GROSSMONT-CUYAMACA
COMMUNITY COLLEGE DISTRICT

Rights and Reporting Options

If you are experiencing an emergency call 9-1-1
San Diego Sheriff's Department Non-Emergency Line: (858) 868-3200
El Cajon Police Department (619) 579-3311

The safety and well-being of our students, employees and community members is a priority for Grossmont-Cuyamaca Community College District. We are committed to creating and sustaining a safe educational and working environment free of sexual misconduct (includes rape and sexual battery), sexual exploitation, dating and intimate partner violence, domestic violence, and stalking. This publication is required by law and is intended to help survivors of sexual misconduct, sexual exploitation, sexual assault, dating violence, domestic violence and stalking understand their rights and reporting options. We have processes in place to assist you and resources are available to you.

Your Rights

You have the right to be treated with dignity and respect while seeking and/or receiving support and resources, exploring and/or exercising your reporting options, and participating in any formal or informal administrative complaint or resolution process under Administrative Procedure 3434.

Pursuant to Title IX, 20 U.S.C. § 1681 et seq., and **34 C.F.R. §§ 106.8 and 106.44**, the District provides information regarding reporting options, complaint processes, available supportive measures, and rights of individuals who experience sex discrimination, sexual harassment, sexual assault, dating violence, domestic violence, or stalking.

Reporting Notice

34 C.F.R. § 106.8(d) requires the District to notify students, employees, and others of:

"How to report information about conduct that may constitute sex discrimination under Title IX and how to make a complaint of sex discrimination.

Right to Receive Supportive Measures

34 C.F.R. § 106.44(k) requires the District to offer and coordinate supportive measures, as appropriate, to restore or preserve equal access to the institution's education program or activity. Supportive measures must be available regardless of whether a formal complaint is filed.

Supportive measures can include the following: academic accommodations, schedule or class changes, issuance of No Contact Orders (jurisdiction is within educational program),

referrals to counseling, health, mental health providers, victim advocacy, legal aid, and visa and immigration assistance.

Right to Receive Information About Procedures

34 C.F.R. § 106.8(f) requires the District to adopt and publish grievance procedures providing for the prompt and equitable resolution of complaints of sex discrimination. Individuals must be informed of these procedures.

Under California Code California Code of Regulations, Title 5, §§ 59324 and 59328(b), any Complaint made to a responsible employee under California law or Title IX ... shall be forwarded to the responsible district officer or designee.

Under the Violence Against Women Act (VAWA)[1], as implemented through the Campus SaVE Act amendments to the Clery Act, colleges and universities must provide survivors of sexual assault, dating violence, domestic violence, and stalking with written notice of their rights and reporting options.

The district's applicable polices regarding sexual harassment are BP 3433 and AP 3433. The process for responding to sexual harassment complaints is defined in AP 3434. The process for discrimination and harassment complaints and investigations is defined in AP 3435.

Student Conduct community standards, polices and procedures are defined here.

Employee conduct is defined in BP 3060 and AP 3060.

Importance of Preserving Evidence

If you believe you have experienced **sexual harassment, sex discrimination, sexual assault, dating violence, domestic violence, stalking, or related misconduct**, you are encouraged to preserve any evidence that may assist in a district investigation, criminal investigation, civil proceeding, protective order request, or other legal or administrative process.

Evidence can be important regardless of whether you choose to make a report immediately. The preservation of evidence does not obligate you to participate in any investigation or proceeding.

Examples of evidence that may be helpful include:

- Text messages, emails, social media posts, direct messages, and other electronic communications;
- Voicemails, photographs, videos, screenshots, and audio recordings;
- Call logs, location data, GPS records, and electronic device records;

[1] **34 C.F.R. § 668.46(k)(2)(i)** (formerly designated as § 668.46(b)(11)(vii).

- Journals, notes, calendars, or contemporaneous documentation describing incidents;
- Names and contact information of witnesses;
- Medical records, counseling records, photographs of injuries, or records of property damage;
- Gifts, letters, cards, or other tangible items related to the conduct.

Sexual Assault Medical Forensic Examination (SAFE) and Preservation of Evidence

If you have experienced a sexual assault, obtaining a medical forensic examination as soon as possible can help preserve evidence that may be important in a criminal investigation, protective order proceeding, or institutional process. A medical forensic examination may also identify and address health concerns, including injuries, sexually transmitted infections, and pregnancy.

The collection of forensic evidence is generally most effective when performed promptly after the assault. While evidence collection timeframes may vary based on the facts and circumstances of the incident and advances in forensic technology, individuals are encouraged to seek medical care as soon as possible. In many jurisdictions, evidence may be collected up to **120 hours (5 days)** or longer after an assault, depending on the circumstances and the medical provider's assessment.

To help preserve potential evidence, individuals may wish to avoid bathing, showering, using the restroom, changing clothes, brushing teeth, eating, drinking, washing hands, cleaning the location of the incident, or otherwise disturbing possible evidence until after a medical examination, if possible. If clothing has been changed, the clothing worn during or immediately following the incident should be preserved in a clean paper bag, if available.

A decision to undergo a sexual assault forensic examination does **not** require an individual to file a police report, participate in a criminal investigation, or pursue a district complaint. Individuals may obtain a medical forensic examination and decide later whether to pursue any reporting or investigative options.

The district can assist individuals in accessing a Sexual Assault Response Team (SART), hospital, rape crisis center, victim advocate, law enforcement agency, or other available support services.

For more information on obtaining a free sexual assault forensic medical exam visit Sexual Assault Forensic Medical Exam | State of California - Department of Justice - Office of the Attorney General.

Your Reporting Options

Survivors are strongly encouraged to report crimes to law enforcement to assist in the apprehension of those individuals committing these crimes. However, survivors have the right not to report crimes to law enforcement and may decline any involvement with the police. Survivors also have the right to be assisted by District personnel in making a report to law enforcement upon request.

1. Reporting to Law Enforcement

For emergencies call 9-1-1

For Non-Emergencies: San Diego Sheriff's Department Non-Emergency Line: (858) 868-3200

El Cajon Police Department (619) 579-3311

Local law enforcement where the incident occurred.

If survivors want to report a crime to local law enforcement, they should locate and contact the police where the incident occurred. Below is contact information for law enforcement agencies close to Grossmont-Cuyamaca Community College District.

El Cajon Police Department (619) 579-3311

San Diego Police Department 619-531-2000.

If the incident or crime took place outside of the law enforcement jurisdictions listed above, you can Google 'the address where the incident occurred and law enforcement' and results should provide the police agency with jurisdiction. You can also call 9-1-1.

2. Reporting to District Compliance and Title IX

All incidents of sexual exploitation, sexual harassment, discrimination, harassment, sexual misconduct (including sexual battery, statutory rape, incest and rape), dating, intimate partner or domestic violence, and or stalking should be reported to the District Title IX Coordinator, Dr. Mardi Walters by calling (619) 644-7035 or by email to titleix@gcccd.edu.

Reports made to the District Title IX Coordinator are confidential to the extent possible and can result in an administrative investigation, findings of fact and discipline by the district or student affairs. A report made to the District Title IX Coordinator **is not** the same as a report made to law enforcement. If you want to press criminal charges against an individual you must make a report to law enforcement. If you want assistance in making a report to law enforcement, the District Title IX Coordinator can assist you in making the report.

3. Reports can also be made to the following individuals:

Deans of Student Services

Grossmont College: Stacey Shears, Vice President Student Services
Email: stacey.shears@gcccd.edu
(619) 644-7600

Cuyamaca College: Lauren Vaknin, Dean Student Engagement and Belonging
Email: Lauren.Vaknin@gcccd.edu
(619) 660-4295

Melissa Richerson, Vice Chancellor Human Resources
Email: melissa.richerson@gcccd.edu

4. Reporting to law enforcement and making a criminal report:

You have a right to be informed of law enforcement options and information regarding the availability of a criminal or civil prosecution for survivors of crime. It is a survivor's choice to report a crime. You have the right to report, or decline to report, an incident to law enforcement. You have the right to not be forced, coerced, or pressured into reporting to law enforcement.

San Diego Sheriff's Department Non-Emergency Line: (858) 868-3200
San Diego County Sherriff – Santee Station (619) 956-4000
El Cajon Police Department (619) 579-3311
San Diego Police Department for non-emergencies, call 619-531-2000 or 858-484-3154
La Mesa Police Department 619-667-1400

Legal Options After Reporting to Law Enforcement

Court-Ordered Restraining Orders

A survivor may choose to obtain a restraining order (such as a domestic violence restraining order or a civil harassment restraining order). Restraining orders must be obtained from a court in the jurisdiction where the incident occurred. Restraining orders can help protect a survivor who has experienced or is reasonably in fear of physical violence, sexual violence, domestic violence, dating violence and stalking.

Emergency Protective Order (EPO)

An Emergency Protective Order (EPO) is a type of restraining order that only law enforcement can ask for by calling a judge. Typically, this is done by an officer responding to the scene of a domestic violence incident. Judges are available to issue EPOs 24 hours a day. The EPO takes effect immediately and can last up to seven calendar days. The judge can order the alleged abuser to leave the domicile and stay away from the survivor and their

children for up to a week. This provides the survivor with time to go to court to request a temporary restraining order.

Temporary Domestic Violence Restraining Order (TRO)

A TRO is a type of protective order. In order to obtain one, the survivor must fill out paperwork explaining the facts and why a protective order is needed. If a judge agrees that protection is needed, the judge will issue a temporary restraining order. Temporary restraining orders usually last until the court hearing date, typically 20 to 25 days after the petition is filed.

Criminal Protective Order (CPO)

When there is a claim that a domestic violence incident occurred, a criminal charge (or charges) may be filed by a prosecutor (such as the City Attorney or District Attorney) against the person who allegedly committed the criminal act. The prosecutor commonly asks a judge to issue a Criminal Protective Order while the criminal case proceeds. A CPO typically requires the defendant (the person who allegedly committed the criminal act) to stay away from and not to hurt, threaten, or communicate with the accuser. If the defendant is convicted or pleads guilty to the criminal charge(s), the CPO may last for up to ten years after the case is over.

Civil Harassment Restraining Order

This type of court order is available to individuals who have been harassed by any of the following: a neighbor, roommate (as long as no dating/romantic relationship existed or exists), friend, family member more than two degrees removed (e.g., an aunt/uncle, niece/nephew, cousin, or more distant relative), stranger, or another person not closely related to the victim of the harassment.

An individual who has been civilly harassed by a current or former spouse/partner, or someone with whom a dating/romantic relationship existed, or a close relative (parent, child, brother, sister, grandmother, grandfather, in-law) may qualify for a domestic violence restraining order but would not qualify for a civil harassment restraining order.
SWCCD complies with California law in recognizing restraining orders and protective orders. If you obtain a restraining order a copy should be provided to your campus College Police Department. To comply with the restraining order, the Title IX Coordinator and campus or College Police may assist with setting up escorts, establishing special parking arrangements, changing classroom or employment locations, or additional measures as needed.

5. Reporting Online

You can file an online report with the Compliance and Title IX office by accessing the following link: GCCCD Title IX Incident Reporting Form.

For more information access the Title IX webpage here.

6. Resources and Support for Survivors

Support Services & Supportive Measures

You have the right to be offered and receive reasonably available support services and supportive measures, available both on and off campus. A formal complaint does not have to be filed in order to receive support services and/or supportive measures. Supportive services and supportive measures include, but are not limited to, counseling, survivor advocates, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

Please contact the Director, Compliance and Title IX for more information:

Mardi Walters, Ed.D. / Director, Compliance and Title IX
8800 Grossmont College Drive, El Cajon, CA 92020
Office: 619.644.7035 | email: mardi.walters@gcccd.edu
File a Complaint: GCCCD Title IX Incident Reporting Form
Webpage: Title IX

7. Community Resources

Crisis Lines:

Access & Crisis Line S.D. County (800) 479-3339
Kaiser Crisis Line (800) 900-3277
VA Crisis Line (800) 273-8255
Heidorn Lifeline (Lesbian, Gay, Bisexual, Transgender Center) (858) 212-5433
National Suicide Prevention Hotline (800) 273-8255
Community Resource Information & Referral S.D. County Info Line (858) 300-1211

Domestic Violence Support:

DV Crisis & Referral (DV Links) (888) 385-4657
DV 24hr Crisis Line (619) 234-3164
Domestic Violence Center (888) 385-4657

Rape & Sexual Assault:

Rape & Sexual Assault Hotline (858) 272-1767
Center for Community Solutions for 24 Hour Sexual Assault (888) 272-1767

Forensic Rape Examination Resources

National Sexual Assault Hotline, (800) 656-4673. This Hotline can connect you with a Rape Crisis Center in your area.

California directory of Rape Crisis Centers:
https://www.valor.us/get-help/wpbdp_category/california/

Information about where to get a medical exam in California:
https://calsafe.net/about

California directory for pediatric medical exams:
https://www.ccfmtc.org/wp-content/uploads/Pediatric-SAFE-Team-Coordinators-003.doc-copy.pdf

For more information visit the California Department of Justice website.

8. Definitions

The definitions below are derived from AB 2212.

1. "Sexual harassment" has the same meaning as defined in Section 212.5 and includes sexual battery, sexual violence, and sexual exploitation.

2. Sexual harassment of students is a form of sex discrimination prohibited by Section 66270(b).

3. "Sexual violence" means physical sexual acts perpetrated against a person without the person's affirmative consent. Physical sexual acts include both of the following:

(A) "Rape" is defined as penetration, no matter how slight, of the vagina or anus with any part or object, or oral copulation of a sex organ by another person, without the consent of the victim.

(B) "Sexual battery" means the intentional touching of another person's intimate parts without consent, intentionally causing a person to touch the intimate parts of another without consent, or using a person's own intimate part to intentionally touch another person's body without consent.

4. "Sexual exploitation" means a person taking sexual advantage of another person for the benefit of anyone other than that person without that person's consent, including, but not limited to, any of the following acts:

(A) The prostituting of another person.

(B) The trafficking of another person, defined as the inducement of a person to perform a commercial sex act, or labor or services, through force, fraud, or coercion.

(C) The recording of images, including video or photograph, or audio of another person's sexual activity or intimate parts, without that person's consent.

(D) The distribution of images, including video or photograph, or audio of another person's sexual activity or intimate parts, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to the disclosure.

(E) The viewing of another person's sexual activity or intimate parts, in a place where that other person would have a reasonable expectation of privacy, without that person's consent, for the purpose of arousing or gratifying sexual desire.

5. "Affirmative consent" means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that the person 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.

6. "Depicted individual" means an individual who is portrayed in sexually explicit material.

7. "Digitization" means a process by which any of the following are realistically depicted:

(A) The nude body parts of another human being as the nude body parts of the depicted individual.

(B) Computer-generated nude body parts as the nude body parts of the depicted individual.

(C) The depicted individual engaging in sexual conduct in which the depicted individual did not engage.

8. "Digitized sexually explicit material" means any portion of a visual or audiovisual work created or substantially altered through digitization, including an image, that shows the depicted individual in the nude or appearing to engage in, or being subjected to, sexual conduct.

9. "Sextortion" means a threat to use sexual or intimate images or videos, however obtained, to compel another person to produce sexual or intimate images or videos, engage in sexual acts, or provide anything of value.

10. “Sexual battery” means the intentional touching of another person’s intimate parts without consent, intentionally causing a person to touch the intimate parts of another without consent, or using a person’s own intimate part to intentionally touch another person’s body without affirmative consent.

11. “Sexual conduct” means any of the following:

(A) Masturbation.

(B) Sexual intercourse, including genital, oral, or anal, whether between persons regardless of sex or gender or between humans and animals.

(C) Sexual penetration of the vagina or rectum by, or with, an object.

(D) The transfer of semen by means of sexual conduct from the penis directly onto the depicted individual as a result of ejaculation.

(E) Sadomasochistic abuse involving the depicted individual.

12. “Sexual exploitation” means a person taking sexual advantage of another person for the benefit of anyone other than that person without that person’s affirmative consent, including, but not limited to, any of the following acts:

(A) The prostituting of another person.

(B) The trafficking of another person, defined as the inducement of a person to perform a commercial sex act, or labor or services, through force, fraud, or coercion.

(C) The recording of images, including video or photograph, or audio, of another person’s sexual activity or intimate parts, without that person’s affirmative consent.

(D) The distribution of images, including video or photograph, or audio, of another person’s sexual activity or intimate parts, if the individual distributing the images, video, photograph, or audio knows or should have known that the person depicted in the images, video, photograph, or audio did not provide affirmative consent to the disclosure.

(E) The viewing of another person’s sexual activity or intimate parts in a place where that other person would have a reasonable expectation of privacy, without that person’s affirmative consent, for the purpose of arousing or gratifying sexual desire.

(F) The creation or generation of digitized sexually explicit materials without the depicted individual’s written consent.

(G) The distribution of digitized sexually explicit materials, if the individual distributing the materials knows or should have known that the depicted individual did not provide written consent to the disclosure.

13. (A) “Sexual harassment” means unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in a work or educational setting, under any of the following conditions:

(i) Submission to the conduct is explicitly or implicitly made a term or a condition of an individual’s employment, academic status, or progress.

(ii) Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual.

(iii) 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.

(iv) Submission to, or rejection of, the conduct by the individual is used as the basis for a decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.

13. (B) “Sexual harassment” includes, but is not limited to, all of the following:

(i) Sexual exploitation.

(ii) Sexual violence, including, but not limited to, sexual battery.

(iii) Stalking.

(iv) Sextortion.

(v) Technology-facilitated sexual harassment.

13. (C) Sexual harassment of students is a form of sex discrimination prohibited by Section 66270.

14. “Sexual violence” means physical sexual acts perpetrated against a person without the person’s affirmative consent. Physical sexual acts include both of the following:

(A) Rape, defined as penetration, no matter how slight, of the vagina or anus with any part or object, or oral copulation of a sex organ by another person, without the affirmative consent of the victim.

(B) “Sexual battery” means the intentional touching of another person’s intimate parts without consent, intentionally causing a person to touch the intimate parts of another without consent, or using a person’s own intimate part to intentionally touch another person’s body without affirmative consent.

15. “Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to do either of the following:

(A) Fear for their safety or the safety of others.

(B) Suffer substantial emotional distress.

15. “Technology-facilitated sexual harassment” means sexual harassment that occurs on, or is facilitated by, digital platforms or digital technologies.