to the proof of a crime, to obtain an order of protection or to offer proof of a campus policy violation. Try to memorize details (physical description, names, license plate number, car description), or even better, write notes to remind you of details, if you have time and the ability to do so. If you obtain external orders of protection (e.g. restraining orders, injunctions, protection from abuse), please notify Campus Safety or the **Title IX Coordinator** (Vice President of Human Resources), so that those orders can be observed on campus.

5. Even after the immediate crisis has passed, consider seeking support from campus or community counseling center(s), and/or the local Victim/Witness Assistance Program. Confidential counseling is available on campus through the Counseling Department at 831-755-6820.

In addition to: **Victim Witness Assistance Program #58**
 142 West Alisal St., Suite A
 Post Office Box 1131
 Salinas, California 93902
 Phone: (831) 755-5072
 Fax: (831) 755-5003

Off campus confidential counseling is available at Natividad Medical Center-24hr Crisis Line: 831-755-4111.

6. Contact the Office of Student Affairs if you need assistance with concerns, such as no-contact orders or other protective measures. The staff will also assist in any needed advocacy for students who wish to obtain protective or restraining orders from local authorities. The College is able to offer reasonable academic accommodations, transportation accommodations, safety escorts, no contact orders, counseling services access and other support and resources as needed by a victim. **(BP 3540/AP 3540)**

(Hartnell Community College District, Board Policies, **BP 3540** Sexual and Other Assaults on Campus; References: Education Code Sections 67382, 67385, and 67386; 20 U.S. Code Section 1092(f); 34 Code of Federal Regulations Section 668.46(b) (11)); **AP 3540** Sexual and Other Assaults on Campus; References: Education Code Sections 67385, 67385.7, and 67386; 20 U.S. Code Section 1092(f); 34 Code of Federal Regulations Section 668.46(b) (11).

Registered Sex Offenders

Information concerning registered sex offenders as required under the California Penal Code Sections 290 can be obtained from the Salinas Police Department, Monterey County Sheriff's Office, the King City and Soledad Police Departments. The information may also be obtained by visiting [Megan's Law](#) Sex offenders are required to register with the Department of Public Safety and with local law enforcement.

Crime Prevention Programs

Crime Prevention and personal safety tips are available via the [Campus Safety Website](#).

Over this reporting year, numerous safety presentations to constituent groups on Active Shooter, Emergency Management, Safety Systems and features, etc. Most of these training was facilitated at staff and faculty meetings and Staff Development trainings. These trainings help educate campus staff, faculty and students. In addition, faculty receive a Syllabus statement that directs them what to do in an Emergency and is disseminated to classes to educate their student's regarding emergencies and crime prevention.

In addition, the district holds an Emergency Management Team meetings which are held monthly with the exception of times when school is not in session (semester breaks). In addition, the Safety Committee meets quarterly and this committee represents all campus constituencies. The committee reviews campus hazards and safety issues reporting procedures amongst topics. This committee makes recommendations to address environmental hazards and enhance reporting. In addition, trainings are conducted within the committee to enhance information sharing amongst constituent groups.

Drug-Free Schools & Campuses Act

The College is committed to creating a safe and healthy learning environment for all members of the campus community. The College disapproves of alcohol abuse, intoxication, and any resulting unacceptable conduct. The legal drinking age is 21 years and on-campus use of alcohol is prohibited by State Law. Abuse of alcohol in any context will not be tolerated. Violations of state laws pertaining to the possession, use, and sale of alcoholic beverages, including underage violators, are enforced on campus. The Salinas Police Department enforces all Federal and State Laws pertaining to violations of drug manufacturing, distribution, dispensation, possession or use.

All members of the campus community are subject to disciplinary action and/or criminal prosecution for the on-campus possession, use, sale or distribution (by either sale or gift) of any quantity of inappropriate prescription drugs, or controlled substances as defined by the State of California Health and Safety Code. Students found to be in violation of this policy may be subject to the Standards or Student Conduct and Discipline Procedures. Any district employee who violates these laws is subject to prosecution by civil authorizes and disciplinary action by the District.

It is the policy of the Hartnell College District to maintain a drug-free campus by prohibiting the manufacturing (or manufactured), distribution, dispensing, possession or use of controlled substances as listed in Section 22: The **Drug Free Schools and Communities Act Amendment of 1989 (Public Law 101-226)**, which includes, but is not limited to, substances such as marijuana, heroin, cocaine, amphetamines, and alcohol.

For the purpose of this policy, campus shall mean those places where a student is involved in an authorized college activity. The campus includes, but is not limited to: property owned or leased by the district; any place used by the district for student participation in a field trip; field study; athletic competition; study travel program; and in district or private vehicles being used for official district business.

In implementing this policy, all students shall be made aware of the danger of drug abuse and the college and community resources available for counseling and rehabilitation of those with drug-related problems. All students shall also be informed of the consequences of drug abuse

violations. These consequences shall include, but are not limited to: student disciplinary action pursuant to Education Code and District policy.

As a condition of continued enrollment, students shall abide by the terms of the policy.

Individuals on campus who are not Hartnell College students are required to comply with this policy. Such individuals who unlawfully manufacture, distribute, dispense, possess or use controlled substances may be barred from Hartnell College campuses. **(BP 5230)**

(Hartnell Community College Board Policies, BP 5230 Drug Free Campus – Students;

Reference: Section 22: The Drug Free Schools and Communities Act of 1989)

Harassment

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

This procedure and the related policy protects students and employees in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District's facilities, a District bus, or at a class or training program sponsored by the District at another location.

Harassment Definitions

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

- **Verbal:** Inappropriate or offensive remarks, slurs, jokes or innuendoes based on a person's race gender, sexual orientation, or other protected status. This may include, but

is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats or intimidation; or sexist, patronizing or ridiculing statements that convey derogatory attitudes based on gender, race nationality, sexual orientation or other protected status.

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

conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's learning or work.

- **Sexual Harassment:** In addition to the above, sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other conduct of a sexual nature when:
 - Submission to the conduct is made a term or condition of an individual's employment, academic status, or progress;
 - Submission to, or rejection of, the conduct by the individual is used as a basis of employment or academic decisions affecting the individual;
 - The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile or offensive work or educational environment; or
 - Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the community college.

This definition encompasses two kinds of sexual harassment:

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

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

- **Verbal:** Inappropriate or offensive remarks, slurs, jokes or innuendoes based on a person's protected status, including but not limited to sex. This may include,

but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats or intimidation of a sexual nature; or sexist, patronizing or ridiculing statements that convey derogatory attitudes about a particular gender.

- **Physical:** Inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling or sexual gestures.
- **Visual or Written:** The display or circulation of offensive sexually oriented or other discriminatory visual or written material. This may include, but is not limited to, posters, cartoons, drawings, and graffiti, reading materials, computer graphics or electronic media transmissions.
- **Environmental:** An academic or work environment that is permeated with racially or sexually-oriented talk, innuendo, insults or abuse not relevant to the subject matter of the class or activities on the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements in the classroom or work environment. An environment may be hostile if unwelcome sexual behavior or other harassing behavior based on a protected status is directed specifically at an individual or if the individual merely witnesses unlawful harassment in his/her immediate surroundings. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's learning or work.
- **Consensual Relationships:** Romantic or sexual relationships between supervisors and employees or between administrators, faculty or staff members and students are discouraged. There is an inherent imbalance of power and potential for exploitation in such relationships. A conflict of interest may arise if the administrator, faculty or staff member must evaluate the student's or employee's work or make decisions affecting the employee or student. The relationship may create an appearance of impropriety and lead to charges of favoritism by other students or employees. A consensual sexual relationship may change, with the result that sexual conduct that was once welcome becomes

unwelcome and harassing. In the event that such relationships do occur, the District has the authority to transfer any involved employee to eliminate or attenuate the supervisory authority of one over the other, or of a teacher over a student. Such action by the District is a proactive and preventive measure to avoid possible charges of harassment and does not constitute discipline against any affected employee.

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

- **Academic Freedom:** The District is committed to academic freedom, but recognizes that academic freedom does not allow sexual harassment or any other form of unlawful harassment or discrimination. The lecture, content, and discourse that are an intrinsic part of the course content shall, in no event, constitute sexual harassment or other form of unlawful harassment or discrimination. It is recognized that an essential function of education is a probing of received opinions and an exploration of ideas that may cause some students discomfort. It is further recognized that academic freedom ensures the faculty's right to teach and the student's right to learn. If a faculty member is concerned about the appropriateness of certain content for a particular course, the faculty member is encouraged to discuss the material with the academic senate and/or dean for that discipline. Finally, nothing in this policy shall be interpreted to prohibit academic requirements for a specific program, course or activity. **(BP 3430/AP3430)**

(Hartnell Community College District, Board Policies **BP 3430** Prohibition of Harassment; References: Education Code Sections 212.5, 44100, 6652, and 66281.5; Government Code Section 12950.1; Title VII of the Civil Rights Act of 1964, 42 U.S. Code Annotated Section 2000e; **AP 3430** Prohibition of Harassment; References: Education Code Sections 212.5, 44100, and 66281.5, Government Code Section 12940, Title IX, Education Amendments of 1972; Title 5 Sections 59320 et seq., Title VII of the Civil Rights Act of 1964, 42 U.S. Code Annotated Sections 2000e)

Discrimination and Harassment Procedures

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

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

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

No District funds shall ever be used for membership, or for any participation involving financial payment or contribution on behalf of the District or any individual employed by or associated with it, to any private organization whose membership practices are discriminatory on the basis of national origin, religion, age, gender, gender identity, gender expression, race, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, or because he/she is perceived to have one or more of the foregoing characteristics, or because of his/her association with a person or group with one or more of these actual or perceived characteristics. **(BP 3410/AP 3410)**

(Hartnell Community College District, Board Policies BP 3410 Nondiscrimination; References:

Education Code sections 661250 et seq., 72010 et seq., and 87100 et seq.; Title 5 sections

53000 et seq. and 59300 et seq.; Penal Code section 422.55; Government Code sections

12926.1 and 12940 et seq.; ACCJC Accreditation Eligibility Requirement 20, ACCJC Standard Catalog Requirement (page 18); AP 3410 Nondiscrimination; References: Education Code sections 66250 et seq., 200 et seq., and 72010 et seq.; Penal Code sections 422.55 et seq.; Title 5 sections 59300 et seq.; ACCJC Accreditation Eligibility Requirement 20 and ACCJC Accreditation Standard Catalog Requirements)

- **Filing a Timely Complaint:** Since failure to report harassment and discrimination impedes the District's ability to stop the behavior, the District strongly encourages anyone who believes they are being harassed or discriminated against, to file a complaint. The District also strongly encourages the filing of such complaints within 30 days of the alleged incident. While all complaints are taken seriously and will be investigated promptly, delay in filing impedes the District's ability to investigate and remediate.

All supervisors and managers have a mandatory duty to report incidents of harassment and discrimination; the existence of a hostile, offensive or intimidating work environment, and acts of retaliation.

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

- **Communicating that the Conduct is Unwelcome:** The District further encourages students and staff to let the offending person know immediately and firmly that the conduct or behavior is unwelcome, offensive, in poor taste and/or inappropriate.
- **Oversight of Complaint Procedure:** The Chief Human Resources Officer (Vice President of Human Resources) is the "responsible District officer" charged with receiving complaints of discrimination or harassment, and coordinating their investigation. In the event the Chief Human Resources Officer is not available to coordinate an investigation, the Chief Business Officer (Vice President of Administrative Services) will coordinate the investigation.

The actual investigation of complaints may be assigned by the Superintendent/President to other staff or to outside persons or organizations under contract with the District, particularly if the Chief Human Resources Officer is named in the complaint or implicated by the allegations in the complaint.

Discrimination and Harassment Procedures

- **Who May File a Complaint:** Any student, employee, or third party who believes he/she has been discriminated against or harassed by a student, employee, or third party in violation of this procedure and the related policy.
- **Where to File a Complaint:** A student, employee, or third party who believes he/she has been discriminated against or harassed in violation of these policy and procedures may make a complaint orally or in writing, within one year of the date of the alleged harassment or the date on which the complainant knew or should have known of the facts underlying the complaint.

If a complainant decides to file a formal written unlawful discrimination or harassment complaint against the District, he/she must file the complaint on a form prescribed by the State Chancellor's Office. The approved form is available from the Office of Human Resources, the Hartnell College website, and at the State Chancellor's Office website.

The completed form must be filed with any of the following:

- Chief Human Resources Officer; Vice President Human Resources
- Chief Student Services Officer; Vice President Student Affairs
- State Chancellor's Office

Employee complainants shall be notified that they may file employment discrimination complaints with the U.S. Equal Employment Opportunity Commission (EEOC) or the Department of Fair Employment and Housing (DFEH).

Complaints filed with the EEOC and/or the DFEH should be forwarded to the State Chancellor's Office.

Any District employee who receives a harassment or discrimination complaint shall notify the Chief Human Resources Officer immediately.

Intake and Processing of the Complaint: Upon receiving notification of a harassment or discrimination complaint, the Chief Human Resources Officer shall:

Undertake efforts to informally resolve the charges, including but not limited to mediation, rearrangement of work/academic schedules; obtaining apologies; providing informal counseling and/or training, etc.

- Mediation is not appropriate for resolving incidents involving sexual violence.
- Advise a student complainant that he/she may file a complaint with the Office of Civil Rights of the U.S. Department of Education and employee complainants may file a complaint with the Department of Fair Employment and Housing. All complainants should be advised that they have a right to file a complaint with local law enforcement. The District must investigate even if the complainant files a complaint with local law. The complainant that he/she need not participate in an informal resolution of the complaint, as described above, and has the right to end the informal resolution process at any time. In addition, the District should ensure that complainants are aware of any available resources, such as counseling, health, and mental health services. The Chief Human Resources Officer shall also notify the State Chancellor's Office of the complaint.
- Take interim steps to protect a complainant from coming into contact with an accused individual, especially if the complainant is a victim of sexual violence. The Chief Human Resources Officer should notify the complainant of his or her options to avoid contact with the accused individual and allow students to change academic situations as appropriate. For instance, the District may prohibit the accused individual from having any contact with the complainant pending the results of the investigation. When taking steps to separate the complainant and accused individual, the District shall minimize the burden on the complainant. For example, it is not appropriate to remove complainants from classes or housing while allowing accused individuals to remain.
- Authorize the investigation of the complaint, and supervise and/or conduct a thorough, prompt and impartial investigation of the complaint, as set forth below. Where complainants opt for informal resolution, the designated officer will determine whether further investigation is necessary to ensure resolution of the matter and utilize the investigation process outlined below as appropriate. In the case of a formal complaint, the

investigation will include interviews with the complainant, the accused, and any other persons who may have relevant knowledge concerning the complaint. This may include victims of similar conduct.

- Review the factual information gathered through the investigation to determine whether the alleged conduct constitutes harassment, or other unlawful discriminatory conduct, giving consideration to all factual information and the totality of the circumstances, including the nature of the verbal, physical, visual or sexual conduct, and the context in which the alleged incidents occurred.
- Set forth the results of the investigation in a written report. The written report shall include a description of the circumstances giving rise to the complaint, a summary of the testimony of each witness, an analysis of any relevant data or other evidence collected during the investigation, a specific finding as to whether there is probable cause to believe that discrimination did or did not occur with respect to each allegation in the complaint, a description of actions the District will take to prevent similar conduct, the proposed resolution of the complaint, the complainant's right to appeal to the District's Governing Board, and if the complaint does not involve employment discrimination, the right to appeal to the State Chancellor. If the complaint involves employment discrimination, the report shall include the right to file an administrative complaint with the Department of Fair Employment and Housing. The report may contain any other appropriate information.
- Provide the complainant and accused with a copy or summary of the investigative report within ninety days from the date the District received the complaint. The complainant and accused shall also be provided with a written notice setting forth the determination of the District as to whether harassment or other discriminatory conduct did or did not occur with respect to each allegation in the complaint; a description of action taken, if any, to prevent similar problems from occurring in the future; the proposed resolution of the complaint; and notice of the parties' rights to appeal to the District's Board of Trustees and the State Chancellor's Office. If the complaint involves allegations of employment discrimination, the complainant will be notified of his/her right to file a complaint with the California Department of Fair Employment and Housing or the U.S. Equal Employment Opportunity Commission. The results of the investigation and the determination as to whether harassment or other discriminatory conduct occurred shall

also be reported to the accused, and the appropriate academic or administrative official(s). Reports to the complainant shall be prepared so as not to violate any applicable privacy rights of the accused.

Investigation of the Complaint: The District shall promptly investigate every complaint of harassment or discrimination. No claim of workplace or academic harassment or discrimination shall remain unexamined. This includes complaints involving activities that occur off campus and in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District's facilities, on a District bus, or at a class or training program sponsored by the District at another location.

As set forth above, where the complainant opts for an informal resolution, the Chief Human Resources Officer may limit the scope of the investigation, as appropriate. The District will keep the investigation confidential to the extent possible, but cannot guarantee absolute confidentiality because release of some information on a "need-to know-basis" is essential to a thorough investigation. When determining whether to maintain confidentiality, the District may weigh the request for confidentiality against the following factors: the seriousness of the alleged harassment; the complainant's age; whether there have been other harassment complaints about the same individual; and the accused individual's rights to receive information about the allegations if the information is maintained by the District as an "education record" under the **Family Educational Rights and Privacy Act (FERPA), 20 U.S. Code Section 1232g; 34 Code Federal Regulations Part 99.15**. The District will inform the complainant if it cannot maintain confidentiality.

Investigation Steps: The District will fairly and objectively investigate harassment and discrimination complaints. Employees designated to serve as investigators under this policy shall have adequate training on what constitutes sexual harassment, including sexual violence, and that they understand how the District's grievance procedures operate. The investigator may not have any real or perceived conflicts of interest and must be able to investigate the allegations impartially.

Investigators will use the following steps: interviewing the complainant(s); interviewing the accused individual(s); identifying and interviewing witnesses and evidence identified by each party; identifying and interviewing any other witnesses, if needed; reminding all individuals

interviewed of the District's no-retaliation policy; considering whether any involved person should be removed from the campus pending completion of the investigation; reviewing personnel/academic files of all involved parties; reach a conclusion as to the allegations and any appropriate disciplinary and remedial action; and see that all recommended action is carried out in a timely fashion. When the District evaluates the complaint, it shall do so using a preponderance of the evidence standard. Thus, after considering all the evidence it has gathered, the District will decide whether it is more likely than not that discrimination or harassment has occurred.

Timeline for Completion: The District will undertake its investigation promptly and swiftly as possible. To that end, the investigator shall complete the above steps, and prepare a written report within 90 days of the District receiving the complaint.

Cooperation Encouraged: All employees are expected to cooperate with a District investigation into allegations of harassment or discrimination. Lack of cooperation impedes the ability of the District to investigate thoroughly and respond effectively. However, lack of cooperation by a complainant or witnesses does not relieve the District of its obligation to investigate. The District will conduct an investigation if it is

discovered that harassment is, or may be occurring, with or without the cooperation of the alleged victim(s) and regardless of whether a complaint is filed.

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

- Providing an escort to ensure that the complainant can move safely between classes and activities;
- Ensuring that the complainant and alleged perpetrator do not attend the same classes or work in the same work area;
- Preventing offending third parties from entering campus;
- Providing counseling services;
- Providing medical services;

- Providing academic support services, such as tutoring;
- Arranging for a student-complainant 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 being disciplined.

If discipline is imposed, the nature of the discipline will not be communicated to the complainant. However, the District may disclose information about the sanction imposed on an individual who was engaged in harassment when the sanction directly relates to the complainant; for example, the District may inform the complainant that the harasser must stay away from the complainant.

Disciplinary actions against faculty, staff, and students will conform to all relevant statutes, regulations, personnel policies and procedures, including the provisions of any applicable collective bargaining agreement.

The District shall also take reasonable steps to protect the complainant from further harassment, and/or discrimination, and to protect the complainant and witnesses from retaliation as a result of communicating the complaint and/or assisting in the investigation. The District will ensure that complainants and witnesses know how to report any subsequent problems, and should follow-up with complainants to determine whether any retaliation or new incidents of harassment have occurred. The District shall take reasonable steps to ensure the confidentiality of the investigation and to protect the privacy of all parties to the extent possible without impeding the District's ability to investigate and respond effectively to the complaint if the District cannot take disciplinary action against the accused individual because the complainant refuses to participate in the investigation, it should pursue other steps to limit the effects of the alleged harassment and prevent its recurrence.

Appeals: If the District imposes discipline against a student or employee as a result of the findings in its investigation, the student or employee may appeal the decision using the procedure for appealing a disciplinary decision. If the complainant is not satisfied with the results of the administrative determination, he/she may, within fifteen days, submit a written appeal to the Board of Trustees. The Board shall review the original complaint, the investigative

report, the administrative decision, and the appeal. The Board shall issue a final District decision in the matter within 45 days after receiving the appeal. A copy of the decision rendered by the Board shall be forwarded to the complainant and to the State Chancellor's Office. The complainant shall also be notified of his/her right to appeal this decision.

If the Board does not act within 45 days, the administrative determination shall be deemed approved and shall become the final decision of the District in the matter. In any case involving employment discrimination, including workplace harassment, the complainant may, at any time before or after the issuance of the final decision of the District, file a complaint with the Department of Fair Employment and Housing. In such cases, the complainant may also file a petition for review with the State Chancellor's Office within thirty days after the governing board issues the final decision or permits the administrative decision to become final. In any case not involving workplace discrimination, harassment, or retaliation, the complainant shall have the right to file a written appeal with the State Chancellor's Office within thirty days after the Board issued the final District decision or permitted the administrative decision to become final. Such appeals shall be processed pursuant to the provision of **Title 5 Section 59350**.

Within 150 days of receiving a formal complaint, the District shall forward to the State Chancellor's Office the original complaint, the investigative report, a copy of the written notice to the complainant setting forth the results of the investigation, a copy of the final administrative decision rendered by the Board or indicating the date upon which the decision became final, and a copy of the notification to the complainant of his/her appeal rights. If, due to circumstances beyond its control, the District is unable to comply with the 150-day deadline for submission of materials, it may file a written request for an extension of time no later than ten days prior to the expiration of the deadline.

Dissemination of Policy and Procedures: District Policy and Procedures related to harassment will include information that specifically addresses sexual violence. District policy and procedures will be provided to all students, faculty members, members of the administrative staff and members of the support staff, and will be posted on campus and on the District's website.

When hired, employees are required to sign that they have received the policy and procedures, and the signed acknowledgment of receipt is placed in each employee's personnel file. In addition, these policies and procedures are incorporated into the District's course catalogs and orientation materials for new students.

(Hartnell Community College District, **Board Policies, AP 3435** Discrimination and Harassment Investigations; References: **Education code Section 66281.5**; Government Code Section 12950.1; Title 5 Sections 59320, 59324, 59326, 59328, and 59300 et seq.; 34 Code of Federal Regulations Section 106.8(b))

District Policy and Procedures related to harassment will include information that specifically addresses sexual violence. District policy and procedures will be provided to all students, faculty members, members of the administrative staff and members of the support staff, and will be posted on campus and on the District's website.

When hired, employees are required to sign that they have received the policy and procedures, and the signed acknowledgment of receipt is placed in each employee's personnel file. In addition, these policies and procedures are incorporated into the District's course catalogs and orientation materials for new students.

Training

By January 1, 2006, the District shall provide at least two hours of classroom or other effective interactive training and education regarding sexual harassment to all supervisory employees who are employed as of July 1, 2005. All new supervisory employees must be provided with the training and education within six months of their assumption of a supervisory position. After January 1, 2006, the District shall provide sexual harassment training and education to each supervisory employee once every two years.

Effective in 2018, state law requires that employers provide training to all employees at least once every two years. For non-supervisory employees, the training need only be one hour in length.

The training and education required by this procedure shall include information and practical guidance regarding the Federal and State statutory provisions concerning the prohibition against and the prevention and correction of sexual harassment and the remedies available to victims of sexual harassment in employment. The training and education shall also include practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation, and shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation.

Training of all employees will be conducted. This includes counselors, faculty, health personnel, law enforcement officers, security personnel, coaches, and all employees who

regularly interact with students. Training for academic staff should emphasize environmental harassment in the classroom. The District will also provide training to students who lead student organizations. The District should provide copies of the sexual harassment policies and training

to all District law enforcement unit or security services employees regarding the grievance procedures and any other procedures used for investigating reports of sexual violence.

In years in which a substantive policy or procedural change has occurred, all District employees will attend a training update and/or receive a copy of the revised policies and procedures. Participants in training programs will be required to sign a statement that they have either understood the policies and procedures, their responsibilities, and their own and the District's potential liability, or that they did not understand the policy and desire further training.

Education and Prevention for Students

In order to take proactive measures to prevent sexual harassment and violence toward students, the District will provide preventive education programs and make victim resources, including comprehensive victim services, available. The District will include such programs in their orientation programs for new students, and in training for student athletes and coaches.

These programs will include discussion of what constitutes sexual harassment and sexual violence, the District's policies and disciplinary procedures, and the consequences of violating these policies. A training program or informational services will be made available to all students at least once annually. The education programs will also include information aimed at encouraging students to report incidents of sexual violence to the appropriate District and law enforcement authorities.

Since victims or third parties may be deterred from reporting incidents if alcohol, drugs, or other violations of District or campus rules were involved, the District will inform students that the primary concern is for student safety and that use of alcohol or drugs never makes the victim at fault for sexual violence. If other rules are violated, the District will address such violations separately from an allegation of sexual violence.

(Hartnell Community College District, **Board Policies, AP 3435** Discrimination and Harassment Investigations; References: **Education code Section 66281.5**; Government Code Section 12950.1; Title 5 Sections 59320, 59324, 59326, 59328, and 59300 et seq.; 34 Code of Federal Regulations Section 106.8(b))

Education Programs

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

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

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

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

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

(Employment References: Education Code sections 87100 et seq.; Title 5 sections 53000 et seq.; Government Code sections 11135 et seq. and 12940 et seq.)

The District shall provide equal employment opportunities to all applicants and employees regardless of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, veteran status, sex, gender, gender identity, gender expression, age, or sexual orientation.

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

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

(Hartnell Community College District, **Board Policies BP 3410** Nondiscrimination; References: Education Code sections 661250 et seq., 72010 et seq., and 87100 et seq.; Title 5 sections 53000 et seq. and 59300 et seq.; Penal Code section 422.55; Government Code sections 12926.1 and 12940 et seq.; ACCJC Accreditation Eligibility Requirement 20, ACCJC Standard Catalog Requirement (page 18); **AP 3410** Nondiscrimination; References: Education Code sections 66250 et seq., 200 et seq., and 72010 et seq.; Penal Code sections 422.55 et seq.; Title 5 sections 59300 et seq.; ACCJC Accreditation Eligibility Requirement 20 and ACCJC Accreditation Standard Catalog Requirements.)

Domestic Dating Violence

California Penal Code section 273.5 defines Domestic Violence as:

- (a) Any person who willfully inflicts corporal injury resulting in a traumatic condition upon a victim described in subdivision (b) is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not more than one year, or by a fine of up to six thousand dollars (\$6,000) or by both that fine and imprisonment.
- (b) Subdivision (a) shall apply if the victim is or was one or more of the following:
 - 1. The offender's spouse or former spouse.
 - 2. The offender's cohabitant or former cohabitant.
 - 3. The offender's fiancé or fiancée, or someone with whom the offender has, or previously had, an engagement or dating relationship, as defined in paragraph (10) of subdivision (f) of Section 243.
 - 4. The mother or father of the offender's child.
 - i. Holding oneself out to be the husband or wife of the person with whom one is cohabiting is not necessary to constitute cohabitation as the term is used in this section.
 - ii. As used in this section, "traumatic condition" means a condition of the body, such as a wound, or external or internal injury, including, but not limited to, injury as a result of strangulation or suffocation, whether of a minor or serious nature, caused by a physical force. For purposes of this section, "strangulation" and "suffocation" include impeding the normal breathing or circulation of the blood of a person by applying pressure on the throat or neck.

Any sexual assault or physical abuse, including, but not limited to, rape, domestic violence, dating violence, sexual assault, or stalking, as defined by California law, whether committed by

an employee, student, or member of the public, occurring on District property, in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District's facilities or at another location, or on an off-campus site or facility maintained by the District, or on grounds or facilities maintained by a student organization, is a violation of District policies and regulations, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures.

(Hartnell Community College District, **Board Policies AP 5500** Standards of Student Conduct;

Reference: **Education Code Sections 66300, 66301, 76030** et seq; Accreditation Standard I.C.8, and 10)

“Sexual assault” includes but is not limited to, rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or threat of sexual assault.

“Dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a romantic or intimate relationship will be determined based on the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.

“Domestic violence” includes felony or misdemeanor crimes of violence committed by:

- a current or former spouse of the victim;
- a person with whom the victim shares a child in common;
- a person who is cohabitating with or has cohabitated with the victim as a spouse;
- a person similarly situated to a spouse of the victim under California law; or
- Any other person against an adult or youth victim who is protected from that person's acts under California law.

“Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or to suffer substantial emotional distress.

It is the responsibility of each person involved in sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The

existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

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

These written procedures and protocols are designed to ensure victims of domestic violence, dating violence, sexual assault, or stalking receive treatment and information. (For physical assaults/violence, see also AP 5500, 3510, and 3515)

All students, faculty members or staff members who allege they are the victims of domestic violence, dating violence, sexual assault or stalking on District property shall be provided with information regarding options and assistance available to them. Information shall be available from the Office of Student Life, which shall maintain the identity and other information about alleged sexual assault victims as confidential unless and until the Director of Student Life is authorized to release such information.

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

- A copy of the District's policy and procedure regarding domestic violence, dating violence, sexual assault or stalking;
- A list of personnel on campus who should be notified and procedures for such notification, if the alleged victim consents; Director of Student Life, the Vice President of Student Affairs, Director of Public Safety and Emergency Management;
- Information about the importance of preserving evidence and the identification and location of witnesses;
- A description of available services, and the persons on campus available to provide those services if requested. Services and those responsible for provided or arranging them include:
 - Transportation to a hospital, if necessary; Campus Safety;
 - Counseling by Crisis Counseling, or referral to a counseling center;
 - A list of other available campus resources or appropriate off-campus resources.

The victim's option to:

- Notify proper law enforcement authorities, including on-campus and local police;
- Choose an advocate to aid during the process;
- Be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses;
- Decline to notify such authorities;
- The rights of victims and the institution's responsibilities regarding orders of protection, no contact orders, or similar lawful orders issued by a court;
- Information about how the district will protect the confidentiality of victims; and
- Written notification of victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if requested and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

A description of each of the following procedures:

- Criminal prosecution;
- Civil prosecution (i.e., lawsuit);
- District disciplinary procedures, both student and employee;
- Modification of class schedules;
- Tutoring, if necessary

The Director of Student Life should be available to provide assistance to District law enforcement unit employees regarding how to respond appropriately to reports of sexual violence

The District will investigate all complaints alleging sexual assault under the procedures for sexual harassment investigations described in **AP 3435**, regardless of whether a complaint is filed with local law enforcement.

All alleged victims of domestic violence, dating violence, sexual assault, or stalking on District property shall be kept informed, through the Office of Student Life of any ongoing investigation. Information shall include the status of any student or employed disciplinary proceedings or appeal; alleged victims of domestic violence, dating violence, sexual assault, or

stalking are required to maintain any such information in confidence, unless the alleged assailant has waived rights to confidentiality.

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

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

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

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

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

The District shall maintain the identity of any alleged victim, witness, or third-party reporter of domestic violence, dating violence, sexual assault, or stalking on District property, as defined above, in confidence unless the alleged victim, witness, or third-party reporter specifically waives that right to confidentiality. All inquiries from reporters or other media

representatives about alleged domestic violence, dating violence, sexual assaults, or stalking on District property shall be referred to District's Public Information Officer, who shall work with the Vice President of Student Affairs to assure that all confidentiality rights are maintained.

Additionally, the Annual Security Report will include a statement regarding the District's programs to prevent sexual assault, domestic violence, dating violence, and stalking and procedures that should be followed after an incident of domestic violence, dating violence, sexual assault, or stalking has been reported, including a statement of the standard of evidence that will be used during any in any district proceeding arising from such a report. The statement must include the following:

- A description of educational programs to promote the awareness of rape, acquaintance rape, other forcible and non-forcible sex offenses, domestic violence, dating violence, or stalking;
- Procedures to follow if a domestic violence, dating violence, sex offense, or stalking occurs, including who should be contacted, the importance of preserving evidence to prove a criminal offense, and to whom the alleged offense should be reported;
- Information on a student's right to notify appropriate law enforcement authorities, including on-campus and local police, and a statement that campus personnel will assist the student in notifying these authorities, if the student so requests, and the right to decline to notify these authorities;
- Information about how the District will protect the confidentiality of victims;
- Information for students about existing on and off-campus counseling, mental health, victim advocacy, legal assistance or other services for victims;
- Written notification of victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if requested, and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

Procedures for campus disciplinary action in cases of an alleged domestic violence, dating violence, sexual assault, or stalking including a clear statement that:

- Such proceedings shall provide a prompt, fair, and impartial resolution;
- Such proceedings shall be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;
- The accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding; and
- Both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding resulting from an alleged domestic violence;
- Dating violence, sexual assault or stalking, the procedures for the accused and victim to appeal the results of the disciplinary proceeding, of any chances to the results that occurs prior to the time that such results become final, and when such results become final. Compliance with this paragraph does not violate the Family Educational Rights and Privacy Act. For the purposes of this paragraph, the outcome of a disciplinary proceeding means the final determination with respect to the alleged domestic violence, dating violence, sex offense, or stalking and any sanction that is imposed against the accused.
- A description of the sanctions the campus may impose following a final determination by a campus disciplinary proceeding regarding rape, acquaintance rape, or other forcible or non-forcible sex offenses, domestic violence, dating violence, or stalking.
- Education and Prevention Information.

The Director of Student Life shall:

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

Post sexual violence prevention and education information on the campus internet website regarding domestic violence, dating violence, sexual assault and stalking.

Sexual and Other Assaults on Campus

Any sexual assault or physical abuse, including, but not limited to rape as defined by California law, whether committed by an employee, student or member of the public, that occurs on District property, is a violation of District policies and procedures, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. Students, faculty, and staff who may be victims of sexual and other assaults shall be treated with dignity and provided comprehensive assistance.

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

The procedures shall meet the criteria contained in Education Code Sections 67385, 67385.7, and 67386, and 34 Code of Federal Regulations Section 668.46. (BP3540) (References: Education Code Sections 67385, 67385.7, and 67386; 20 U.S. Code Section 1092 (f); 34 Code of Federal Regulations Section 668.46(b)(11))

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

- **“Sexual assault”** includes but is not limited to, rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or threat of sexual assault.
- **“Dating violence”** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a romantic or intimate relationship will be determined based on the length of the relationship, the

type of relationship and the frequency of interaction between the persons involved in the relationship.

- **“Domestic violence”** includes felony or misdemeanor crimes of violence committed by:
 - a current or former spouse of the victim;
 - a person with whom the victim shares a child in common;
 - a person who is cohabitating with or has cohabitated with the victim as a spouse;
 - a person similarly situated to a spouse of the victim under California law; or
 - Any other person against an adult or youth victim who is protected from that person’s acts under California law.
- **“Stalking”** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or to suffer substantial emotional distress.

It is the responsibility of each person involved in sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent.

Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

- **“Affirmative consent”** means affirmative, conscious, and voluntary agreement to engage sexual activity.

These written procedures and protocols are designed to ensure victims of domestic violence, dating violence, sexual assault, or stalking receive treatment and information. **(For physical assaults/violence, see also AP 3500, 3510, and 3515)**

All students, faculty members or staff members who allege they are the victims of domestic violence, dating violence, sexual assault or stalking on District property shall be provided with information regarding options and assistance available to them. Information shall be available from the Office of Student Life, which shall maintain the identity and other information about alleged sexual assault victims as confidential unless and until the Director of Student Life is authorized to release such information.

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

- A copy of the District's policy and procedure regarding domestic violence, dating violence, sexual assault or stalking;
- A list of personnel on campus who should be notified and procedures for such notification, if the alleged victim consents; Director of Student Life, the Vice President of Student Affairs, Director of Public Safety and Security.
- Information about the importance of preserving evidence and the identification and location of witnesses;
- A description of available services, and the persons on campus available to provide those services if requested. Services and those responsible for provided or arranging them include: transportation to a hospital, if necessary; Campus Security assistance.
 - a) Counseling by Crisis Counseling, or referral to a counseling center;
 - b) A list of other available campus resources or appropriate off-campus resources;
- The victim's option to:
 - Notify proper law enforcement authorities, including on-campus and local police;
 - Be assigned an advocate to aid in the process;
 - Be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses;
 - Decline to notify such authorities;
- The rights of victims and the institution's responsibilities regarding orders of protection, no contact orders, or similar lawful orders issued by a court;
- Information about how the district will protect the confidentiality of victims; and
- Written notification of victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if requested and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.
- A description of each of the following procedures:
 - Criminal prosecution; or Civil prosecution (i.e., lawsuit);

- District disciplinary procedures, both student and employee;
- Modification of class schedules; or Tutoring, if necessary.

The Director of Student Life should be available to provide assistance to District law enforcement unit employees regarding how to respond appropriately to reports of sexual violence.

The District will investigate all complaints alleging sexual assault under the procedures for sexual harassment investigations described in **AP 3435**, regardless of whether a complaint is filed with local law enforcement.

All alleged victims of domestic violence, dating violence, sexual assault, or stalking on District property shall be kept informed, through the Office of Student Life of any ongoing investigation. Information shall include the status of any student or employee disciplinary proceedings or appeal; alleged victims of domestic violence, dating violence, sexual assault, or stalking are required to maintain any such information in confidence, unless the alleged assailant has waived rights to confidentiality.

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

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

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

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

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

The District shall maintain the identity of any alleged victim, witness, or third-party reporter of domestic violence, dating violence, sexual assault, or stalking on District property, as defined above, in confidence unless the alleged victim, witness, or third-party reporter specifically waives that right to confidentiality. All inquiries from reporters or other media representatives about alleged domestic violence, dating violence, sexual assaults, or stalking on District property shall be referred to District's Public Information Officer, who shall work with the Vice President of Student Affairs to assure that all confidentiality rights are maintained.

Additionally, the Annual Security Report will include a statement regarding the District's programs to prevent sexual assault, domestic violence, dating violence, and stalking and procedures that should be followed after an incident of domestic violence, dating violence, sexual assault, or stalking has been reported, including a statement of the standard of evidence that will be used during any in any district proceeding arising from such a report. The statement must include the following:

- A description of educational programs to promote the awareness of rape, acquaintance rape, other forcible and non-forcible sex offenses, domestic violence, dating violence, or stalking;
- Procedures to follow if a domestic violence, dating violence, sex offense, or stalking occurs, including who should be contacted, the importance of preserving evidence to prove a criminal offense, and to whom the alleged offense should be reported;

- Information on a student's right to notify appropriate law enforcement authorities, including on-campus and local police, and a statement that campus personnel will assist the student in notifying these authorities, if the student so requests, and the right to decline to notify these authorities;
- Information about how the District will protect the confidentiality of victims;
- Information for students about existing on and off-campus counseling, mental health, victim advocacy, legal assistance or other services for victims;
- Written notification of victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if requested and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement;
- Procedures for campus disciplinary action in cases of an alleged domestic violence, dating violence, sexual assault, or stalking including a clear statement that:
- Such proceedings shall provide a prompt, fair, and impartial resolution;
- Such proceedings shall be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;
- The accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding; and
- Both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding resulting from an alleged domestic violence, dating violence, sexual assault or stalking, the procedures for the accused and victim to appeal the results of the disciplinary proceeding, of any chances to the results that occurs prior to the time that such results become final, and when such results become final. Compliance with this paragraph does not violate the Family Educational Rights and Privacy Act. For the purposes of this paragraph, the outcome of a disciplinary proceeding means the final determination with respect to the alleged domestic violence, dating violence, sex offense, or stalking and any sanction that is imposed against the accused.

Education and Prevention Information

The Director of Student Life shall:

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

(Hartnell Community College District, Board Policies, AP 3540 Sexual and Other Assaults on Campus; References: Education Code Sections 67385, 67385.7, and 67386; 20 U.S. Code Section 1092(f); 34 Code of Federal Regulations Section 668.46(b) (11).

Safety Escort Program

Campus Security will provide an officer safety escort by request. To schedule a safety escort on the main campus, please call **831-755-6888** and give your name, location and destination. To request a security escort at the educational centers, make contact with security at the security desk.

Emergency Blue Light Phones

Campus Safety continuously monitors blue light emergency phones and elevator emergency telephones. Each phone is direct-dial, one-button, push-to-talk. When activated, the blue light phones also display a flashing light on the phone's pole. Officers respond to all activations of phones in this system without exceptions. Use these phones to report safety concerns such as suspicious incidents, persons or emergencies only.

ID Cards

All Hartnell students and staff are responsible for obtaining a Hartnell ID card. Your ID is required to be carried at all times when on campus and will grant access to campus facilities. The Campus Safety has the right to request your ID at any time.

Visitor Access

Visitors are responsible for making relevant college policies and regulations known to them and must accept the responsibility for their conduct during their visit.

Drug and Alcohol Abuse Programs

Hartnell Community College District recognizes that substance abuse is a serious problem. Drugs and alcohol are toxic to the human body and if abused can have catastrophic consequences. Health consequences include impaired learning, impaired judgment, accidents, cardiac fibrillation, heart attack, seizures, respiratory arrest and even death. Help is available by contacting on **Campus Crisis Counseling in Building D123** or **Beacon House Alcohol and Drug Program 831-372-2334**.

Parking Privileges and Vehicle Decals: Hartnell students, faculty and staff are required to have a parking permit to park on campus. [Parking Permits can be purchased online.](#)

Handicap/ADA Accessible parking is available at no charge with the proper credentialing. Student parking permits must be displayed in the lower portion of the driver's side windshield when parking on campus. Faculty and Staff have hanging parking permits displayed on rear view mirror. Failure to display a permit could result in your vehicle being cited vehicle problems.

Fire Safety and Education for College Students

For an outline of risk factors and school and student responsibilities for fire safety, read the [FEMA Campus Safety Fire Brochure](#).

Disciplinary Procedures

The purpose of [Administrative Procedure 55200](#) (AP 55200) is to provide a prompt and equitable means to address violations of the Standards of Student Conduct, which guarantees to the student or students involved the due process rights guaranteed them by state and federal constitutional protections. This procedure will be used in a fair and equitable manner, and not for purposes of retaliation. It is not intended to substitute for criminal or civil proceedings that may be initiated by other agencies. Specifically, AP

55200 lists the possible sanctions that Hartnell College may impose following the result of any institutional disciplinary proceeding which may include any of the following: Short-term Suspension, Long-term Suspension, Expulsion, Removal from Class, Written or Verbal Reprimand or Withdrawal of Consent to Remain in Class. Additionally, AP 55200 provides for both accuser or the accused, the right to have an advisor or to choose to be present in any meeting or institutional disciplinary proceedings. This policy is not intended to infringe in any way, on the rights of students to engage in free expression as protected by the state and federal constitutions, and by **Education Code Section 76120**, and will not be used to punish expression that is protected. **(AP5520)**

In a similar manner, Administrative and Board Procedures 7362 details the disciplinary action applicable to district employees including, but not limited to oral reprimand, written reprimand, suspension or discharge.

Crime Statistics

The crime statistics required under the Clery Act were compiled by the Hartnell Community College District Department of Public Safety in cooperation with the Hartnell Community College District, campus officials having responsibility for oversight of student activities, and relevant local agencies. Crime definitions are from the Uniform Crime Reporting (UCR) Handbook and sex offense definitions are from the National Incident Based Reporting System (NIBRS) edition of the Uniform Crime Reporting Program. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported. A written request for statistical information is made on an annual basis to all Hartnell Community College District Deans, Directors, and known Campus Safety Authorities.

All of the statistics are gathered, compiled, and reported to the Hartnell community via this report. This information is available at the Hartnell Community College District Department of Campus Safety website at <http://www.hartnell.edu/crime-statistics>. Hartnell campus authorities submit the annual crime statistics published in this report to the United States Department of Education (DOE). The statistical information gathered by the United States Department of Education is available to the public through the DOE website.

Clery Act Crimes Definitions:

Crime Definitions from the Uniform Crime Reporting Handbook and Sex Offenses Definitions from the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Program.

Murder and Non-Negligent Manslaughter: The willful (non-negligent) killing of one human being by another. Note: Deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides are excluded.

Negligent Manslaughter: The killing of another person through gross negligence.

Sex Offenses–Forcible: Any sexual act directed against another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent.

A. Forcible Rape

The carnal knowledge of a person, forcibly and/or against the person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).

B. Forcible Sodomy

Oral or anal sexual intercourse with another person, forcibly and/or against that person’s will; or not forcibly against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

C. Sexual Assault with an Object

The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

D. Forcible Fondling

The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person’s will; or, not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

Sex Offenses–Non-forcible: Unlawful, non-forcible sexual intercourse.

A. Incest

Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

B. Statutory Rape

Non-forcible 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 accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.

Burglary: The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access, even though the vehicles are later abandoned – including joy riding).

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

Liquor Law Violations: The violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition).

Drug Abuse Violations: Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (Morphine, Heroin, Codeine); Marijuana; Synthetic Narcotics (Demerol, Methadone); and dangerous nonnarcotic drugs (Barbiturates, Benzedrine).

Weapon Law Violations: The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying

deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

Hate Crime Definitions

Hate Crimes: Crimes that manifest evidence that the victim was intentionally selected because of the victim's race, gender, religion, sexual orientation, ethnicity/national origin or disability.

Hartnell Community College District is required to report statistics for hate (bias) related crimes by the type of bias as defined below for the following classifications: murder/non-negligent manslaughter, negligent manslaughter, sex offenses (forcible and non-forcible), robbery, aggravated assault, burglary, motor vehicle theft, arson, liquor law violations, drug violations and/or illegal weapons possession and larceny, vandalism, intimidation, and simple assault, and any crimes involving bodily injury to any person.

Larceny: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

Vandalism: To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

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.

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.

If a hate crime occurs where there is an incident involving intimidation, vandalism, larceny, simple assault or other bodily injury, the law requires that the statistic be reported as a hate crime even though there is no requirement to report the crime classification in any other area of the compliance document.

Clery Statistics 2022

| VAWA Violations | On-Campus Student Housing | Non-Campus Property | Public Property | Main Campus | Alisal Campus | Castroville Education Center | Soledad Education Center | King City Education Center |
|--------------------------|----------------------------------|----------------------------|------------------------|--------------------|----------------------|-------------------------------------|---------------------------------|-----------------------------------|
| Domestic Violence | N/A | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dating Violence | N/A | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Stalking | N/A | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| OFFENSE | On-Campus Student Housing Facilities | Non-Campus Property | Public Property | Main Campus | Alisal Campus | Castroville Education Center | Soledad Education Center | King City Education Center |
|--|---|----------------------------|------------------------|--------------------|----------------------|-------------------------------------|---------------------------------|-----------------------------------|
| Arrest: weapons: Carrying, Possessing, etc. | N/A | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| Disciplinary Referrals: Weapons: Carrying, Possessing, etc. | N/A | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Arrest: Drug Abuse Violations | N/A | 7 | 0 | 0 | 0 | 0 | 0 | 0 |
| Disciplinary Referrals: Drug Abuse Violations | N/A | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Arrests: Liquor Law Violations | N/A | 11 | 0 | 0 | 0 | 0 | 0 | 0 |
| Disciplinary Referrals: Liquor Law Violations | N/A | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

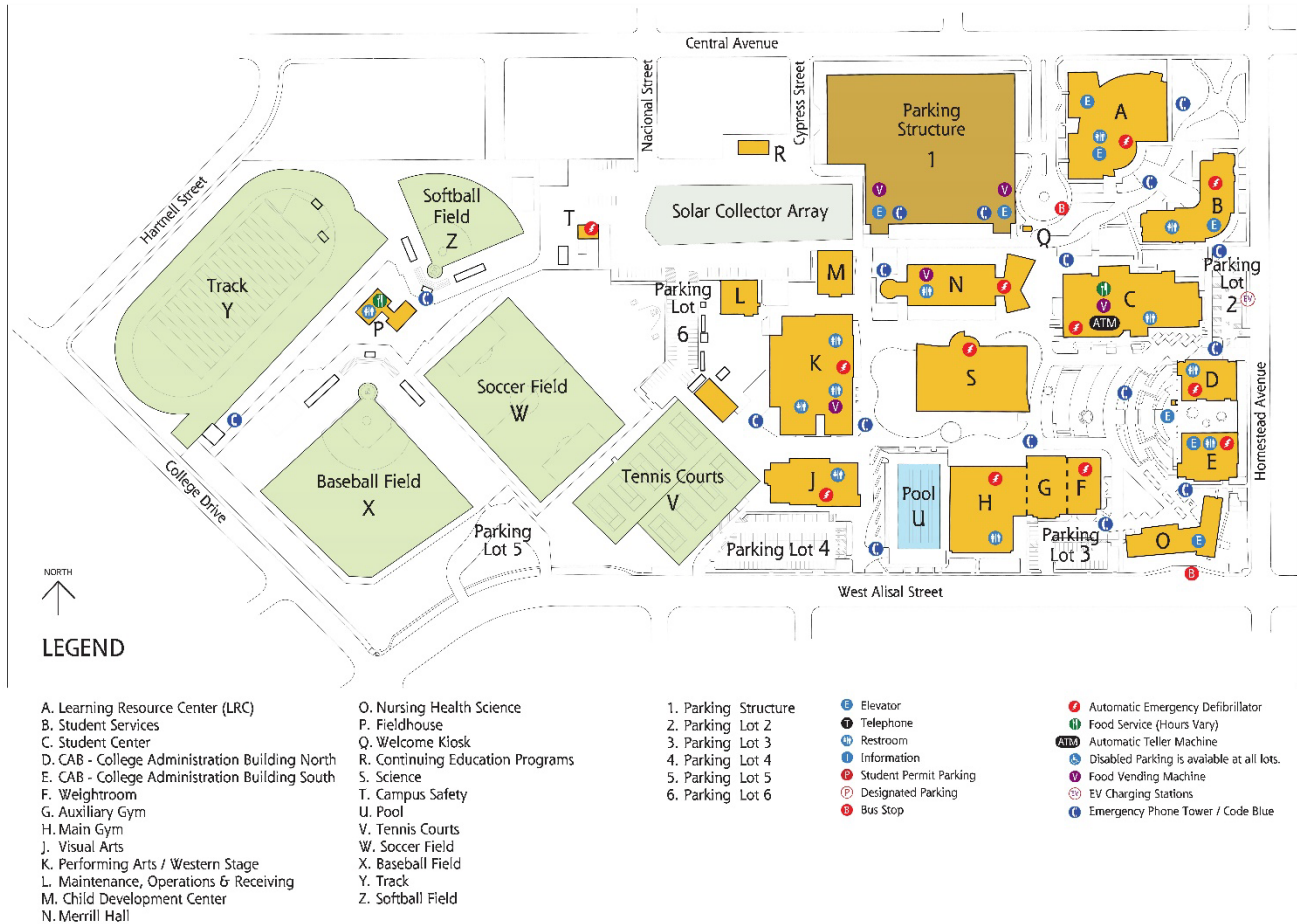
| OFFENSE | On-Campus Student Housing | Non-Campus Property | Public Property | Main Campus | Alisal Campus | Castroville Education Center | Soledad Education Center | King City Education Center |
|--|----------------------------------|----------------------------|------------------------|--------------------|----------------------|-------------------------------------|---------------------------------|-----------------------------------|
| Murder/Non Negligent Manslaughter | N/A | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Manslaughter by Negligence | N/A | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Rape | N/A | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fondling | N/A | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Incest | N/A | 2 | 0 | 0 | 0 | 0 | 0 | 0 |
| Statutory Rape | N/A | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Robbery | N/A | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| Aggravate Assault | N/A | 5 | 0 | 0 | 0 | 0 | 0 | 0 |
| Burglary | N/A | 3 | 0 | 1 | 0 | 0 | 0 | 0 |
| Motor Vehicle Theft | N/A | 3 | 0 | 0 | 0 | 0 | 0 | 0 |
| Arson | N/A | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| Hate Crimes | On-Campus Student Housing Facilities | Non-Campus Property | Public Property | Main Campus | Alisal Campus | Castroville Education Center | Soledad Education Center | King City Education Center |
|-----------------------|---|----------------------------|------------------------|--------------------|----------------------|-------------------------------------|---------------------------------|-----------------------------------|
| Larceny | N/A | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Vandalism | N/A | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Intimidation | N/A | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Simple Assault | N/A | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

Hartnell College Main Campus Map

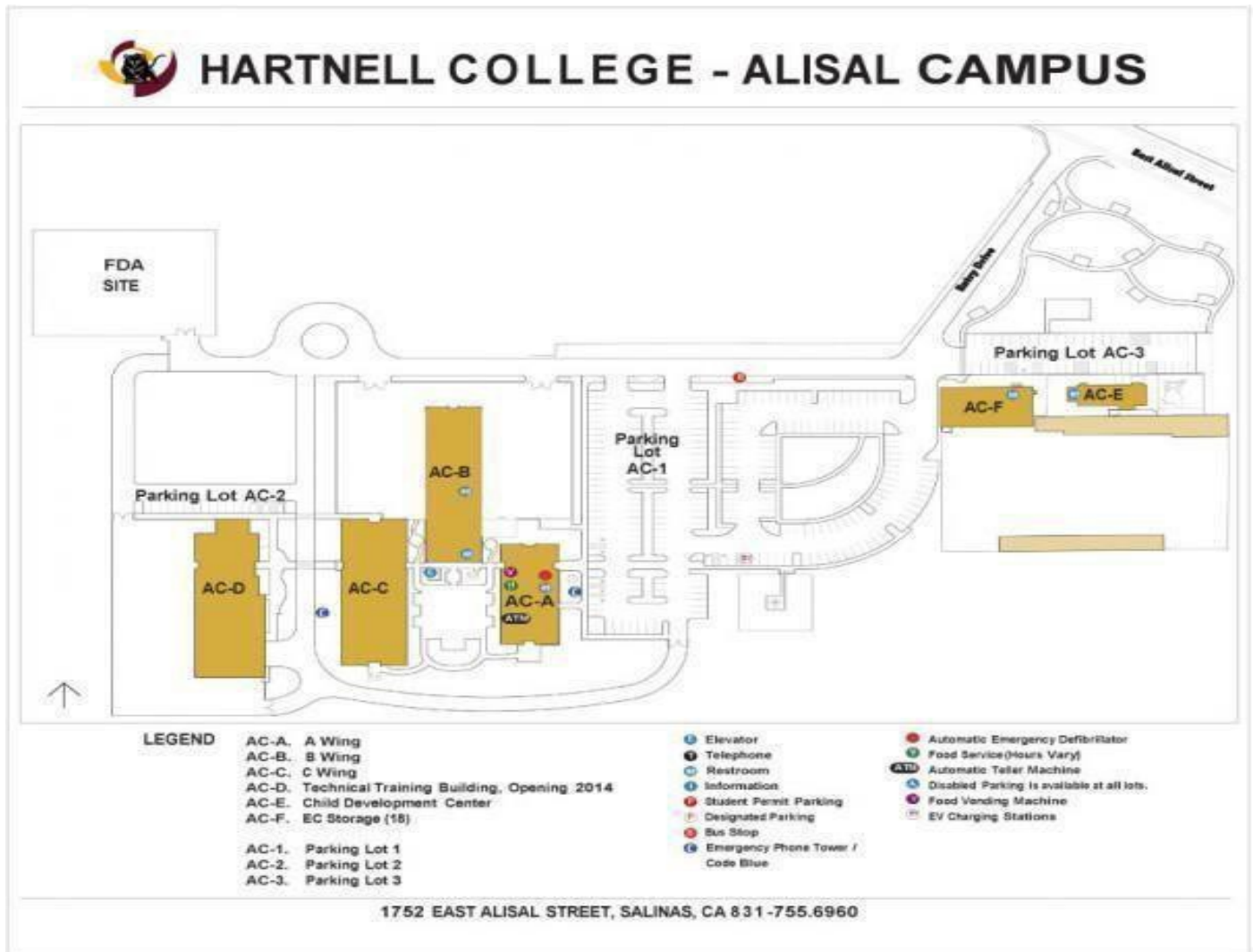


HARTNELL COLLEGE



411 CENTRAL AVENUE, SALINAS CA 93901 831-755.6700

Hartnell College Alisal Campus Map



Hartnell College Castroville Campus Map



HARTNELL COLLEGE CASTROVILLE CAMPUS



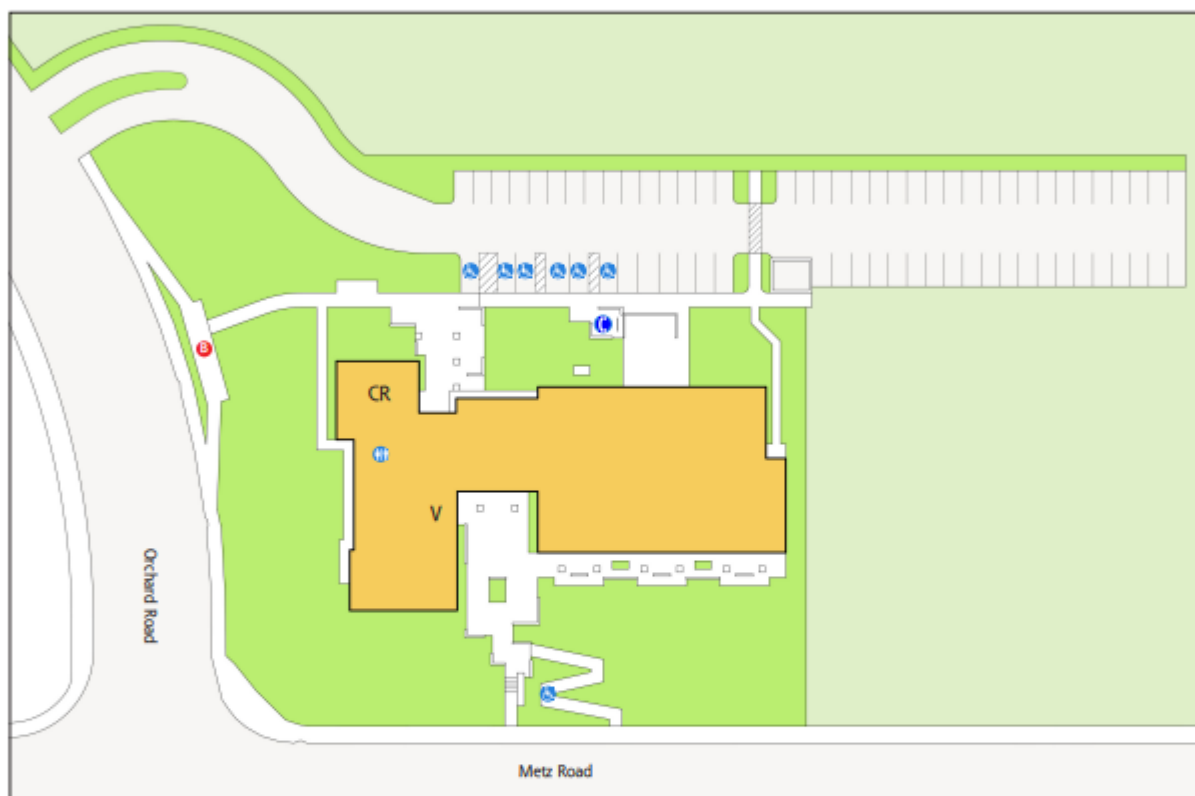
| LEGEND | |
|--------|------------------------------|
| CR | Community Room |
| | Emergency Bluephone |
| | Accessible Parking |
| | Clean Air/Vanpool/EV Parking |
| | Restroom |

10241 Tembladera Street, Castroville, CA 95012 831-796-6200

Hartnell College Soledad Campus Map



HARTNELL COLLEGE SOLEDAD CAMPUS



LEGEND CR Community Room
V Vending Machines

Restroom
Accessible Access or Parking
EV Charging Stations- future
Emergency Phone Tower / Code Blue
Bus Stop






1505 Metz Road, Soledad, CA 831-000.0000

Hartnell College King City Campus Map



LEGEND

CR Community Room

-  Elevator
-  Restroom
-  Accessible Entrance
-  Emergency Phone Tower / Code Blue

117 N. SECOND STREET, KING CITY, CA 831-386.7100

Appendix A

Relevant State and Federal Websites

[U.S. Department of Education-Campus Safety](#)

[U.S. Department of Education-Safe Supportive Learning](#)

[U.S. Department of Education-The Campus Safety & Security Data Analysis Cutting Tool](#)

[The Campus Sexual Violence Elimination \(SaVE\) Act](#)

[U.S. Department of Justice-Office on Violence Against Women](#)

[U.S. Department of Education-Family Educational Rights and Privacy Act \(FERPA\)](#)

[California Codes Education Code-Sections 67380-67385.7](#)

[State of California Department of Justice-Megan's Law Home](#)

[California Community Colleges Chancellor's Office](#)

[Clery Act-Security on Campus](#)

[Clery Act-Wikipedia](#)

<https://apps.usfa.fema.gov/publications/display?id=959>

Appendix B

Abbreviations

Clery Act: The Jeanne Clery Disclosure of Campus Safety Policy and Campus Crime Statistics Act

CCD: Community College

District CSA: Campus

Safety Authority ED: U.S.

Department of Education

HEA: Higher Education Act of

1965 HEOA: Higher Education

Opportunity Act EOP: Emergency

Operations Plan

F.A.S.P.: Allied Universal Security and

Protection FERPA: Family Educational

Rights and Privacy Act FBI: Federal Bureau
of Investigation

FSEOGs: Federal Supplemental Educational Opportunity

Grants LEAP: Leveraging Educational Assistance

Partnership

MOA: Memorandum of

Agreement MOU:

Memorandum of Understanding

NIBRS: Uniform Crime Reporting National Incident-Based Reporting

System PPA: Program Participation Agreement

Save Act: The Campus Sexual Violence Elimination

Act SOP: Standard Operating Procedure

VAWA: Violence Against Women

Act UCR: Uniform Crime

Reporting

Appendix C



| | |
|--------------|---|
| Book | Administrative Procedures |
| Section | Chapter 5000 Student Affairs |
| Title | Student Discipline |
| Code | AP 5520 |
| Status | Active |
| Legal | Education Code Sections 66017, 66300, 66301, 72122, 76030 et seq., 76220, 76233, and 76234, Penal Code Sections 626.2 and 626.4 |
| Adopted | February 25, 2014 |
| Last Revised | March 29, 2016 |

AP 5520 Student Discipline

References: Education Code Sections 66017, 66300, 66301, 72122, 76030 et seq., 76220, 76233, and 76234, Penal Code Sections 626.2 and 626.4

The purpose of this procedure is to provide a prompt and equitable means to address violations of the Standards of Student Conduct, which guarantees to the student or students involved the due process rights guaranteed them by state and federal constitutional protections. This procedure will be used in a fair and equitable manner, and not for purposes of retaliation. It is not intended to substitute for criminal or civil proceedings that may be initiated by other agencies.

These Administrative Procedures are specifically not intended to infringe in any way on the rights of students to engage in free expression as protected by the state and federal constitutions, and by Education Code Section 76120, and will not be used to punish expression that is protected.

For alleged violations of the Standards of Student Conduct, complete the *Student Incident Report Form* (located at the end of this document).

I. DEFINITIONS

District – The **Hartnell Community College District**

Student – Any person currently enrolled as a student at any college or in any program offered by the District.

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

Short-term Suspension – Exclusion of the student by the **Director of Student Affairs or Vice President for Student Affairs** for good cause from one or more classes for a period of up to ten consecutive days of instruction.

Long-term Suspension – Exclusion of the student by the **Superintendent/President** for good cause from one or more classes for the remainder of the school term, or from all classes and activities of the college for one or more terms.

Expulsion – Exclusion of the student by the Board of Trustees from all colleges in the District for one or more terms.

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

Written or verbal reprimand – An admonition to the student to cease and desist from conduct determined to violate the Standards of Student Conduct. Written reprimands may become part of a student's permanent record at the college. A record of the fact that a verbal reprimand has been given may become part of a student's record at the college for a period of up to one year.

Withdrawal of Consent to Remain on Campus – Withdrawal of consent by the **Director of Student Affairs** for any person to remain on campus in accordance with California Penal Code Section 626.4 where the **Director of Student Affairs** has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.

Day – Days during which the District is in session and regular classes are held, excluding Saturdays and Sundays.

II. SHORT-TERM SUSPENSIONS, LONG TERM SUSPENSIONS, AND EXPULSIONS

Before any disciplinary action to suspend or expel is taken against a student, the following procedures will apply:

- Notice – The **Director of Student Affairs** will provide the student with written notice of the conduct warranting the discipline. The written notice will include the following:
 - The specific section of the Standards of Student Conduct that the student is accused of violating.
 - A short statement of the facts supporting the accusation.
 - The right of the student to meet with the **Director of Student Affairs** or designee to discuss the accusation, or to respond in writing.
 - The nature of the discipline that is being considered.
- Time limits – The notice must be provided to the student within *fourteen (14) days* of the date on which the conduct took place; in the case of continuous, repeated or ongoing conduct, the notice must be provided within *ten (10) days* of the date on which conduct occurred which led to the decision to take disciplinary action.
- Meeting – If the student chooses to meet with the **Director of Student Affairs**, the meeting must occur no sooner than *three (3) days* after the notice is provided. At the meeting, the student must again be told the facts leading to the accusation, and must be given an opportunity to respond verbally or in writing to the accusation.

Short-term Suspension – Within *ten (10) days* after the meeting described above, the **Superintendent/President** shall, pursuant to a recommendation from the **Director of Student Affairs or Vice President for Student Affairs**, decide whether to impose a short-term suspension, whether to impose some lesser disciplinary action, or whether to end the matter. Written notice of the **Superintendent/President's** decision shall be provided to the student. The notice will include the length of time of the suspension, or the nature of the lesser disciplinary action. The **Superintendent/President's** decision on a short-term suspension shall be final.

Long-term Suspension – Within *ten (10) days* after the meeting described above, the **Superintendent/President** shall, pursuant to a recommendation from the **Director of Student Affairs or Vice President for Student Affairs**, decide whether to impose a long-term suspension. Written notice of the **Superintendent/President's** decision shall be provided to the student. The notice will include the right of the student to request a formal hearing before a long-term suspension is imposed, and a copy of this administrative procedure describing the procedures for a hearing.

Expulsion – Within *seven (7) days* after the meeting described above, the **Superintendent/President** shall, pursuant to a recommendation from the **Director**

of Student Affairs or Vice President for Student Affairs, decide whether to recommend expulsion to the Board of Trustees. Written notice of the **Superintendent/President's** decision shall be provided to the student. The notice will include the right of the student to request a formal hearing before expulsion is imposed, and a copy of this administrative procedure describing the procedures for a hearing.

III. HEARING PROCEDURES

A. Request for Hearing.

Within *five (5) days* after receipt of the **Superintendent/President's** decision regarding a long-term suspension or expulsion, the student may request a formal hearing. The request must be made in writing to the **Superintendent/President** or designee.

Schedule of Hearing – The formal hearing shall be held within *five (5) days* after a formal request for hearing is received.

Hearing Panel – The hearing panel for any disciplinary action shall be composed of **one administrator, one faculty member and one student**.

The **Superintendent/President**, the president of the Academic Senate, and the Director of Student Affairs (Student Life) shall each, at the beginning of the academic year, establish a list of at least five persons who will serve on student disciplinary hearing panels. Those appointed to the panels will continue serve until such time that new panels are established.

The **Superintendent/President** shall appoint the hearing panel from the names on these lists. However, no administrator, faculty member or student who has any personal involvement in the matter to be decided, who is a necessary witness, or who could not otherwise act in a neutral manner shall serve on a hearing panel.

Hearing Panel Chair – The **Superintendent/President** shall appoint one member of the panel to serve as the chair. The decision of the hearing panel chair shall be final on all matters relating to the conduct of the hearing unless there is a vote by both other members of the panel to the contrary.

B. Conduct of the Hearing

The members of the hearing panel shall be provided with a copy of the accusation against the student and any written response provided by the student before the hearing begins.

The facts supporting the accusation shall be presented by a college representative who shall be the **Director of Student Affairs**.

The college representative and the student may call witnesses and introduce oral and written testimony relevant to the issues of the matter.

Formal rules of evidence shall not apply. Any relevant evidence shall be

admitted.

Unless the hearing panel determines to proceed otherwise, the college representative and the student shall each be permitted to make an opening statement. Thereafter, the college representative shall make the first presentation, followed by the student. The college representative may present rebuttal evidence after the student completes his or her evidence. The burden shall be on the college representative to prove by the preponderance of the evidence that the facts alleged are true.

The student may represent himself/herself, and may also have the right to be represented by a person of his/her choice *except that the student shall not be represented by an attorney unless, in the judgment of the hearing panel, complex legal issues are involved. If the student wishes to be represented by an attorney, a request must be presented not less than five (5) days prior to the date of the hearing. If the student is permitted to be represented by an attorney, the college representative may request legal assistance. The hearing panel may also request legal assistance; any legal advisor provided to the panel may sit with it in an advisory capacity to provide legal counsel but shall not be a member of the panel nor vote with it.*

Hearings shall be closed and confidential unless the student requests that it be open to the public. Any such request must be made no less than *five (5) days* prior to the date of the hearing.

In a closed hearing, witnesses shall not be present at the hearing when not testifying, unless all parties and the panel agree to the contrary.

The hearing shall be recorded by the District either by tape recording or stenographic recording, and shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony. In the event the recording is by tape recording, the hearing panel chair shall, at the beginning of the hearing, ask each person present to identify themselves by name, and thereafter shall ask witnesses to identify themselves by name. Tape recording shall remain in the custody of the District at all times, unless released to a professional transcribing service. The student may request a copy of the tape recording.

All testimony shall be taken under oath; the oath shall be administered by the hearing panel chair. Written statements of witnesses under penalty of perjury shall not be used unless the witness is unavailable to testify. A witness who refuses to be tape recorded is not unavailable.

Within *ten (10) days* following the close of the hearing, the hearing panel shall prepare and send to the **Superintendent/President** a written decision. The decision shall include specific factual findings regarding the accusation, and shall include specific conclusions regarding whether any specific section of the Standards of Student Conduct were violated. The decision shall also include a

specific recommendation regarding the disciplinary action to be imposed, if any. The decision shall be based only on the record of the hearing, and not on matter outside of that record. The record consists of the original accusation, the written response, if any, of the student, and the oral and written evidence produced at the hearing.

C. Superintendent/President's Decision

Long-term suspension – Within *ten (10) days* following receipt of the hearing panel's recommended decision, the **Superintendent/President** shall render a final written decision. The **Superintendent/President** may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the **Superintendent/President** modifies or rejects the hearing panel's decision, the **Superintendent/President** shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the **Superintendent/President** shall be final.

Expulsion – Within *ten (10) days* following receipt of the hearing panel's recommended decision, the **Superintendent/President** shall render a written recommended decision to the Board of Trustees. The **Superintendent/President** may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the **Superintendent/President** modifies or rejects the hearing panel's decision, he or she shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The **Superintendent/President** decision shall be forwarded to the Board of Trustees.

D. Board of Trustees Decision

The Board of Trustees shall consider any recommendation from the **Superintendent/President** for expulsion at the next regularly scheduled meeting of the Board after receipt of the recommended decision.

The Board shall consider an expulsion recommendation in closed session, unless the student has requested that the matter be considered in a public meeting in accordance with these procedures.

The student shall be notified in writing, by registered or certified mail or by personal service, at least *three (3) days* prior to the meeting, of the date, time, and place of the Board's meeting.

The student may, within **forty-eight (48) hours** after receipt of the notice, request that the hearing be held as a public meeting.

Even if a student has requested that the Board consider an expulsion recommendation in a public meeting, the Board will hold any discussion that might be in conflict with the right to privacy of any student other than the student requesting the public meeting in closed session. (Ed. Code § 72122)

The Board may accept, modify or reject the findings, decisions and recommendations of the **Superintendent/President** and/or the hearing panel. If the Board modifies or rejects the decision, the Board shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the Board shall be final.

The final action of the Board on the expulsion shall be taken at a public meeting, and the result of the action shall be a public record of the District. (Ed. Code § 72122)

IV. OTHER AVAILABLE SANCTIONS

A. Immediate Interim Suspension

The **Superintendent/President** may order immediate suspension of a student where he/she concludes that immediate suspension is required to protect lives or property and to ensure the maintenance of order. In cases where an interim suspension has been ordered, the time limits contained in these procedures shall not apply, and all hearing rights, including the right to a formal hearing where a long-term suspension or expulsion is recommended, will be afforded to the student within *ten (10) days*. (Ed. Code § 66017)

B. Removal from Class

Any instructor may order a student removed from his/her class for the day of the removal and the next class meeting. The instructor shall immediately report the removal to the **Dean, Campus Safety** and the **Director of Student Affairs**. The **Director of Student Affairs** shall arrange for a conference between the student and the instructor regarding the removal. If the instructor or the student requests, the **Director of Student Affairs** shall attend the conference. The student shall not be returned to the class during the period of the removal without the concurrence of the instructor. Nothing herein will prevent the **Director of Student Affairs** from recommending further disciplinary procedures in accordance with these procedures based on the facts, which led to the removal. (Ed. Code § 76032)

C. Withdrawal of Consent to Remain on Campus

The **Director of Student Affairs** may notify any person for whom there is a reasonable belief that the person has willfully disrupted the orderly operation of the campus that consent to remain on campus has been withdrawn. If the person is on campus at the time, he/she must promptly leave or be escorted off campus by Campus Security. If consent is withdrawn by the **Director of Student Affairs** a written report must be promptly made to the **Superintendent/President**.

The person from whom consent has been withdrawn may submit a written request for a hearing on the withdrawal within the period of the withdrawal. The request shall be granted not later than *seven (7) days* from the date of receipt of the request. The hearing will be conducted in accordance with the provisions of this procedure relating to interim suspensions.

In no case shall consent be withdrawn for longer than *five (5) days* from the date upon which consent was initially withdrawn.

Any person as to whom consent to remain on campus has been withdrawn who knowingly reenters the campus during the period in which consent has been withdrawn, except to come for a meeting or hearing, is subject to arrest (Penal Code § 626.4).

D. Official Reprimands

The **Superintendent/President, Director of Student Affairs**, or an instructor may issue a written or verbal reprimand to a student upon a determination that the student's conduct has violated the Standards of Student Conduct. Any written reprimand issued by an instructor shall be referred to the **Director of Student Affairs** to determine whether the written reprimand may become part of a student's permanent record. A record of the fact that a verbal reprimand has been given may become part of a student's record for a period of up to one year. (Ed. Code § 76031.)

E. Social Probation

A student may be excluded from participation in specified or all extra-curricular District activities. Extra-curricular District activities may include any college related activity for which the student receives no academic credit. Any exclusion must be made in writing, and such writing shall set forth the reason or reasons for the imposition of the disciplinary action, the activities to which the exclusion applies, and the length of time for which it is to be imposed. A copy of the written notice of social probation shall be served to the student and shall be placed in the student's record. (Ed. Code § 76031.)

F. Disciplinary Probation

A student may be required to adhere to specific written terms and conditions defined by the **Director of Student Affairs and/or the Superintendent/President**. The terms of probation shall bear a reasonable relationship to the violation committed by the student. The sanction may include, but is not limited to, ineligibility to participate in District or student-sponsored activities, including public performances, and may be imposed upon an individual student or group(s) of students. Disciplinary probation may be imposed for a period not to exceed one year. The terms of the probation shall be issued in writing, including any sanctions, the reasons for the imposition of the disciplinary action, and the length of time for which it is imposed.

Should the student violate one or more of the terms of the probation during the probationary period, the **Director of Student Affairs** may impose a more stringent disciplinary action, such as suspension. The student will be notified of any violations and more stringent discipline in writing. The **Director of Student Affairs** shall immediately notify the **Superintendent/President**. (Ed. Code § 76031.)

V. TIME LIMITS

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

VI. ACADEMIC DISHONESTY

In addition to disciplinary action in accordance with the procedures set forth above, academic sanctions may be imposed by an instructor in cases of academic dishonesty. Academic sanctions may include, but are not limited to, a written warning, a failing grade on a test, paper, or examination, or a lowered course grade.

Incidents of academic dishonesty and sanctions should be promptly reported in writing to the **Director of Student Affairs** with a copy to the student. The **Director of Student Affairs** will determine whether to initiate disciplinary action. (Ed. Code § 76037.)

VII. STUDENT RECORD OF DISCIPLINE

Record of any disciplinary action taken by the District against a student shall be included in that student's record. The student shall have the right to submit a written statement of his/her objections to the decision. This statement shall be included in the student's record. (Ed. Code § 76233.)

If the record concerns disciplinary action in connection with alleged sexual assault or physical abuse, or any conduct that threatens the health and safety of the alleged victim, the alleged victim of that sexual assault or physical abuse shall be informed within three (3) days of the result of any disciplinary action by the community college and the results of any appeal. The victim shall keep the results of that disciplinary action confidential. (Ed. Code § 76234.) (See also AP 3515-Reporting of Crimes, Section I. Reporting of a Crime, for permissible disclosure of disciplinary proceedings.)

See Board Policy 5500 and Administrative Procedure 5500

Approved by Superintendent/President: 2-25-14; Revised: 3-29-16

Appendix D



Book
Board Policies

Section
Chapter 7000 Human Resources

Title
Discipline and Dismissal – Classified and Educational Administrators

Code
BP 7362

Status
Active

Adopted
October 1, 2019

BP 7362 Discipline and Dismissal – Classified and Educational Administrators

The Superintendent/President shall enact procedures for the disciplinary proceedings applicable to classified and educational administrators. Such procedures shall apply to administrators who are not tenured College faculty, are not covered by one of the College's collective bargaining agreements, or are not covered by an individual employment contract (hereinafter "Administrators"). Such procedures shall not apply to any employee in a probationary period of employment. Such procedures shall define the conditions and processes for dismissal, discipline, and due process and ensure they are available for Administrators.

For classified administrators who have completed a probationary period and become permanent employees under Education Code section 88013, no disciplinary action shall be taken for any cause that arose prior to the employee becoming permanent or for any cause that arose more than two (2) years preceding the date of the filing of any charge against the Administrator, unless the cause was concealed or not disclosed by the Administrator when it could be reasonably assumed that the Administrator should have disclosed the facts to the District.

An Administrator shall be subject to disciplinary action, including, but not limited to, oral reprimand, written reprimand, suspension, or discharge, for any of the following grounds:

1. Immoral conduct;
2. Unprofessional conduct;
3. Dishonesty;
4. Evident unfitness for service;
5. Persistent violation of, or refusal to obey, the school laws of the state or reasonable regulations prescribed for the government of the community colleges by the Board of Governors, the Governing Board of the District, or a College Department.
6. Conviction of a felony or of any crime involving moral turpitude;
7. Fraud in securing employment or making a false statement on an application for employment or promotion.
8. Incompetence, i.e., inability to comply with the minimum standard of the Administrator's position for a significant period of time.
9. Inefficiency or inexcusable neglect of duty, i.e., failure to perform duties required of the Administrator in the position.
10. Willful disobedience and insubordination, a willful failure to submit to duly appointed and acting supervision, conform to duly established orders or directions of, or insulting or demeaning the authority of a supervisor, including but not limited to the Superintendent/President and/or the Board of Trustees.
11. Being impaired by or under the influence of alcohol or illegal drugs, or narcotics, (including marijuana) while on duty, which could impact the ability to do the job.
12. The conviction of either a felony or any crime involving moral turpitude shall constitute grounds for dismissal of any administrator. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
13. Improper or unauthorized use of District property.
14. Refusal to subscribe to any oath or affirmation which is required by law in connection with District employment.
15. Mental or physical impairment which renders the Administrator unable to perform the essential functions of the job without reasonable accommodation or without presenting a direct threat to the health and safety of self or others.
16. Acceptance from any source of a reward, gift, or other form of remuneration in addition to regular compensation to an Administrator for the performance of his or her official duties.
17. Falsification of any information supplied to the District, including but not limited to application forms, employment records, or any other District record.
18. Personal conduct unbecoming to an agent or employee of the District. An agent is someone who represents the District to the student or the public.

See Administrative Procedure 7362

Adopted by Board of Trustees: October 1, 2019

Appendix E



HARTNELL COLLEGE

Book

Administrative Procedures

Section

Chapter 7000 Human Resources

Title

Discipline and Dismissal- Classified and Educational Administrators

Code

AP 7362

Status

Active

Adopted

September 17, 2019

AP 7362 Discipline and Dismissal – Classified and Educational Administrators

These discipline, dismissal, and due process procedures shall apply to classified and educational administrators who are not tenured College faculty, are not covered by one of the College's collective bargaining agreements, or are not covered by an individual contract (hereinafter "administrators"). All administrators shall uphold the highest level of professional integrity and ethics.

A. Causes for Discipline

Administrators may be dismissed or disciplined for one or more of the following causes:

1. Immoral conduct;
2. Unprofessional conduct;
3. Dishonesty;
4. Evident unfitness for service;
5. Persistent violation of, or refusal to obey, the school laws of the state or reasonable regulations prescribed for the government of the community colleges by the Board of Governors, the Governing Board of the District, or a College Department.

6. Conviction of a felony or of any crime involving moral turpitude;
7. Fraud in securing employment or making a false statement on an application for employment or promotion.
8. Incompetence, i.e., inability to comply with the minimum standard of the administrator's position for a significant period of time.
9. Inefficiency or inexcusable neglect of duty, i.e., failure to perform duties required of the administrator in the position.
10. Willful disobedience and insubordination, a willful failure to submit to duly appointed and acting supervision, conform to duly established orders or directions of, or insulting or demeaning the authority of a supervisor, including but not limited to the superintendent/president and/or the Board of Trustees.
11. Being impaired by or under the influence of alcohol or illegal drugs or narcotics (including marijuana) while on duty, which could impact the ability to do the job.
12. The conviction of either a felony or any crime involving moral turpitude shall constitute grounds for dismissal of any administrator. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. A plea or verdict of guilty, or a conviction showing a plea of nolo contendere made to charge a felony or any offense involving moral turpitude, is deemed to be a conviction within the meaning of this Section.
13. Improper or unauthorized use of District property.
14. Refusal to subscribe to any oath or affirmation which is required by law in connection with District employment.
15. Mental or physical impairment which renders the administrator unable to perform the essential functions of the job without reasonable accommodation or without presenting a direct threat to the health and safety of self or others.
16. Acceptance from any source of a reward, gift, or other form of remuneration in addition to regular compensation to an administrator for the performance of his or her official duties.
17. Falsification of any information supplied to the District, including but not limited to application forms, employment records, or any other District record.
18. Personal conduct unbecoming to an agent or employee of the District. An agent is someone who represents the District to the student or the public.

B. Placement on Involuntary Paid Administrative Leave Pending Investigation of
Misconduct

An academic administrator who is placed on involuntary paid administrative leave and is subject to accusations of misconduct is entitled to be provided with the general nature of the accusations made against him/her at least two business days before the employee is placed on leave. At least two business days before he/she is placed on involuntary paid administrative leave, the employee shall be notified in writing of the general nature of the allegation or allegations of misconduct upon which the decision to place the employee on leave is based.

The two business day advance notice requirement does not apply in the event of a serious risk of physical danger or other necessity arising from the specific allegations, and the employee may immediately be placed on involuntary paid administrative leave. The

employee shall be provided with, at minimum, the general nature of the accusations made against him/her within five business days of the employee being placed on leave.

Within 90 days of placing an employee on involuntary paid administrative leave, the District should complete its investigation of the accused misconduct and initiate disciplinary proceedings against, or reinstate, the employee.

C. Disciplinary Actions

Disciplinary action taken by the District against an administrator may include verbal warning, written reprimand, suspension, demotion, and/or dismissal. The District will follow progressive discipline steps as appropriate and in order to achieve correction of behavior when circumstances permit. The progressive discipline steps are:

1. **Verbal Warning** – The verbal warning may be included in the employee’s personnel file. To the extent, conduct continues, the verbal warning may be mentioned in subsequent discipline.
2. **Written Reprimand** – The letter should include reasons for the reprimand, a statement that the administrator has already been given a verbal warning, or that the infraction is sufficiently serious to warrant a written reprimand. It should also include specific directives to correct the issues. A copy of any written reprimand will be provided to the administrator and placed in his/her personnel file.
3. **Suspension or Demotion** – An administrator may be suspended or demoted for disciplinary purposes. Suspension may be with or without pay. Demotion shall be to a position in a lower classification at a lower rate of pay.
4. **Dismissal** – An administrator may be dismissed for cause at any time. Formal written notice of dismissal may be made after considered action during a period of suspension.

Although the above steps are sequential, the nature of the conduct may warrant skipping the previous step or steps and such decision will be in the sole discretion of the superintendent/ president or his/her designee. If material will be placed in an Administrator’s personnel file, he/she shall be given an opportunity to prepare a written response to such materials. The response will be attached to the materials in the personnel file.

D. Procedure for Disciplinary Action

The District may, for disciplinary purposes, suspend, demote, or dismiss any administrator.

In order to suspend, demote, or dismiss an administrator, the District shall follow these pre-disciplinary procedures:

1. **Notice of Charges:** The administrator shall be given a written notice of discipline which sets forth the following:
 - a. The disciplinary action intended;
 - b. The specific charges upon which the action is based;
 - c. A factual summary of the grounds upon which the charges are based;

- d. A copy of written materials, reports, or documents upon which the discipline is based.
2. **Request for Hearing:** If an administrator wants to contest the action, he/she shall within fifteen (15) calendar days from the date of receipt of the notice, appeal to the Board of Trustees by filing a written answer to the charges and a request for hearing with the superintendent/president. Failure to timely request a hearing shall constitute a waiver of the right to a hearing and the Board of Trustees may act on the proposed discipline without a hearing.
3. **Time for Hearing:** The Board of Trustees shall, within a reasonable time from the filing of the appeal, commence the hearing. The Board of Trustees may conduct the hearing itself, or it may secure the services of an Administrative Law Judge from the Office of Administrative Hearings to conduct a hearing and render a proposed decision for consideration by the Board of Trustees. However, in every case, the decision of the Board of Trustees itself shall be final. The Board of Trustees may affirm, modify or revoke the discipline. Any administrator, having filed a request for hearing with the Board of Trustees and having been notified of the time and place of the hearing, who fails to make an appearance before the Board of Trustees or presiding officer, may be deemed to have abandoned his/her request. In this event, the Board of Trustees may dismiss the request for hearing and proceed with the proposed discipline.
4. **Record of Proceedings and Costs:** All disciplinary hearings may, at the discretion of either party or the Board of Trustees, be recorded by a court reporter. Any hearing which does not utilize a court reporter shall be recorded by audio tapes. If a court reporter is requested by either party, that party shall pay the cost of the court reporter.
5. **Conduct of the Hearing:** The hearing need not be conducted in accordance with technical rules relating to evidence and witnesses but hearings shall be conducted in a manner most conducive to determination of the truth.
6. **Burden of Proof:** In a disciplinary appeal the District has the burden of proof by a preponderance of the evidence.
7. **Testimony under Oath:** All witnesses shall be sworn in for the record prior to offering testimony at the hearing.
8. **Deliberation upon the Case:** The Board of Trustees or presiding officer should consider all oral and documentary evidence, the credibility of witnesses, and other appropriate factors in reaching their decision. The Board of Trustees or presiding officer may deliberate at the close of the hearing or at a later fixed date and time. In those cases where the Board of Trustees has received a proposed decision from an Administrative Law Judge, the proposed decision, the record of the hearing and all documentary evidence shall be available for review by the Board of Trustees when it deliberates.
9. **Written Findings, Conclusion, and Decision:** The Board or presiding officer shall render its findings, conclusions and decision as soon after the conclusion of the hearing as possible. The Board of Trustees or presiding officer may sustain or reject any or all of the charges filed against the administrator. In those cases where the Board of Trustees has

received a proposed decision from a hearing officer or Administrative Law Judge, the Board of Trustees may adopt the proposed decision, modify the proposed decision or render a new decision. If the Board of Trustees recommends reinstatement of the terminated administrator, the administrator is only entitled to back pay minus the sum the administrator has earned during the period of absence.

10. **Decision of the Board of Trustees to be Final:** The decision of the Board of Trustees in all cases shall be final.
11. **Emergency Suspension:** If an administrator's conduct presents an immediate threat to the health and safety of the administrator or others, the administrator may be suspended without compliance with the provisions of this procedure. However, as soon as possible after suspension, the administrator shall be given notice as set forth herein.
12. **Record Filed:** When final action is taken, the documents shall be placed in the administrator's personnel file.

See Board Policy 7362

Approved by Superintendent/President: September 17, 2019