



---

**GROSSMONT-CUYAMACA**  
COMMUNITY COLLEGE DISTRICT

**2020 Annual Security  
Report**

**Includes Annual Crime Statistics from January 1, 2019 through  
December 31, 2019 and Clery Act Reporting Requirements**

**Posted on 09/30/2020**

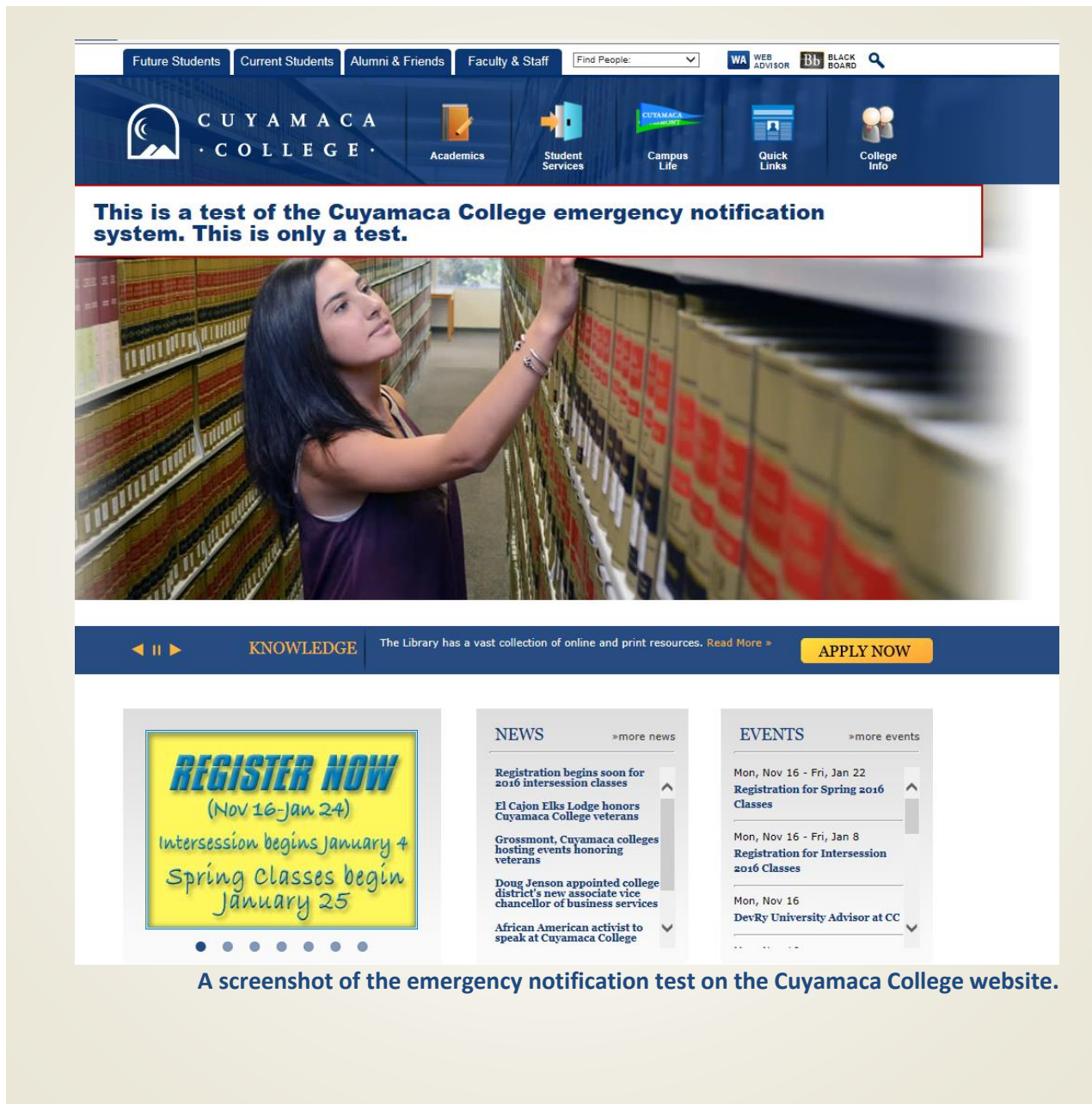


Photo Credit: Stephen Harvey

## Table of Contents

Contact Information.....	5
About the Grossmont-Cuyamaca Community College District.....	6
The Clery Act .....	6
Preparing the Annual Security Report.....	7
Law Enforcement Authority.....	8
Law Enforcement Partnerships .....	9
Reporting Crimes .....	10
Campus Security Authorities (CSA) .....	11
Pastoral and Professional Counselors .....	12
Confidential Reporting .....	13
Security and Access to Campus.....	13
Operational Enhancement.....	15
Timely Warnings .....	15
Emergency Notifications .....	18
Emergency Response and Evacuation Procedures .....	19
Security Awareness Programs and Crime Prevention Education .....	22
Fire Arms and Weapons .....	26
Missing Persons .....	26
Alcohol Policy .....	27
Drug Policy .....	28
Daily Crime Log.....	37
Police Services Complaint Procedure .....	39
Crime Prevention Programs.....	39
Substance Abuse Education.....	39
Sex Offender Registrant Information .....	40
Crime Statistics .....	41
Hate Crimes .....	44
Sexual Assault.....	45
VAWA.....	51
Title IX Initiatives .....	54
Student Prevention, Training & Education on Sexual Assault.....	68
Grossmont-Cuyamaca Student Discipline Process .....	77

**Victim and Community Resources .....78**  
**Important GCCCD Links .....80**  
**Definitions Per the Crime Reporting Handbook .....81**  
**State of California Penal Codes .....85**  
**Health and Safety Code.....99**  
**End Page with Contact Information ..... 104**



A screenshot of the emergency notification test on the Cuyamaca College website.

## Contact Information

### For Campus Emergencies:

From an intercampus landline.....	9-1-1
From a cell phone .....	9-1-1
Campus Emergency information Line .....	1-800-550-3922
Emergency Information Webpage .....	<a href="http://www.gcccd.edu/emergency/default.html">http://www.gcccd.edu/emergency/default.html</a>
San Diego Sheriff's Department Non-Emergency Line from a landline .....	858-565-5200
San Diego Sheriff's Department Non-Emergency Line from intercampus line .....	7800
Hazardous Materials Spill .....	619-644-7654
Campus and Parking Services.....	619-644-7654
El Cajon Police Department .....	619-579-3311

### San Diego Sheriff's Department:

On-campus location at Grossmont College .....	Building 57
On-campus location at Cuyamaca College.....	Building A-101
Mailing Address .....	8811 Cuyamaca Street, Santee, CA 92071
Webpage .....	<a href="http://www.sdsheriff.net">http://www.sdsheriff.net</a>
San Diego Sheriff's Department Non-Emergency Line from a landline .....	858-565-5200
San Diego Sheriff's Department Non-Emergency Line from intercampus line .....	7800
Anonymous Crime Reporting .....	<a href="http://www.sdcrimestoppers.com">http://www.sdcrimestoppers.com</a> and <a href="http://www.wetip.com">http://www.wetip.com</a>

### Other Important Numbers:

Grossmont College Counseling Center .....	619-644-7208
Grossmont College Student Affairs Office .....	619-644-7600
Grossmont College Health Services and Mental Health Services.....	619-644-7192
Cuyamaca College Counseling Center .....	619-660-4429
Cuyamaca College Student Affairs Office .....	619-660-4295
Cuyamaca College Health & Wellness Center .....	619-660-4200



CAPS  
SPECIALISTS  
TRAINING AT  
PROFESSIONAL  
DEVELOPMENT

## About the Grossmont-Cuyamaca Community College District

The Grossmont-Cuyamaca Community College District (GCCCD) is comprised of two campuses located in San Diego County. The District serves approximately 27,000 students and 3,000 employees. The Cuyamaca Campus lies at the margin of the Sweetwater River Valley in Rancho San Diego, an unincorporated area of eastern San Diego County near the city of El Cajon. The Grossmont Campus resides in the Fletcher Hills area of El Cajon, just off state Route 125 on a 135 acre area. The campus does not provide any on or off-campus residential facilities or have off-campus student organizations.

The mission of GCCCD is to provide outstanding learning opportunities that prepare students to meet community needs and future challenges of a complex, global society.

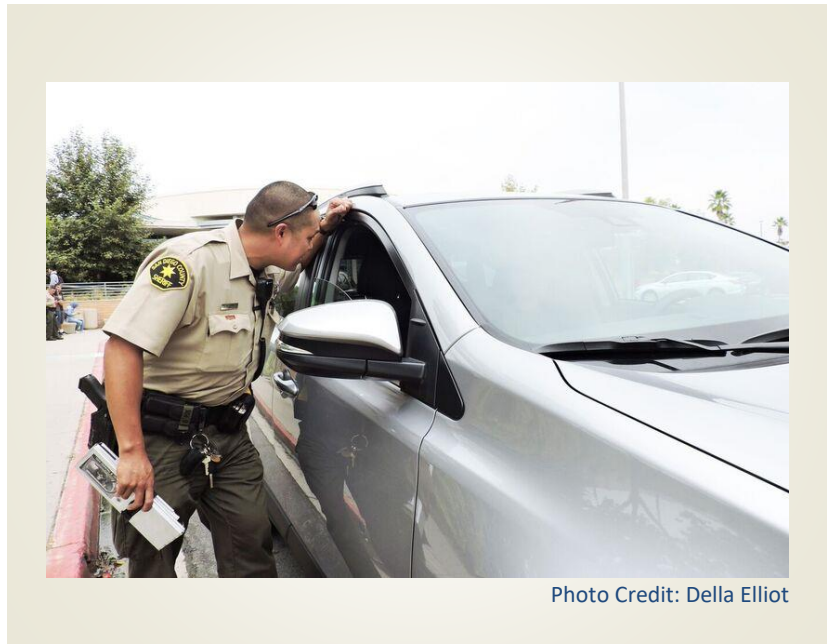


Photo Credit: Della Elliot

## The Clery Act

In 1990, the Higher Education Act of 1965 (HEA) was amended to include the Crime Awareness and Campus Security Act of 1990. This amendment required all postsecondary institutions participating in Title IV student financial aid programs to disclose campus crime statistics and security information. In 1998, the act was renamed the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics in memory of Jeanne Clery, a Lehigh University student who was killed in her dorm room in 1986. On March 7, 2013, President Obama signed a bill that strengthened and reauthorized the Violence Against Women Act (VAWA). Included in the bill were amendments to the Clery Act that afforded additional rights to victims of dating violence, domestic violence, sexual assault and stalking.

The Clery Act as amended by VAWA requires colleges to:

- Collect, classify and count crime reports and statistics
- Issue campus alerts
- Submit crime statistics to the U.S. Department of Education
- Maintain a daily crime log
- Disclose missing student notification procedures



- Provide fire safety information
- Provide crime and safety prevention programs
- Provide programs and procedures relating to the crimes of dating, violence, domestic violence, sexual assault and stalking

The College distributes a notice of the availability of the Annual Security Report by October 1st of each year to every member of the College community via campus email. Hard copies of the Clery Act are available free of charge at the Public Safety offices located at Grossmont College Campus Building 57 and Cuyamaca College Campus Building A-101. The Clery Act Report is available to all regular or prospective students and employees. For further information on the Clery Act, please contact Campus Public Safety at 619-644-7654 or extension 7654 or at [District.Parking@gcccd.edu](mailto:District.Parking@gcccd.edu).

**A summary of Clery requirements is listed below:**

- Schools must publish an annual report disclosing campus security policies and three years' worth of specified crime and arrest statistics.
- Schools must make this report available to students, faculty and staff, and applicants for employment.
- Schools must make timely warnings to the campus community about crimes that pose an ongoing threat to students and employees.
- Each institution with a police or security department must have a public crime log.
- The U.S. Department of Education centrally collects and disseminates the reported statistics ([ope.ed.gov/security](http://ope.ed.gov/security)).
- Campus sexual assault victims are assured of basic rights.
- Schools that fail to comply can be penalized by the U.S. Department of Education.



## Preparing the Annual Security Report

This Annual Security Report and disclosure of crime statistics is compiled and prepared in a cumulative effort with many campus departments, including:

- San Diego Sheriff's Department
- Campus and Parking Services Department
- Grossmont and Cuyamaca Health Services Departments
- Grossmont and Cuyamaca Student Affairs Departments
- GCCCD Title IX Coordinator
- Human Resources

- Districtwide Public Information Officer for Timely and Emergency Notification Information

Crime and disciplinary referral statistics are collected from the San Diego Sheriff's Department and Student Affairs offices. Off campus statistical information for activity that occurs is retrieved from the internal NET RMS System which is converted to the Automated Regional Justice Information System (A.R.J.I.S.), a San Diego County criminal justice database based on the geography identified by the Sheriff's Department. For purposes of making timely warning reports and the annual statistical disclosure required under the Clery Act, the campus community should report crimes to the San Diego Sheriff's Department. The San Diego Sheriff's Department closely reviews all data to ensure accuracy and to avoid any possible duplication. The San Diego Sheriff's Department is responsible for consulting open records laws when local law enforcement agencies do not respond to the Sheriff's request for crime statistics.



Emergency Preparedness Table Top Exercise with CalOES

This handbook reflects the Districts interpretations and guidance, as the date of publication, and was written to assist you, in a step-by-step and readable manner, in understanding and meeting the various HEA requirements. It is intended for use by the District's program reviewers who are responsible for evaluating an institution's compliance with the requirements as well as post-secondary institutions and outside reviewers. Each year the ASR is published by October 1<sup>st</sup>. This revised handbook replaces the previous versions of the handbook.

## Law Enforcement Authority [\(AP3520\)](#)

[The San Diego Sheriff's Department](#) provides Police Services for the College Community and their property on District grounds, facilities and parking lots. The District does not have its own police force. However, all persons on college grounds are primarily responsible for their own safety and property.

San Diego Sheriff's Deputies are sworn peace officers in compliance with the California Education Code and the California Penal Code, and have the same full law enforcement authority and responsibilities as local police and sheriff's deputies in your home community.

We encourage the reporting of all criminal activity directly to the San Diego Sheriff's Department or to any college administrator, faculty, staff, Athletic Directors, team coaches and advisors to student groups. Both Colleges have Threat Assessment Teams which notify appropriate personnel of incident(s) and the response is shared, tracked and documented.



The San Diego Sheriff's Department retains primary jurisdiction. The San Diego Sheriff's Department has investigative services on district property and has numerous resources available. Local law enforcement agencies can be called for assistance and mutual aid as appropriate. Copies of these agreements are available to the public at the San Diego Sheriff's Department Headquarters. Off campus activity is policed by the agency of geographical jurisdiction.

The San Diego Sheriff's Department reminds you to call 911 from your cell phone to report any emergency or crime occurring at the time. The San Diego Sheriff's Department recommends you program the campus dispatcher's telephone number, 858-565-5200, into your cell phone to report any non-emergency or other incidents on campus. You can also dial x7800 from any campus phone to reach the Sheriff's non-emergency line.

The San Diego Sheriff's Department resources include:

- A.S.T.R.E.A.- Aerial Support
- Crime Prevention
- Crime Analysis
- Sheriff's K-9 Unit
- Sheriff's Search and Rescue
- Bomb and Arson Squad
- PERT
- Sexual Assault Team

## Law Enforcement Partnerships

In addition to the San Diego Sheriff's Deputies, the College District employs uniformed College and Parking Services (CAPS) Specialists who provide assistance with special events, escorts and parking issues. Building Marshals and Emergency Operations team members have been trained to assist rescue personnel and the Sheriff's Department during emergencies. CAPS employees do not make arrests and are observe and report only.

The San Diego Sheriff's Department has established Memorandums of Understanding (MOUs) with local law enforcement agencies that share borders with the

## Security is everyone's responsibility!

### Helpful reminders for your personal safety:

- Lock your vehicle doors, roll up the windows and keep valuables out of sight.
- Refrain from leaving personal property in common areas.
- If you believe an individual seems suspicious, notify security. Be sure to note details about the person's appearance so that you can thoroughly describe her/him.
- When walking by yourself, get off your cell phone and walk with purpose, making eye contact.
- Get to know your buildings and co-workers. Never be afraid to ask a stranger for identification.

Visit the Public Safety webpage for more information at:

<http://www.gccd.edu/public-safety/default.html>.

communities in whose jurisdictions our two colleges are located. The Sheriff's Department seeks assistance from federal, state, and county law enforcement agencies as needed. Members of the Sheriff's department consult with other college campus police throughout the region such as monthly UCLET meetings and County Office of Emergency Services Managers meetings. Deputies also assist with campus wide drills and planning for the Campus Emergency Operations Committees and serve on both the Grossmont and Cuyamaca Crisis and Behavioral Intervention Teams.

**Cuyamaca College Crisis Prevention Team**

The purpose of the Crisis Prevention Team is to utilize a collaborative approach to prevent and monitor any potential situations that may pose a threat to the health and safety of our students and the Cuyamaca campus. The Crisis Prevention Team will provide input to address these issues and determine if any follow-up is necessary to protect the safety of the students and the campus. In addition, this team, which can also be utilized as a resource for faculty and staff, can also provide educational trainings to the campus. Procedure: If you aware of an emergency or immediate threat, call 911 on campus or off campus to report the danger to Law Enforcement. For non-emergencies, faculty and staff can make a student referral by sending the Crisis & Prevention form to Lauren Vaknin at [Lauren.Vaknin@gccd.edu](mailto:Lauren.Vaknin@gccd.edu) or calling 660-4295.

**Grossmont College Prevent, Assess and Care Team (PACT) - formerly known as Behavioral Intervention Team (BIT)**

The BIT Team is now called PACT (Prevent, Assess and Care Team). PACT is committed to improving community safety through a proactive, collaborative, coordinated, objective, and thoughtful approach to the prevention, identification, assessment, intervention, and management of situations that pose, or may reasonably pose, a threat to the safety and well-being of the campus community. In addition, the team can also be utilized as a resource for faculty and staff to provide educational trainings as needed. If there is a medical or psychological emergency or immediate threat of violence, please dial 911. For Sheriff non-emergency concerns please call 858-565-5200. To make a referral to the BIT contact Sara Varghese at [sara.varghese@gccd.edu](mailto:sara.varghese@gccd.edu) or call the Office of Student Affairs at 619-644-7600.

**Reporting Crimes [\(AP3515\)](#)**

San Diego Sheriff's Department Deputies have complete police authority to apprehend and arrest anyone involved in illegal acts and investigate suspected criminal activity anywhere in the State of California. Community members, students, faculty, staff and guests are encouraged to report all crimes and public safety related incidents to campus Sheriff's Deputies. San Diego County Sheriff's Deputies are available 7 days a week 24 hours a day. The District encourages all staff and students to properly report crimes which they are privy to under [board policy 3515](#).

**24 Hour Assistance Dial:**

Emergencies – 911  
 Sheriff's Non-Emergency Dispatch – 858-565-5200

***Note: No coins are needed to dial 911 from any pay phones in San Diego.***

**How to Report a Crime to Police**

Provide the dispatcher with a description of the type of situation, which is occurring, location, time of occurrence, any injuries or medical emergency, and weapons involved. Provide a description of the people and vehicles involved (e.g. make, model, color, and license plate of the vehicle, and the directions of travel.)

✓ **Where** – Where is the incident occurring? Location, Location, Location the dispatcher cannot send assistance if we do not know where the incident is occurring. We understand that someone may walk into your office or classroom and ask for assistance, so please ask where the incident is occurring.

✓ **What** – What is happening? The dispatcher needs to know if this is an emergency such as a people fighting, whether there are weapons involved, is anyone injured. Or, are we coming to take a report or jump start a vehicle.

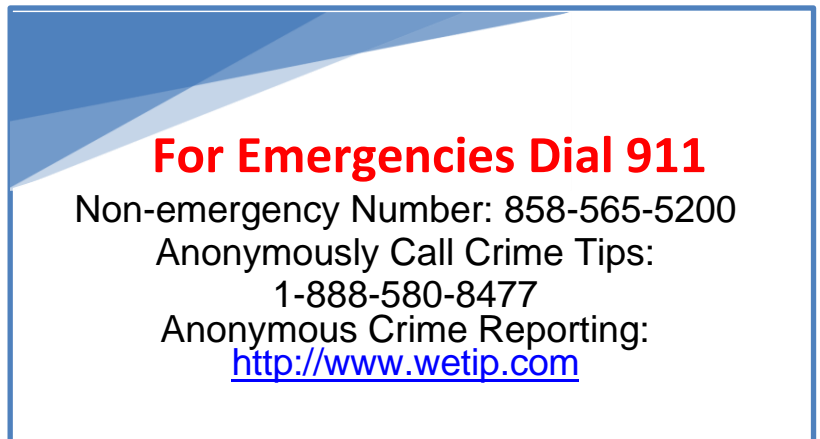
✓ **Who and Descriptions** – Who is involved in the incident, student, staff, adult, juvenile?

✓ **Person**, when taking a description for a person, start from the top of the head and work down. Gender; adult or juvenile; hair color, style and length; facial hair, beard, moustache; does the person wear glasses.

✓ **Clothing**, start at the top and go down. Yellow t-shirt with black writing, blue jeans, and black cowboy boots.

✓ **Vehicles**, start with the color, if two toned start from the top to the bottom, black over red sedan. Make, model and year of the vehicle. License number and any distinguishing markings that would make the vehicle stand out when officers are searching for the vehicle.

✓ **Direction of Travel**, know the campus and use the landmarks to describe the direction of travel. For example: the black pickup drove out the Grossmont College Drive exit from Lot 1.



## Campus Security Authority (CSA) [\(BP 3515\)](#)

Although the reporting of criminal activity directly to the San Diego Sheriff's is encouraged, crimes may also be reported to a Campus Security Authority (CSA). The Clery Act defines CSA's as:

- Police or Public Safety department members
- Others who have responsibility for security (e.g., someone responsible for monitoring entrance to campus property, event security)
- People or offices to which campus policy directs that crimes be reported
- Officials with significant responsibilities for student and campus activities, including discipline and judicial proceedings

A Campus Security Authority (CSA) is defined as:

- ✓ A campus police department or a campus security department of an institution.
- ✓ Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department under paragraph (1) of this definition, such as an individual who is responsible for monitoring entrances into institutional property.
- ✓ Any individual or organization specified in an institution’s statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- ✓ An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. If such an official is a pastoral or professional counselor, the official is not considered a campus security authority when acting as a pastoral or professional counselor.

CSA’s may include college deans, assistant deans, athletics directors, assistant athletic directors, team coaches, faculty advisors to student groups and campus staff involved in disciplinary and judicial proceedings. CSA’s are responsible for forwarding crime information to the San Diego Sheriff’s Department for including in the Annual Security Report, regardless of whether or not the victim chooses to file a report with law enforcement or press charges. Any CSA who becomes aware of a Clery-reportable crime must report the incident to the San Diego Sheriff’s Department as soon as possible, in order to ensure that the College complies with the Timely Warning provision of the Clery Act if applicable.

Information forwarded by CSA’s to the San Diego Sheriff’s is for statistical purposes to determine whether a timely warning should be issued to the campus community. If you wish to have your case reviewed by a detective and possibly pursue criminal charges, you must file a report with the Sheriff’s Department.

The District strives to provide an educational environment that fosters cultural awareness, mutual understanding, and respect that ultimately also benefits the global community. No person shall be unlawfully subjected to discrimination or denied full and equal access to District programs or activities

## Professional and Pastoral Counselors

**Professional Counselors**, as defined by the negotiated rules committee is an employee of an institution whose official responsibilities include providing psychological counseling to members of the institution’s community and who is functioning within the scope of his or her license or certification. Professional Counselors if and when they deem it appropriate, inform those persons that they are counseling of any procedures to report crimes on a voluntary basis for inclusion in the annual disclosure of crime statistics. The District currently employs several Professional Counselors in the Student Health Services Departments. GCCCD does not currently have a policy in place for Professional Counselors.

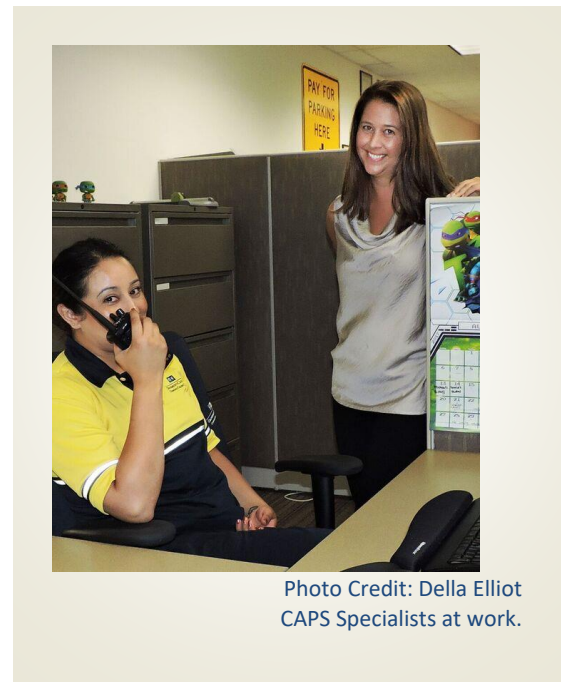


Photo Credit: Della Elliot  
CAPS Specialists at work.

**Pastoral Counselors**, as defined by the negotiated rules committee is an employee of an institution, who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor. The District does not have pastoral counselors nor does it have a policy in place for them.



**ANNONYMOUS CRIME REPORTING AT:**

Although counselors may typically have significant involvement in student and campus activities, they are exempt from Clery reporting requirements. Crimes can also be reported anonymously via the San Diego County Crime Stoppers website at [sdcrimestoppers.com](http://sdcrimestoppers.com).

<http://www.wetip.com> or [www.sdcrimestoppers.com](http://www.sdcrimestoppers.com)

## Confidential Reporting

If you are the victim or the witness of a crime, we encourage you to file a report. If you would like to maintain confidentiality and do not wish to pursue action within the campus or criminal justice system, you are encouraged to consider filing a confidential report for purposes of inclusion in the annual disclosure of crime statistics. These types of reports can be made to the San Diego Sheriff’s Department or any Campus Security Authority. The information can enhance community safety by allowing the campus to keep a more accurate record of crimes, helping to determine whether a pattern of crime exists, and alerting the campus to potential danger. Crimes can also be reported anonymously via the San Diego County Crime Stoppers website at [sdcrimestoppers.com](http://sdcrimestoppers.com).

The District has an obligation to evaluate, and sometimes investigate, reports of Sexual Assault, Dating Violence, Domestic Violence, and Stalking (Prohibited Acts of Conduct) made to non-confidential resources. If a victim requests confidentiality, the College’s ability to respond may be limited, including pursuing discipline against the accused; although, where feasible, the College will take reasonable steps to prevent Prohibited Acts of Conduct and limit its effects. It is not always possible to provide confidentiality depending on the seriousness of the allegation and other factors, which will be weighed by the College in conjunction with an individual’s request for confidentiality. These factors include circumstances that suggest an increased risk of the accused committing additional acts of sexual violence or other violence, whether the sexual violence was perpetrated with a weapon or with extreme force, the age of the student, and the ability of the College to obtain evidence by other means. The College takes requests for confidentiality seriously, while at the same time considering its responsibility to provide a safe and nondiscriminatory environment for all students and the campus community.

## Security and Access to Campus [\(AP3501\)](#)

Pursuant to GCCCD Board Policy 3501 all District facilities and grounds are closed between the hours of 11:00pm and 5:00am each day. During business hours, the Grossmont-Cuyamaca Community College District (District) will be open to students, parents, employees, contractors, guests, and invitees. Campus buildings are protected by intrusion alarms. There are no on campus residence halls at GCCCD. Outside entities requiring access to a campus facility must submit a Facilities Request Form for approval and granted access.

**Smoking Policy ([AP/BP 3570](#))**

GCCCD is a smoke free district. Smoking and/or other tobacco use is prohibited on all property owned or controlled by the District. Any San Diego Sheriff's Deputy may warn or cite any person who is in violation of this policy. Campus and Parking Services may warn and refer students to the Student Affairs office for discipline.

**Animal Policy ([AP/BP 3440](#))**

Unless animals are involved in the instructional process, all District property is closed to dogs and other pets, with the exception of service dogs for the visually impaired and disabled.

**Staff and Facility Keys ([AP/BP 3501](#))**

Keys are provided to individual staff members on a need-to-enter basis as determined by the appropriate supervisor. Lost keys must be reported immediately to one's supervisor and to the Public Safety Office. Keys must never be loaned to other staff members or students. Public Safety will confiscate any keys which have not been specifically issued to a particular individual. Duplication and unlawful possession of District keys is a misdemeanor.



Blue Call Boxes Example

**E-Phones/Call Boxes**

Emergencies and other incidents can be reported to the San Diego Sheriff's Department by using the emergency phone located in each classroom and dialing 911.

Other requests for services can also be reported to the San Diego Sheriff's Department by using one of the Call Boxes located at:

**Grossmont College:** Parking lots 1, 2, 3, 4, 4A, 5 (four on each level of the Parking Structure), 7, on the northwest side of the football field, baseball field, pool, tennis courts and inside all campus elevators.

**Cuyamaca College:** Parking lots 1, 2, 5, staff lot 1 and 4, east side of the Learning and Resource Center (LRC), by the track and field, Child Development Center (CDC) front door, by the gym, the Public Safety Office front door and inside all campus elevators.

For the safety of the college community, all California Vehicle Codes are enforced. Vehicles are not permitted to be left on campus after 11:00pm without prior authorization from the Campus and Parking Services Director.

District property may not be removed from the campus without prior written authorization from the department Dean or area supervisor. Unauthorized removal of District property from the campus is a violation of law and violators may face prosecution.

## Operational Enhancement

The San Diego Sheriff's Department and District Public Safety is committed to continuously implementing measures to enhance the community's safety. In 2015 a Districtwide Public Safety and Emergency Operations Council was established. The Council has taken steps throughout the past several years to improve campus wide communications regarding emergency operations and individual safety. Through a districtwide newsletter and publications sent to the campus community, the campus is able to articulate emergency response to a wider audience. The Council has a charge to review security concerns that arise and are brought forward as an agenda item.



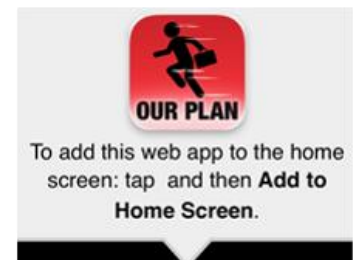
The San Diego Sheriff's Department brings all security concerns such as lighting, physical door security and others to the attention of the District for review and upgrades as necessary. In early 2018 new campus entry security upgrades were completed at each campus. Utilizing sustainable materials and plants the entrances will be modified to prevent evasion of the security gates currently in place. In 2016, Cuyamaca Campus hired an electronics consulting firm to map all access controls on the campus. Expected completion for the project will be in late 2020. In December of 2017, facilities and operations expanded our PA systems at both Campuses to provide more detailed and far reaching warnings to campus constituents who are not within buildings. Regular testing of the new PA systems will occur each year during the Great California Shakeout Drills in October.

In addition, in early 2020 a new camera security system will be implemented districtwide to deter crime, as well as an emergency pop up notification for districtwide networked computers.

In May 2019 the District launched a new phone application called "Our Plan". The app contains a comprehensive listing of potential emergencies and our procedures for responding to them safely. The app may be viewed online at <https://Grossmont-280d5.web.app/>. To download to your phone simply visit <https://Grossmont-280d5.web.app/> from a phone and click "Add to Home Screen" The app will automatically download.

## Timely Warnings ([AP3515](#), [AP3505](#))

Timely notices to students and employees of immediate dangers on college/campus site will be the top priority. In the event of eminent danger, the Sheriff's Department will immediately initiate appropriate emergency communications to protect the safety of students and employees. In the judgment of San Diego Sheriff's Department Sergeant or designee, if a criminal situation constitutes a serious or continuing threat to students and employees, a timely warning will be written and issued by the Districtwide or Campus Public Information Officer (PIO). The Sheriff's department utilizes a 5-stage threat assessment using a timely warning template to



determine if a notice must be sent. Timely warnings withhold the names of victims as confidential and will be used to aid in the prevention of similar occurrences. A suspect’s personally identifiable information may be included in the notification. Events that are reported to the Sherriff’s or to a CSA that may qualify for a timely warning includes:

- Criminal Homicide (murder and non-negligent manslaughter and negligent manslaughter)
- Robbery
- Burglary (excluding vehicle burglary)
- Arson
- Dating Violence
- Stalking
- Sex Offenses (rape, fondling, incest, and statutory rape)
- Aggravated Assault
- Motor Vehicle Thefts
- Hate Crimes
- Domestic Violence

This information may be disseminated to campus community members via a variety of mechanisms. GCCCD PIO or designee will use one or more of the following means:

- electronic mail messages
- text messaging to cell phones of those enrolled in the College’s text message alert service
- messages through the use of college’s computer network system
- emergency website
- Public Safety Department web site
- public announcements
- public address system (and megaphones)
- postings and signage in highly visible locations throughout campus including staff/faculty lounges
- Other methods deemed necessary that may be used in the information dissemination process.

Although the San Diego Sheriff’s Department decides on timely warning notifications, the District is prohibited from relying on an external emergency notification system through local law enforcement. The District does not rely solely on the emergency notification system listed above due to employees having to “opt-in”. A variety of other methods are used as an alternative to the communication.

The San Diego Sheriff’s Department Deputies have complete police authority to apprehend and arrest anyone involved in illegal acts and investigate suspected criminal activity anywhere in the State of California. Community members, students, faculty, staff and guests are encouraged to report all crimes and public safety related incidents to campus Sheriff’s Deputies. San Diego County Sheriff’s Deputies are available 7 days a week 24 hours a day.

**24 Hour Assistance Dial:**

Emergencies – 911  
 Sheriff’s Non-Emergency Dispatch – 858-565-5200



A CAPS Specialist provides traffic control during an event.



### EMERGENCY ALERT SYSTEM

The system provides alerts about emergency situations on campus by way of text, voice and e-mail messages. All current Grossmont-Cuyamaca Community College District students, staff, and faculty will have messages sent to their e-mail addresses and phones.

Employees should update their cell phone numbers in WorkDay for alerts. Students are automatically enrolled.

We encourage you to add your cell phone number to our records so you can receive messages in the most expedient manner.

After each timely warning and emergency notification is disseminated, it is thoroughly documented and a debrief will occur with each campus EOC. The warning notification checklists are then filed and kept for documentation with the Public Safety Office.

**A delivery summary sample of an Emergency Notification is shown below:**

The screenshot shows the Blackboard Connect interface for a 'Delivery Results' page. The page title is 'California ShakeOut' and the message type is 'Outreach'. The site is 'GROSSMONT-CUYAMACA COMMUNITY COLLEGE DISTRICT'. The message was scheduled by Anne Krueger on October 20, 2016, at 9:45 AM PT. It was completed at 9:56 AM PT. A total of 29,799 contacts were selected, with 23,457 (78%) successfully reached. The language is set to English. A progress bar for 'DEVICE DELIVERIES' shows 84% completion (23,165 out of 27,504 total). A 'View Detailed Results' link is available at the bottom right of the summary.

Title	California ShakeOut
Message Type	Outreach
Site	GROSSMONT-CUYAMACA COMMUNITY COLLEGE DISTRICT
Scheduled By	Anne Krueger
Send Time	20 October 2016 9:45AM (PT)
Text Completed	20 October 2016 9:56AM (PT)
Selected Contacts	29,799 Successfully reached 23,457 (78%)
Languages	English*
<b>DEVICE DELIVERIES</b>	
	84% (23,165) / 27,504

## Emergency Notifications

GCCCD is committed to a safe educational and work environment for all students and staff, as well as the community. Timely communication in the event of an emergency is a priority. In the event of a serious incident that poses an immediate threat to the GCCCD community, the District has various systems in place for communicating information quickly. The Colleges have an Emergency Response Plan which outlines institutional response to serious incidents impacting the campus. Key administrators have been identified in the plan as well as an outline for evacuation, performance expectations and continuity of operations. An emergency is an immediate threat to the health and safety of students or employees. GCCCD uses an Emergency Notification to notify students and employees in a timely manner when it is determined that there is a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus. The notification to the campus community may contain only the information that is reasonably necessary to promote the safety of the campus community as dictated by the situation. An Emergency Notification will be released as soon as reasonably necessary and without delay, unless notification will compromise efforts to assist a victim, or to contain, respond to, or otherwise mitigate the emergency. After the initial notification, follow-up information must be disseminated to the community via the mediums stated below. An Emergency Notification can be related to criminal activity that is not subject to the timely warning standard required by the Clery Act, but is not necessarily related to criminal activity. Examples of situations that may constitute the College's decision to issue an Emergency Notification include, but are not limited to:

**In the event of a major emergency or disaster, an emergency information line is available to any community member seeking information. The number 1-800-550-3922 will include up to date information in a recorded format and may be utilized at any time.**

- Transformer Fire
- Power outages
- Train derailment
- Water emergencies
- Pandemics
- Weather related situations
- Building collapse
- Fire
- Serious acts or threats to campus property
- Health related emergencies

Emergency Notification messages will be issued to students and employees upon the confirmation of a significant emergency, dangerous situation, incident or crime, impacting the campus community and/or the surrounding area.

In an extreme emergency, the notification process will be implemented at the sole direction of the College's President or Emergency Operations Incident Commander and disseminated via the District or Campus PIO.

This information may be disseminated to campus community members via a variety of mechanisms. GCCCD will use one more of the following means:

- Electronic email messages

- Text messaging to those enrolled in the service
- Messages through the college’s computer networking system
- Emergency Website Updates
- Public Safety Website Updates
- Public Announcements via the PA radio system
- Emergency Information Hotline
- Public Address system (megaphone)
- Postings and signage in residence halls and other highly visible locations throughout campus including staff/faculty lounges
- Other methods deemed necessary that may be used in the information dissemination process

Unlike a Timely Warning Notice which must be sent campus-wide, an Emergency Notification may be segmented to a specific group of individuals in a designated building/area. The EOC will convene to discuss and alter the affected areas of campus only.

## Emergency Response and Evacuation Procedures

[\(3505\)](#)

Emergency response planning has established an Emergency Operations Center (EOC). The EOC directs and controls operations at each site by assigning responsibilities to specific personnel. Activation and deactivation of the EOC is determined by the Chancellor or Chancellor’s designee. The campus Emergency Operations Plan provides the framework for an organized response to various human-caused and natural emergency situations including fires, hazardous spills, earthquakes, flooding, explosion, and civil disorders. The purpose of the plan is to provide information that will save lives during extraordinary emergency events and hasten the resumption of normal campus operations during the recovery process. An effective organizational emergency response depends on an informed campus community whose members are familiar with campus procedures and understand their personal responsibility for emergency preparedness and response.

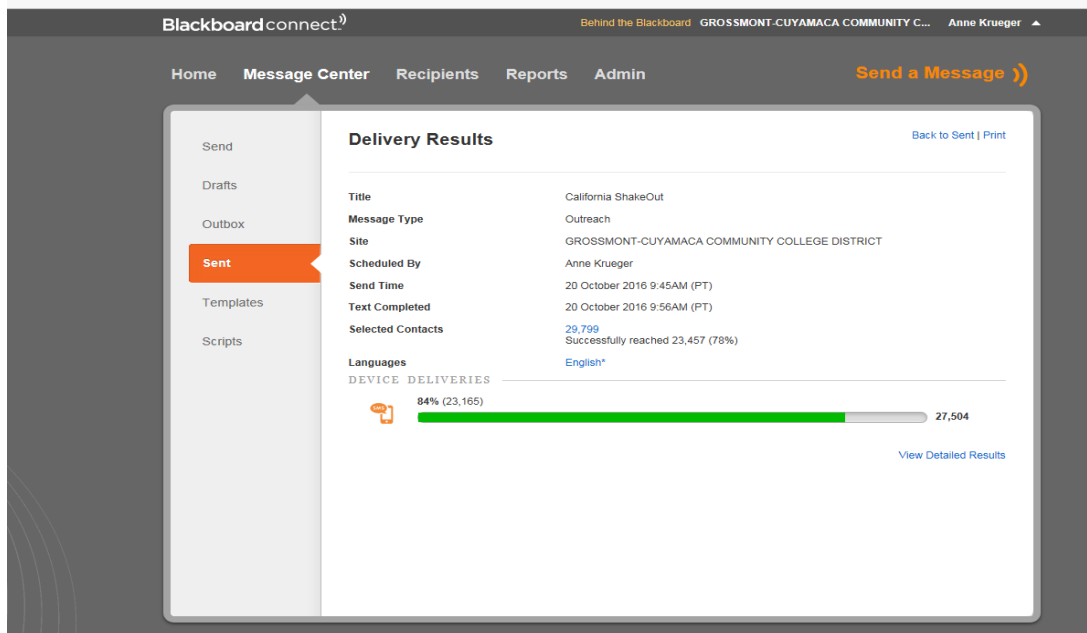


Building Marshal Training 2016

### Emergency Response: Drills and Exercises

The District and Campuses each conduct numerous emergency response exercises each year such as tabletop drills, field exercises and tests of the emergency notification systems on campus. While conducting a drill or tabletop exercise the EOC committee will decide to do an annual test of the emergency notification systems, with or without pre-notice to campus constituents. Each year a test is done in October for the “Great California Shake Out” drill of emergency systems. It is documented with the Emergency Operations Committee and Chancellors Cabinet and a debrief session is conducted to vet potential improvements. In addition, the

district performs unannounced tests throughout the year as part of training exercises for the emergency operations teams.



Sample emergency response text message notification delivery for Great California Shake Out.

## Emergency Response: [Building Marshals](#)

Building Marshals are responsible for assisting in the safe and effective evacuation of Campus and District facilities in the event of a drill or real-world emergency. Additionally, they are charged with reporting injuries and locations of trapped individuals to the Building Marshal Lead/Designee. The information will be provided to the EOC Manager/Designee and may be vital in the impending search and rescue operations conducted by the responding Emergency Personnel. Marshals are given supplies and training to be self-sufficient immediately after an event.

## What it means to Shelter-in-place

Sheltering in place provides protection from external hazards minimizes the chance of injury and/ or provides the time necessary to allow for a safe evacuation. This should be done by selecting a small, interior room if possible, with no or as few windows as possible. When authorities issue directives to shelter-in-place, do not walk outdoors, take refuge indoors immediately.

A shelter-in-place order may be issued for several reasons:

- Active Shooter
- Hazardous Materials
- Hostage Situation
- Any other situation where it is best for you to stay inside to avoid an outside threat.
- Severe Weather
- Civil Unrest
- Aircraft Crash

## What to do when Sheltering-in-place

- Remain CALM.

SECURITY TIPS FOR HOME

- If you live alone, list only your last name and initials on your mailbox or in the phone directory.
- If you just moved into a new residence, change all locks. You never know who might have a key.
- Install a through-the-door peephole so you can see anyone outside your door before you open it.
- Don't rely on chain locks. They are great privacy locks, but they are not security locks. Install good security locks.
- Never dress in front of windows; always draw your shades.
- Never let anyone — repairmen, police officers, etc. — into your home without proper identification. Ask for identification.
- Never let strangers use your phone, no matter what they say. If necessary, call the police for them.
- Always leave outside lights on after dark.
- It is better to wait for an empty elevator than to get on one with a strange person.
- If you receive wrong number calls, don't give out your name or phone number.
- If you receive obscene phone calls, quietly hang up and call the police.
- In an apartment building, try never to be alone in the laundry room.
- If you suspect someone is in your house, don't go in or call out. Call the police from your neighbor's house.
- If you see or hear something or someone suspicious, call the police.

- Faculty should recommend to students and others not to leave, and not to go outside.
- Select a small interior room with no or few windows as possible. Close and lock all windows, exterior doors, and any other openings that lead to the outside.
- Stay away from all windows, doors.
- Facilities Management personnel should shut down all building ventilation fans and air conditioners, when and if appropriate.
- If you are told there is danger of explosion, close the window shades, blinds, or curtains.
- Select interior room(s) above the ground floor, with the fewest windows or air vents.
- Room(s) should have adequate space for everyone to be able to sit down comfortably.
- Avoid overcrowding by selecting several rooms when necessary.

**Fire and General Evacuation Procedures:**

At the sound of a fire alarm or if you are instructed to evacuate, proceed to the nearest exit and leave the building. If you are the first to recognize a fire situation, activate the alarm, evacuate to a safe location using the nearest exit, and notify District Public Safety at 619-644-7654. The District practices random fire alarms throughout the school year. All personnel are expected to take alarms seriously and evacuate regardless of the smell of smoke or perception of the incident.

- Remain Calm
- Do **NOT** use elevators, use the stairs.
- Assist the physically impaired. If he/she is unable to exit without using an elevator, secure a safe location near a stairwell, and immediately inform the Public

**Annual Fire Report**

The District does not provide any residential housing, and therefore an Annual Fire Report is not published at this time. More information on fire safety may be found on the [Public Safety Website](#).

Safety office at 619-644-7654 or the responding Fire Department of the individual's location.

- Proceed to a clear area at least 150 feet from the building. Keep all walkways clear for emergency vehicles.
- Make sure all personnel are out of the building.
- Do not re-enter the building until instructed to do so, even if an alarm is silenced.

## Security Awareness Programs and Crime Prevention Education

Key departments throughout the District actively participate in the effort to educate the campus community about personal safety and crime awareness and prevention. Workshops and presentations covering a wide variety of topics are available including alcohol and drug abuse, office safety, sexual assault and rape prevention.

In addition to classroom sessions, information is also available to the campus through the Districtwide Public Safety security alerts as well at:

<http://www.gcccd.edu/public-safety/default.html>.

Services are also available through the San Diego Sheriff's Department website at:

<http://www.sdsheriff.net/>. The San Diego Sheriff's Department participates in delivering the college's mission and strives to create a safe environment that is conducive to academic excellence. Even though the Police Department works closely with neighboring police agencies and deploys security measures to reduce and prevent crime, we believe security is everyone's responsibility, and we need your

assistance. Crime Prevention programs on personal safety and theft prevention are sponsored by various campus organizations throughout the year. Sheriff's officers and staff facilitate programs for students, parents, faculty, and student organizations. The Police Department also provides a variety of educational strategies and tips for the campus community on how to protect themselves from sexual assault, theft, and other crimes.

### Precautions to take at the office

- Lock your office whenever you leave, even if you will only be gone for a minute.
- Keep your purse, wallet and other valuables in a secure location, such as a locked desk or filing cabinet.
- Immediately report to the police any suspicious person loitering in your area.
- Report all crimes, no matter how minor they may seem, to the police.
- If you receive an annoying or obscene phone call, hang up. Write down the time of the call, what the caller said, and note any background noises you may have heard. Call police.
- If you work at night, avoid working alone.
- Keep all outside doors locked.
- Walk with other employees to and from your car.
- Escort services are available from CAPS by calling 619-644-7654.
- If you are entrusted with a key to a specific area, never loan it to anyone. Keys are easily lost, stolen or duplicated.

**Grossmont College Health Services Program Information and Mental Health Services**

Awareness Events	WOW Information Fair
	Campus Safety Tabling Event
	International Student Orientation
	Annual Health and Wellness Fair
	Healthy Heart
	HIV and STD Testing and Education
	Blood Drives with the San Diego Blood Bank
	Wear Red Day
	ASGC Thursdays Nutrition and WICC
	Sistahood BBQ
	Lucky Shamrocks and Kind Quotes
	Student Success Midterms De-stress and Good Luck
	Primary Events
HIV and STD Testing and Awareness	
Earth Day and tobacco Awareness	
Blood Drives with the San Diego Blood Bank	
De-stress Week	
Alcohol Education	
Selfie Station	
Spring Break Education: How to stay safe	
Get Inclusive Online Training, Including Drug and Alcohol Prevention	
Annual Health and Wellness Fair including agencies from across the County participating with a brochure and tabling program.	

**Cuyamaca College Health Services and Personal Counseling Program Information**

Awareness Events	Sexual Assault and Domestic Violence Prevention Workshops
	Welcome Week Outreach Table with Health Services information regarding Sexual Assault, Alcohol, Drugs and various referral programs.
	Health Outreach and Education
	Health Center Open House
	Wellness Walk/Health Education and Outreach
	Career Fair Health Outreach and Education
	Sexual Assault Online Training
	Health & Wellness Fair
	Relaxation Station/Health Education
	Stress Management Workshop
	Health Education/HIV Testing
	QPR Suicide Prevention Workshop
	Motivation/Mental Health Workshop
	Healthy Relationship Training
	Managing Conflict
	Mood Screenings
	Communication Workshop
	Health Fair
	Flex Week Workshops
	Personal Counseling Classroom Visits
Weekly Outreach Education	
Primary Events	Educational Campus Bulletin Boards
	Time and Stress Management
	Health Education and Outreach
	Stress Management Workshop
	Sexual Assault Prevention
	Suicide Prevention and Awareness Tabling Event
	Educational Campus Bulletin Boards
	Time and Stress Management
	Health Education
	Outreach Stress Management Workshop
	Sexual Assault Prevention
	Diversity Dialogue Workshops
	Cuyamaca Cares Educational Workshops
	Personal Counseling Support Groups and Workshops
	Get Inclusive Online Training, Including Drug and Alcohol Prevention
Suicide Prevention and Awareness Tabling Event	

**District Services Program Information**

Awareness Events	Active Threat Seminar with the San Diego Sheriff's Department and CAPS
	Safe Driving Campaign
	Mental Health First Aid Training
	Welcome Week Tabling Events with brochures and information



Primary Events	Flex Week and Professional Development Emergency Preparedness 101 Basics Presented by CAPS
	Personal Safety Awareness with the San Diego Sheriff's Department
	Identity Theft Seminar with the San Diego Sheriff's Department
	Workplace Violence Summit (Semi-Annual)
	Stop the Bleed (Quarterly)

While the San Diego Sheriff's Department may offer advice and assistance regarding campus safety, all members of the campus community are encouraged to take responsibility for their own safety and, when possible, assist others. Be aware of your environment, be a responsive bystander and use campus resources. To prevent unauthorized access to campus buildings, do not prop doors open, leave doors unlocked, or open the door for anyone you don't know. Report crimes or suspicious circumstances, including door-to-door solicitation, to the Public Safety Department.

There are many ways that you can help. Be an intervener! Stop potential incidents before they occur, educate yourself and others, talk to and support your friends so that they will intervene as well! The best way bystanders can assist in creating an empowering climate free of interpersonal violence is to diffuse the problem behaviors before they escalate. The following are examples of the range of language that individuals and groups can use to message what they and their members can do about sexual assault and many other crimes. Bystander intervention options:

- Recognize that if someone doesn't or can't consent to sex, it's sexual assault
- Educate yourself and others about interpersonal violence, gender inequality and the causes of gender violence.
- Confront friends who make excuses for other people's abusive behavior
- Speak up against racist, sexist, and homophobic jokes, music, remarks, etc.
- Refuse to purchase any magazines, videos or music that portray women in a degrading manner or include violence against women.
- Confront abusive behavior by not remaining silent.
- Understand how our own attitudes and actions (including jokes, music you listen to, etc.) may perpetuate sexism and violence and work toward changing them.
- Gently offer our support if we suspect that someone close to us is being abused or has been sexually assaulted or stalked.
- Take responsibility for our actions and your inaction
- Realize we have a role to play in stopping sexual assault
- Create an environment where men and women feel, and are, safe
- Step in if a friend is doing something that could lead to sexual assault
- Never blame the victim
- Be more than a bystander
- Stop a sexual assault any way we can
- Keep an eye on someone in a vulnerable situation
- Not look the other way
- Do something to get in the way of a sexual assault
- Step up and say something
- Help a victim report a sexual assault if he or she wants to
- Look out for someone who has had too much to drink
- Get in the way if we see something happening

- Stand up to those who tell us it's not our business
- Say something when our friends are being stupid
- Call non-consensual sex what it is—Rape
- Act when we think someone is in trouble
- Do something
- Be part of the solution, not part of the problem
- Always be on the side of the victim
- Make sexual assault unacceptable
- Take reports of sexual assault seriously
- Stop someone from doing something we know is wrong

## Firearms and Weapons [\(BP3530\)](#)

Firearms or other weapons are prohibited on college property or in any District facility, pursuant to BP 3530, except for activities conducted under the direction of District officials or as authorized by law. Possession or misuse of firearms, guns, replicas of weapons, ammunition, explosives, fireworks, knives, swords, bows, arrows, other military style weapons or dangerous chemicals on campus or at a campus related activity are



### Safety Escorts

Campus safety escorts are available 24/7 from the Campus and Parking Services Department. Dial (619) 644-7654 to request one. Or x7654 from a campus phone.

prohibited. Bringing or possessing any dirk, dagger, ice pick, or knife having a fixed blade longer than 2 1/2 inches upon the grounds is prohibited. The prohibition of firearms on any District campus, District center, or in any District facility includes both loaded and unloaded firearms, and applies to persons holding a valid license to carry a concealed firearm. Concealed weapons are strictly prohibited.

## Missing Persons

Due to the District not providing any student housing, the San Diego Sheriff's Department will handle any

investigation of missing persons without delay as specified by law. District Sheriff's personnel will check department databases and the information will only be shared with a police agency handling a missing person's investigation. The San Diego Sheriff's Department will assist the outside agency with any requested case follow-up. There is no board policy regarding missing persons since the District does not offer campus housing.

## Alcohol Policy [\(BP3555\)](#)

Pursuant to Board Policy 3555 and 34 Code of Federal Regulations Part 668.46(b) the enforcement of alcohol laws on-campus is the primary responsibility of the Grossmont-Cuyamaca Community College District (District) Public Safety Department. The campus has been designated "drug free" and only under certain circumstances is the consumption of alcohol permitted. The possession, sale, manufacture, or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by the District Public Safety Department. Violators are subject to disciplinary action, criminal prosecution, fine and imprisonment. It is unlawful to sell, furnish, or provide alcohol to a person under the age of twenty-one. The possession of alcohol by anyone under twenty-one years of age in a public place or a place open to the public is illegal. It is also a violation of this policy for anyone to consume or possess alcohol in any public or private area of campus without prior District approval. The possession use or sale of alcoholic beverages by anyone on District property is a violation of the California Business and Professions Code 25608, as well as the Student Code of Conduct.

*Did you lose something?  
Lost and Found items are to be  
turned into the Campus and Parking  
Services office (CAPS). If you need to  
check on a lost item call x7654 (619-  
644-7654) and we will check our  
database!*

## Smoking Policy [\(BP3570\)](#)

Smoking and/or other tobacco use is prohibited on all property owned or controlled by the District. "Smoking" means engaging in an act that generates smoke or vapor, such as possessing a lighted pipe; a lighted hookah pipe; operating an electronic cigarette or other electronic nicotine delivery system; a lighted cigar; a lighted cigarette of any kind; or lighting or igniting a pipe, a hookah pipe, a cigar, or a cigarette of any kind. Tobacco products and paraphernalia will not be offered for sale in any District or campus facilities. Companies that market tobacco products and paraphernalia will not be permitted to offer campus promotions or gifts, advertisements, entertainment, or other activities designed to support tobacco use. "Tobacco product" means any substance containing tobacco leaf and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into a human body, but does not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence. Any District public safety official may warn or cite any person who is in violation of this policy. The Chancellor shall establish administrative procedures to implement this policy.

## Drug Policy [\(BP3550\)](#)

The Grossmont-Cuyamaca Community College District prohibits the unlawful possession, use or distribution of illicit drugs or alcohol by any member of our Community on District property, or at any District sponsored or sanctioned activity. Any student or employee in violation of this policy is subject to disciplinary action, up to and including expulsion from the District or termination of employment. The decision to take disciplinary action in any instance rests with the Governing Board after consideration of recommendations made by the site administrator and advisory panel. The possession use or sale of any illegal drug is a violation of state law and any person found in violation is subject to arrest by federal, state and local law enforcement authorities. Criminal prosecution is separate from any administrative discipline that may be imposed by the District.

The District provides students and employees with prevention information and referrals for treatment for students or employees with drug and alcohol issues. The District works closely with its college communities to share educational programs; and events to combat the use of illicit drugs and alcohol abuse by District students. Students may call or come to Student Health Services, Student Affairs Office or Counseling for additional information or help for illicit drug use or alcohol abuse. For employees, the District provides confidential referrals through an Employee Assistance Program, addressed below.

**Prohibition of Illicit Drugs and Alcohol** The unlawful manufacture, distribution, dispensing, possession, sale, or use of alcohol or any controlled substance is prohibited on District property, during District-sponsored field trips, activities or workshops, and in any facility or vehicle operated by the District. Students and employees are prohibited from being under the influence of illicit drugs and alcohol on District property, during District activities, while operating a District vehicle, and in any facility operated by the District. Alcoholic beverages are not permitted on District owned or operated property, except in limited circumstances as set forth in Administrative Procedure 3560 and in compliance with Business and Professions Code Sections 24045.4, 24045.6, and 25608.

**Standards of Conduct:** Sanctions for Violating Standards of Conduct Violation of this prohibition will result in appropriate action up to and including termination of employment, expulsion, and referral for prosecution, or, as permitted by law, may require satisfactory participation in an alcohol or drug abuse assistance or rehabilitation program. For students, see Board Policy 5500 Standards for Student Conduct. For employees, see applicable board policies, administrative procedures, employee handbooks, and bargaining agreements.

For additional information regarding the policy, refer to AP3550.

**Grounds for Student Code of Conduct Violation:** (These procedures also apply to distance education.) Student conduct must conform to District and College rules and regulations. If a Student Code of Conduct violation occurs while a student is enrolled in any program of instruction or co-curricular offering within the District, to include distance education programs, he or she may be subject to Student Conduct Action for one or more of the following causes that must be District related. Except in response to conduct specified in subdivisions (g) and (h) of Section 76033, no student shall be removed, suspended, or expelled unless the conduct for which the student is disciplined is related to college activity or college attendance. This section is not intended to limit provisions of federal law or limit the ability of community college districts to take appropriate action under federal law. These categories of behavior are not intended to be an exhaustive list but are examples of causes and are good and sufficient causes for Conduct, including but not limited to the removal, suspension, or expulsion of a student. Other misconduct not listed may also result in Conduct if good cause exists (Education Code Section 76033, 76034).

1. Causing, attempting to cause, or threatening to cause physical injury to another person.
2. Possession, sale or otherwise furnishing any firearm, knife, explosive, or other dangerous object, including but not limited to any facsimile firearm, knife, or explosive, unless, in the case of possession of any object of this type, the student has obtained written permission to possess the item from the Vice President of Student Services or designee.
3. Unlawful possession, use, sale, offer to sell, or furnishing, or being under the influence of, any controlled substance listed in California Health and Safety Code Sections 11053 et seq., an alcoholic beverage, or an intoxicant of any kind; or unlawful possession of, or offering, arranging or negotiating the sale of any drug paraphernalia, as defined in California Health and Safety Code Section 11014.5.
4. Committing or attempting to commit robbery or extortion.
5. Causing or attempting to cause damage to District property or to private property on campus.
6. Stealing or attempting to steal District property or private property on campus, or knowingly receiving stolen District property or private property on campus.
7. Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the college or the District.
8. Committing sexual harassment as defined by law or by District policies and procedures.
9. Engaging in harassing or discriminatory behavior based on disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation or any other status protected by law.
10. Engaging in intimidating conduct or bullying against another student through words or actions, including direct physical contact; verbal assaults, such as teasing or name-calling; social isolation or manipulation; and cyberbullying.
11. Willful misconduct that results in injury or death to a student or to District personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the District or on campus.
12. Disruptive behavior, willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, college personnel.
13. Cheating, plagiarism (including plagiarism in a student publication), or engaging in other academic dishonesty as defined by the College's academic integrity standards.
14. Dishonesty; forgery; alteration or misuse of District documents, records or identification; or knowingly furnishing false information to the District.
15. Unauthorized entry upon or use of District facilities.
16. Lewd, indecent or obscene conduct or expression on District-owned or controlled property, or at District sponsored or supervised functions.

17. Engaging in expression which is obscene, libelous or slanderous, or which so incites students as to create a clear and present danger of the commission of unlawful acts on District premises, or the violation of lawful District regulations, or the substantial disruption of the orderly operation of the District.
18. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.
19. Unauthorized preparation, giving, selling, transfer, distribution, or publication, for any commercial purpose, of any contemporaneous recording of an academic presentation in a classroom or equivalent site of instruction, including but not limited to handwritten or typewritten class notes, except as permitted by any district policy or administrative procedure.
20. Engaging in physical or verbal intimidation or harassment of such severity or pervasiveness as to have the purpose or effect of unreasonably interfering with a student's academic performance, or District employee's work performance, or of creating an intimidating, hostile or offensive educational or work environment.
21. Engaging in physical or verbal disruption of instructional or student services activities, administrative procedures, public service functions, authorized curricular or co-curricular activities or prevention of authorized guests from carrying out the purpose for which they are on District property.
22. Sexual assault and sexual exploitation as defined in Education Code section 76033(g), (h).
23. Misconduct where good cause exists (Education Code Section 76033). District students who engage in any of the above are subject to the procedures outlined herein as authorized by AP 5520 Student Conduct Procedures.

## **Federal Law**

Federal law provides criminal and civil penalties for unlawful possession or distribution of a controlled substance. Under the Controlled Substance Act, as well as other related federal laws, the penalties for controlled substance violations include but are not limited to: incarceration, fines, potential for the forfeiture of property used in possession or to facilitate possession of a controlled substance (which may include homes, vehicles, boats, aircrafts and any other personal or real property), ineligibility to possess a firearm, and potential ineligibility to receive federal educational benefits (such as student loans and grants). 21 U.S.C. Section 812 U.S Code.

## **State Law**

The State of California has numerous laws regulating the possession and use of controlled substances and alcohol. As an example, under current California state law, "a person shall not knowingly or intentionally possess or distribute a controlled substance." If an individual is found guilty of a violation of the state law, they may be subject to large fines and imprisonment. California Health and Safety Code Section 11350-11356.5.

A minor (defined as a person under the age of 21) may not "purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor, possess or attempt to possess alcoholic liquor, or have any

bodily alcohol content.” Violations of the law may subject the individual to fines, participation in a substance abuse program, imprisonment, community service hours, and/or out of pocket expenses related to required substance abuse screenings. Business and Professions Code 25662 BP / Vehicle Code 13202.5 VC.

Additional information regarding California State law can be found at: <https://statelaws.findlaw.com/california-law/california-drug-distribution-laws.html>. Page 69 of this handbook details the Health Code sections mentioned above.

## Local Law

The city of San Diego ordinances include but are not limited to: consumption in public places, possession and use of alcohol by minors, uncapped liquor in passenger compartments of vehicles, and all substance abuse ordinances. Sanctions could range from a civil infraction with attached fines to probation, rehabilitation, or even imprisonment. (Drug Enforcement Agency Website)

## Campus Policy

Types of Student Conduct Action Student Conduct actions that may be imposed for violations of the Student Code of Conduct include the following:

**Warning:** Written or oral notice to the student that continuation or repetition of misconduct may be cause for further Student Conduct action.

**Student Conduct Probation:** Specific period of conditional participation in campus and academic affairs that may involve exclusion from designated privileges or extracurricular activities. If a student violates any condition of probation, or is charged a second time with a violation of the Standards of Student Conduct during the probationary period, it shall be grounds for revocation of the student’s probationary status and for further Student Conduct action to be taken in accordance with these procedures.

**Removal from Class by Instructor (Education Code 76032):** An instructor may remove, for good cause, any student from his or her class for up to two (2) class sessions. The student shall not return to the class during the period of the removal without concurrence of the instructor, and if required the consent of the CSSO or designee. Nothing herein will prevent the College President or Designee or CSSO from recommending further Conduct in accordance with these procedures based on the facts that led to the removal. As used in this rule, “good cause” includes those offenses listed in the Student Code of Conduct. The instructor shall immediately report the removal to the respective Division Administrator and to the College President or designee. If the student is a minor, the College President or designee shall schedule a conference with the student and the student’s parent or guardian regarding the removal. Instructors are not obliged to provide makeup opportunities for class work, including quizzes, tests or examinations, missed during the two (2) class periods of removal.

**Suspension or Termination of Financial Aid:** In the event a student is suspended for willfully and knowingly disrupting the orderly operation of the campus, this action will result in ineligibility for State Financial Aid, as defined in Education Code Sections 69810 and 69813, for the period of suspension.

**Immediate Interim Suspension:** The College President, the President’s designee, or the CSSO may order immediate suspension of a student when he or she concludes that immediate interim suspension is required to protect lives or property and to ensure the maintenance of order. A reasonable

opportunity shall be afforded the suspended person to have a hearing within ten (10) days of the time that the CSSO or designee, or the College President became aware of the infraction unless mutually agreed upon by the student and the designated Administrator that more time is required. In cases where an immediate 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 according to the provisions above. In the event that a student does not request a hearing within the ten (10) days or contact the College President, CSSO or his or her designee or Administrator, to establish a mutually agreed upon time for hearing, the College where the infraction occurred will proceed with a due process hearing twenty (20) days after the point that the aforementioned administrators became aware of the infraction with or without the accused student being present. Students placed on Immediate Interim Suspension shall have holds placed on all records and transcripts pending the outcome of the due process hearing (Education Code Section 66017).

Instructors are not obliged to provide makeup opportunities for class work, including quizzes, tests or examinations, missed during the period of suspension. **Short-term Suspension:** Temporary exclusion from student status, or other privileges or activities, for one (1) or more classes for a period of up to ten (10) consecutive days of instruction. Faculty members are not obliged to provide makeup opportunities, including quizzes, tests or examinations, for class work missed during the period of suspension. **Long-term Suspension:** Temporary exclusion from student status, or other privileges or activities, for the remainder of the current semester and/or one or more terms. Instructors are not obliged to provide makeup opportunities for class work missed, including quizzes, tests or examinations, during the period of suspension. If any student is suspended or expelled from the GCCCD, he or she shall not be present on any of the campuses or at the District Office without authorization from the College President, CSSO, or the District Vice Chancellor of Human Resources and must be escorted by a District Public Safety officer. The student may not attend any official campus sanctioned events or activities during the term of the suspension. **Expulsion Subject to Reconsideration:** Permanent termination of student status, subject to reconsideration by the Board of Trustees after a specified length of time.

**Reconsideration** may be requested in accordance with the procedure for Reconsideration.

**Permanent Expulsion:** Permanent termination of student status. There shall be no right of reconsideration of a permanent expulsion at any time. On its own motion, the Board of Trustees may reconsider such actions at any time.

**Restitution:** Appropriate restitution shall be sought from any student found responsible of theft, vandalism, or willful destruction of District or College property.

**Sanctions:** Educational sanctions may be assigned instead of, or in addition to those specified in this section at the discretion of the Administrator. Educational sanctions may include, but are not limited to, reflection papers, participation in alcohol or drug education programs, or meeting with college officials.

**Community Service:** Community Service may be assigned instead of, or in addition to, those specified in this section at the discretion of the Administrator. Community Services assignments will require a student to perform unpaid work of benefit to the College community. Community Service provides an opportunity for the student to contribute positively to their community. The assigned tasks shall support and supplement services existing on campus. The Dean of Student Affairs shall approve the community service site. Student must present hours to the Dean of Student Affairs upon completion.



**Referral:** A student may be referred by the Administrator to any college/ community resource deemed necessary for the assistance of the student.

For employees, please refer to [AP3550](#). Information regarding the various drugs and their effects is available at: <https://www.dea.gov/factsheets>

## Health Risks

GCCCD is committed to providing a drug free environment which includes the use of tobacco products and electronic delivery devices on campus or at college/district sponsored events. Any type of drug use, including alcohol, is dangerous and potentially life threatening. Drugs and alcohol adversely affect the body, mind and behavior. The effects vary from person to person and from usage to usage. The range of health risks associated with the use of illicit drugs and the abuse of alcohol are varied. The health risks associated with the use of illicit drugs and the abuse of alcohol include but are not limited to:

- Death including by alcohol poisoning or drug overdose
- Risk of addiction and withdrawal symptoms including pain, convulsions and depression;
- Impaired judgment and resulting safety and health risks including accidents; Impaired performance including drowsiness, impaired memory, and impaired concentration; and
- Psychological problems including depression, anxiety, paranoia, panic reactions, psychosis and hallucinations.

## Possible Short-term Effects

Even low doses of drugs and alcohol can impair judgment and coordination. If you use drugs or alcohol, you risk overdose, accidents, dependence, ill health, as well as legal, financial and personal problems. Acute health problems may include heart attack, stroke, and sudden death, which can occur for first-time cocaine users.

## Possible Long-term Effects

Long lasting effects caused by drug and alcohol abuse can cause problems such as disruption of normal heart rhythm, high blood pressure, leaks of blood vessels in the brain, bleeding and destruction of brain cells, possible memory loss, infertility, impotency, immune system impairment, kidney failure, cirrhosis of the liver and pulmonary damage. Drug use during pregnancy may result in fetal damage and birth defects causing hyperactivity, neurological abnormalities, and developmental difficulties.

## Alcohol Abuse

- Known health risks include increased risk of injuries, violence, fetal damage (in pregnant women), depression, neurologic deficits, hypertension, liver and heart disease, addiction and fatal overdose
- Alcohol affects every organ in the drinker's body and can damage a developing fetus. Intoxication can impair brain function and motor skills; heavy use can increase risk of certain cancers, stroke, and liver disease.
- Alcoholism or alcohol dependence is a diagnosable disease characterized by a strong craving for alcohol, and/or continued use despite harm or personal injury. Alcohol abuse, which can lead to

alcoholism, is a pattern of drinking that result in harm to one's health, interpersonal relationships, or ability to work.

**Other Substances**

**Some Possible Long-Term Effects**

**Amphetamines** *uppers, speed, crank*

*loss of appetite, delusions, hallucinations, heart problems, hypertension, irritability, insomnia, toxic psychosis, rebound depression*

**Barbiturates** *barbs, bluebirds, blues*

*severe withdrawal symptoms, possible convulsions, toxic psychosis, depression, physical dependence, impaired judgment*

**Benzodiazepines** (Valium, Xanax, Ativan, Dalmane, Rohypnol) *benzos, downers, sleepers, tranqs, roofies*

*impaired judgment, sedation, panic reaction, seizures, psychological dependence, physical dependence*

**Cocaine & Cocaine freebase** *coke, crack*

*loss of appetite, depression, weight loss, seizure, heart attack, stroke, hypertension, psychosis, chronic cough, nasal passage injury, hallucinations*

**Codeine**

*physical dependence, constipation, loss of appetite, lethargy, respiratory depression*

**Heroin** *H, junk, smack*

*physical dependence, constipation, loss of appetite, lethargy, respiratory depression*

**Inhalants** *ames, gas, laughing gas, poppers, snappers*

*psychological dependence, psychotic reactions, confusion, frozen airway, sudden death*

**LSD** *acid*

*may intensify existing psychosis, panic reactions, can interfere with psychological adjustment and social functioning, insomnia, flashbacks*

**MDA, MDMA, MOMA** *ecstasy, xtc*

*same as LSD, sleeplessness, nausea, confusion, increased blood pressure, sweating, paranoia*

**Marijuana (cannabis)** *pot, grass, dope, weed, joints*

*bronchitis, conjunctivitis, mood swings, paranoia, lethargy, impaired concentration*

**Mescaline (peyote cactus)** *mesc, peyote*

*may intensify existing psychosis, hallucinations at high dose*

**Methamphetamine**

*increased wakefulness, increased physical activity, decreased appetite, increased*

**meth, crystal, chalk, ice**  
**Methaqualone ludes**

*respiration, rapid heart rate, irregular heartbeat, increased blood pressure, and increased body temperature*  
*coma, convulsions*

**Morphine M, morf**

*physical dependence, constipation, loss of appetite, lethargy*

**PCP crystal, tea, angel dust**

*psychotic behavior, violent acts, psychosis, hallucinations at high dose*

**Psilocybin magic mushrooms, shrooms**

*may intensify existing psychosis*

**Steroids roids, juice**

*cholesterol imbalance, acne, baldness, anger management problems, masculinization of women, breast enlargement in men, premature fusion of long bones preventing attainment of normal height, atrophy of reproductive organs, impotence, reduced fertility, stroke, hypertension, congestive heart failure, liver damage, depression*

**Assistance, Resources and Referrals**

Drug or alcohol counseling, treatment, or rehabilitation or re-entry programs or referrals are available to employees and students. The District provides confidential referrals through an Employee Assistance Program (EAP) for employees and their families needing assistance with drug or alcohol abuse. Please contact the Human Resources for more information or visit the Human Resources website for information on contacting the District's EAP.

Students should contact Student Health Services or their college' Dean or designee for resources and/or assistance. Student Health Services also provides counseling, alcohol and drug abuse education information, and resources for students.

For further information, please contact Student Health Services or visit:

<https://www.grossmont.edu/student-support/health-and-wellness/index.php>

<https://www.cuyamaca.edu/student-support/health-and-wellness-center/index.php>

**Cuyamaca College Substance Abuse Prevention/Mental Health Partners**

	Organization	Contact	Address
1	McAlister Institute	619/442-0277	1400 N. Johnson Ave., El Cajon, CA
2	MHS ACTION East	619/383-6969	10201 Mission Gorge

	Residential and Treatment		Rd. Santee
3	Halcyon Center Short Term Residential	619/579-8685	1664 Broadway, El Cajon, CA
4	Kickstart Mental Illness/Substance Abuse Prevention/Pathways	Katherin Torres 619/481-3790 katherin.torres@pathways.com	
5	San Diego Youth Services	619/401-3836	
6	Vet Center/Substance Abuse Prevention Services	Alfonso Carmona (858) 642-1500 alfonso.carmona@va.gov	2790 Truxtun Road, Suite 130 San Diego, CA 92106
7	Homestart, Inc. (TAY) Transitional Assistance to Youth	619/906-4401	
8	El Cajon Family Health Center (FHCS)	619/515-2498	525 E. Main St., El Cajon, CA
9	Volunteers of America Residential Substance Abuse Services		7th St. National City, CA
10	Heartland Wellness Recovery Center	619/440-5133	460 N. Magnolia Ave. Suite 100, El Cajon, CA
11	Crisis House	619/444-1194	1034 N. Magnolia Ave., El Cajon, CA
12	Institute for Public Strategies	619/476-9100	2615 Camino del Rio S San Diego, CA

**Community Crisis Lines**

- Students who are experiencing a Behavioral Health emergency should call 9-1-1.
- Students who need information about handling a mental health crisis should speak to a trained counselor who can help with their specific situation.
- Access and Crisis Line: 1-888-724-7240.
- The toll-free call is available 24-hours a day, 7-days a week. (TDD for the hearing impaired: 619-641-6992.)

**Collaborative Activities with Substance Abuse/Mental Health Partners/Community Resources**

- Alcohol and Drug Abuse Prevention Virtual Workshop presented by two local community partners,

- McAlister Institute and Institute for Public Strategies, for students and staff (September 16, 2020).
- Provide virtual mindfulness workshops by a personal counselor and a nurse (September, October, November 2020).
- Mental health on-campus trainings and virtual workshops for students and staff (Spring 2020) and virtual workshops in Summer and Fall 2020 presented by personal counselors.
- Outreach and education tables during months of Fall 2019 that highlight substance abuse prevention, mental health, violence prevention, and healthy relationships.
- Participation in college health fair with exhibits explaining services and resources ( August 2019)

**Online Resources of Possible Interest:**

- [www.alcoholscreening.org/](http://www.alcoholscreening.org/)
- [www.aa.org/](http://www.aa.org/) for Alcoholics Anonymous
- <http://www.drugabuse.gov/nidamed/> for National Institute of Drug Abuse (NIDA)
- <http://www.drugabuse.gov/scienceofaddiction/brain.html> for NIDA handout on biology of addiction
- <http://www.nlm.nih.gov/medlineplus/substanceabuseproblems.html> for MedlinePlus, substance abuse problems
- <http://familydoctor.org/familydoctor/en/diseases-conditions.html> for familydoctor.org, for tobacco, alcohol and drugs patient education downloads
- <http://rethinkingdrinking.niaaa.nih.gov/> for NIAAA website -- offers drinking habits assessment and management tools for anyone who drinks
- <https://www.sandiegocounty.gov/hhsa/programs/bhs/> for resources for managing mental health
- <https://www.alcoholrehabguide.org/resources/college-alcohol-abuse/> for college alcoholism educational information and treatment
- <https://www.rehabspot.com/> for alcohol and drug abuse education and treatment options
- <https://www.samhsa.gov/find-treatment> Substance Abuse and Mental Health Services Administration

**Community Drug and Alcohol Treatment**

1. Volunteers of America / 101 16<sup>th</sup> Street / (619) 232-9343 / detox for unfunded patients
2. Crash / outpatient group treatment / (619) 263-6663 / inpatient treatment / (619) 233-8054.
3. Escondido Community Sobering / 401 North Spruce Street/ detox and outpatient group / (760) 747-1553
4. McAlister East / detox and outpatient group / sliding fee scale / (619) 442-0277
5. Salvation Army / 1335 Broadway/ inpatient treatment / no detox / walk-ins M-F 7:30am-4pm / (619) 239-4037
6. Scripps McDonald Center / 9896 Genesee Avenue/ detox, inpatient, outpatient, group and individual / (858) 626-4300

**Daily Crime Log [\(AP3515\)](#)**

The Daily Crime Log (also referred to as the Media Bulletin) provides details about crimes that have been reported to the Public Safety Office from the past 60-day time period. It is available to all members of the public for inspection, at the Grossmont and Cuyamaca Public Safety Offices during business hours and hard copies

are free of charge. It is updated on a daily basis and includes the nature/classification, date reported, date occurred, time, general location, provided the information is available.

**Grossmont-Cuyamaca Community College District Sheriff's Unit**  
**MEDIA BULLETIN**

DATE	TIME	CAD
07-19-2016	0605	(No CAD) Grossmont College - Deputy observed a subject walking his dog while smoking a cigar on the Perimeter Road. Subject was advised that smoking and non-service dogs on campus were against GCCCD Board Policy. Disposition: WILL COOPERATE
07-19-2016	1215	(No CAD) Cuyamaca College - Deputies conducted Foot Patrol of the drainage ditch near the east portion of College property. Disposition: CHECKED OK
07-19-2016	1300	(E3501297) Cuyamaca College-A Disturbance was reported at the A Building Room 200, the Transfer Center. A subject was frustrated with a College computer and overheard stating he would shoot the computer. Subject described as A WHITE OR MIDDLE EASTERN MALE, WEARING A RED HAT, BLUE JERSEY WITH THE WORD MOORE ON THE BACK, AND BLUE JEANS. There was a 20 minute delay between the Disturbance and the call to Sheriff's Dispatch. The subject left before a Deputy arrived. Disposition: INFORMATION ONLY

Sample Daily Crime Log

An electronic version is available by request by emailing the Sergeant of Law Enforcement Services. Any portion of the log that is older than 60 days will be available within two business days of a request for public inspection. If applicable paper or electronic copies will be given per the individual's request.

**College Public Safety Office Locations:**

Office	Location	Business Hours
Grossmont College	Building 57 (attached to parking garage)	8:00am-10:00pm, Monday-Friday
Cuyamaca College	A-101	8:00am-10:00pm, Monday-Friday

According to Federal Law, an institution may withhold any of the required fields of entry, i.e. the nature, date, time, location and/or disposition if any of the following conditions apply:

- The disclosure is prohibited by law
- If disclosure would jeopardize the confidentiality of the victim
- If disclosure would jeopardize an ongoing criminal investigation or the safety of an individual
- If disclosure would cause a suspect to flee or evade detection
- If disclosure would result in the destruction of evidence

A sample of the GCCCD Daily Media/Crime Log is shown below:

## Police Services Complaint Procedure

The San Diego Sheriff's Department realizes it must be responsive to all persons in the community. If you are not satisfied with the performance of any member of the Department, we need to know the specifics. The District and the San Diego Sheriff's Department are committed to responding swiftly, thoroughly, and fairly to all reports of unsatisfactory service. To file a written complaint, go to the District Public Safety Office at either campus or visit [https://www.sdsheriff.net/contact\\_complaints.html](https://www.sdsheriff.net/contact_complaints.html). Besides completing a written report, you are also encouraged to personally discuss the situation with the GCCCD Sergeant of Law Enforcement Services by phone at (619) 644-7775 or by e-mail.

## Crime Prevention Programs

The Grossmont / Cuyamaca Community College District encourages any member of the college community to stop by the Public Safety Office or ask any Sheriff's Deputy for information regarding personal or property safety. In addition, The San Diego Sheriff's Department is committed to providing periodic Campus Safety Awareness training events to Students, Faculty and Staff.

On-going goals for outreach are to:

- ✓ Create a positive dialogue with the community.
- ✓ Maintain open lines of communication to identify and resolve issues in a collaborative manner.
- ✓ Provide materials and programs to educate and increase awareness.
- ✓ Assist residents in reducing opportunities for crime.

Districtwide Crime Prevention events are scheduled on an as needed basis and advertised via the Districtwide emails, publications and fliers. Topics range and include, identity theft, personal safety awareness, active threat situations and emergency preparedness.

The District does not have any officially recognized student organizations which reside off-campus.

## Substance Abuse Education

The campuses make available to students and employees a wide variety of programs designed to discourage the use of illicit substances and provide information on legal and responsible alcohol consumption. Abuse of alcohol and drugs can have a dramatic impact on academic, professional, and family life. Members of the community who may be experiencing difficulty with drugs or alcohol are encouraged to seek assistance. Individual counseling sessions are available to students at no cost. All information regarding any contact or counseling is confidential and will be treated in accordance with campus policies, state and federal laws.



CAPS Emergency Information Tabling Event, 2016

The District provides information on drug treatment and prevention through the Health Services Office. Contact the Health Services Office or the Risk Management Department for more information.

Employees dealing with substance abuse issues are encouraged to seek assistance through the Employee Assistance Program (EAP) where counseling, referrals and other services are available. Please visit: [https://www.gcccd.edu/benefits/documents/01BenefitFormsandDocs/BenefitDocuments/EAP\\_OptumSummary.pdf](https://www.gcccd.edu/benefits/documents/01BenefitFormsandDocs/BenefitDocuments/EAP_OptumSummary.pdf).

Behavioral Health Information & Referrals for Alcohol, Drugs, and Mental Health Crisis and Suicide Intervention 24 hours a day/ 7 days a week through the San Diego Access & Crisis Line (UBH) at 1-800-479-3339. Or visit: <https://www.optumsandiego.com/content/sandiego/en/access---crisis-line.html>.

---

*Behavioral Health Information & Referrals for Alcohol, Drugs, and Mental Health Crisis and Suicide Intervention 24 hours a day/ 7 days a week through the San Diego Access & Crisis Line (UBH) at 1-800-479-3339.*

---

## Sex Offender Registration Information

California law, requires sex offenders who are employed, volunteer, or enrolled as a student at an institution of higher education, to register with the San Diego Sheriff's Department. It provides the public with internet access to detailed information on registered sex offenders. This access allows the public to use their personal computers with internet (www) access to view information on sex offenders required to register with local law enforcement under California's Megan's Law. The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires sex offenders who are required to register under state law, to provide notice of their enrollment or employment at any institution of higher learning in the state where he/she resides. In addition, California law requires sex offenders who reside on campus, and all campus affiliated sex offenders, to register with campus law enforcement.

Members of the public may access sexual offender information at the Megan's Law website maintained by the Department of Justice: [www.meganslaw.ca.gov](http://www.meganslaw.ca.gov). For information concerning offenders who have registered with the campus Public Safety Department, please contact the San Diego SAFE Task Force at 858-974-2020.

Other Resources:

- National Sex Offender Public Registry <http://www.nsopr.gov>
- Center for Sex Offender Management <http://www.csom.org/>

## Crime Statistics



The Clery Act requires that higher education institutions disclose statistics for offenses committed in certain geographic locations associated with the institution. A crime should be included in the annual security report only if it occurred in one of the following locations: on campus, in or on a non-campus building or property, or on public property within or immediately adjacent to and accessible from the campus. All crimes, including hate crimes, must be disclosed by geographic location.

**On Campus**

Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes. Any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

**On Public Property**

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

**Non-campus Building or Property**

The District does not own or control any sites off campus. Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Cuyamaca College Clery Act Crime Statistics 2017-2019									
	Cuyamaca Campus			Non-Campus Property			Public Property		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
Criminal Homicide, Murder and Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Criminal Homicide, Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Forcible Sex Offenses:	0	0	0	0	0	0	0	0	0
<b>Rape</b>	0	0	0	0	0	0	0	0	0
<b>Fondling</b>	0	0	0	0	0	0	0	0	0
<b>Incest</b>	0	0	0	0	0	0	0	0	0
<b>Statutory Rape</b>	0	0	0	0	0	0	0	0	0
Robbery	1	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	1	0	0	0	0	0	0
Burglary	1	1	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	1	0	0	0	0	0	0

Arson	0	0	0	0	0	0	0	0	0
Hate Crimes	0	0	1	0	0	0	0	0	0
<b>Arrests</b>									
Liquor Law Violations	0	0	0	0	0	0	0	0	0
Drug and Narcotic Violations	1	1	0	0	0	0	0	0	0
Illegal Weapons Possession	0	0	0	0	0	0	0	0	0
<b>VAWA</b>									
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

**\*There were zero (0) hate crimes on either Grossmont or Cuyamaca Campuses in 2017 and 2018. In 2019 there was one (1) hate crime at Cuyamaca College. \*Drug and Narcotics Violations include marijuana citations.**

<b>Cuyamaca College Student Affairs Referral Statistics</b>									
	Cuyamaca Campus			Non-Campus Property			Public Property		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
<b>Weapons Law Violations</b>									
Arrest	0	0	0	0	0	0	0	0	0
Referral	1	0	0	0	0	0	0	0	0
<b>Drug Law Violations</b>									
Arrest	1	1	0	0	0	0	0	0	0
Referral	0	1	1	0	0	0	0	0	0
<b>Liquor Law Violations</b>									
Arrest	0	0	0	0	0	0	0	0	0
Referral	1	0	1	0	0	0	0	0	0

**\*There were zero (0) unfounded crimes at Grossmont and Cuyamaca Campuses in 2019.**

While the Cuyamaca College Campus holds courses at offsite locations some of these locations do not meet Clery Geography requirements. The following locations are utilized by the campus:

1. Helix Charter High School, 7323 University Ave, La Mesa, CA 91944
2. Health Sciences High and Middle College, 3910 University Ave, San Diego, CA 92105
3. Kumeyaay Community College, 910 Willow Glen Drive, El Cajon, CA 92019
4. Mater Dei Catholic High School, 1615 Mater Dei Drive, Chula Vista, CA 91943
5. Steele Canyon High School, 12440 Campo Road, Spring Valley, CA 91978
6. Sycuan Golf Resort, 3007 Dehesa Road, El Cajon, CA 92019

7. Monte Vista High, 3230 Sweetwater Springs Road, Spring Valley, CA 91977
8. Rohr Park, 4548 Sweetwater Road, Bonita, CA 91902
9. Cajon Valley School District, 750 E Main Street, El Cajon CA 92020
10. Campo Education Center, 36209 Church Road, Campo, CA 91906
11. Mountain Empire High School, 3305 Buckman Springs Road, Pine Valley, CA 91962
12. Valhalla High School, 1725 Hillsdale Road, El Cajon, CA 92019
13. San Pasqual Culture Center, 25628 Lake Wohlford Road, Escondido, CA 92027
14. Japanese Friendship Garden Balboa Park, 2215 Pam American Road East, San Diego, CA 91101

The San Diego Sheriff's Crime Analyst reached out to the other agencies to determine if any crimes were committed at any location listed above during our course and none were found. Some agencies did not return our request for published statistics.

Grossmont College Clery Act Crime Statistics 2017-2019									
	Grossmont Campus			Non-Campus Property			Public Property		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
Criminal Homicide, Murder and Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Criminal Homicide, Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Forcible Sex Offenses:	0	0	0	0	0	0	0	0	0
<b>Rape</b>	0	0	0	0	0	0	0	0	0
<b>Fondling</b>	1	0	1	0	0	0	0	0	0
<b>Incest</b>	0	0	0	0	0	0	0	0	0
<b>Statutory Rape</b>	0	0	0	0	0	0	0	0	0
Robbery	0	1	0	0	0	0	0	0	0
Aggravated Assault	0	1	0	0	0	0	0	0	0
Burglary	3	4	1	0	0	0	0	0	0
Motor Vehicle Theft	2	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Hate Crimes	0	0	0	0	0	0	0	0	0
<b>Arrests</b>									
Liquor Law Violations	0	0	0	0	0	0	0	0	0
Drug and Narcotic Violations	0	0	2	0	0	0	0	0	0
Illegal Weapons Possession	0	0	0	0	0	0	0	0	0
<b>VAWA</b>									
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	1	0	1	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

**\*There were zero (0) hate crimes on either Grossmont or Cuyamaca Campuses in 2017 and 2018. In 2019**

there was one (1) hate crime at Cuyamaca College. \*Drug and Narcotics Violations include marijuana citations

Grossmont College Student Affairs Referral Statistics									
	Grossmont Campus			Non-Campus Property			Public Property		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
<b>Weapons Law Violations</b>									
Arrest	0	0	0	0	0	0	0	0	0
Referral	1	1	0	0	0	0	0	0	0
<b>Drug Law Violations</b>									
Arrest	0	0	0	0	0	0	0	0	0
Referral	1	0	0	0	0	0	0	0	0
<b>Liquor Law Violations</b>									
Arrest	0	0	0	0	0	0	0	0	0
Referral	0	2	0	0	0	0	0	0	0

\*There were zero (0) unfounded crimes at Grossmont and Cuyamaca Campuses in 2019.

While the Grossmont College Campus holds courses at offsite locations some of these locations do not meet Clery Geography requirements. The following locations are utilized by the campus:

1. Helix Charter High School, 7323 University Ave, La Mesa, CA 91944
2. Mission Trails, 1 Father Junipero Serra Trail, San Diego, CA 92119
3. Kumeyaay Community College, 910 Willow Glen Drive, El Cajon, CA 92019
4. Granite Hills High School, 1719 E Madison, La Mesa, CA 92019
5. El Cajon Valley High School, 1035 E Madison, La Mesa, CA 92021

The San Diego Sheriff's Crime Analyst reached out to the other agencies to determine if any crimes were committed at any location listed above during our course and none were found. Some agencies did not return our request for published statistics.

## Hate Crimes [\(AP 3500\)](#)

The Grossmont-Cuyamaca Community College District will not tolerate discrimination against any person because of age, ancestry, color, disability, national origin, race, religious creed, sex, sexual orientation, education or socioeconomic status. The hate crimes reported above include the crime classifications above plus simple assault, larceny and vandalism when related to the biases noted above. If you believe you are a victim of a hate crime, report the incident to the San Diego Sheriff's Department or the Campus Student Affairs Office.

A hate or bias related crime is not a separate, distinct crime, but is the commission of a criminal offense which was motivated by the offender's bias. For example, a subject assaults a victim, which is

a crime. If the facts of the case indicate that the offender was motivated to commit the offense because of his bias against the victim's Race, Religion, Ethnicity, Gender, Sexual Orientation, Disability, National Origin, or Gender Identity... the assault is then also classified as a hate/bias crime.

California Attorney General's Office, "Preventing Hate Crime:" <https://oag.ca.gov/civil/content/hatecrimes>

***\*There were zero (0) hate crimes on either Grossmont or Cuyamaca Campuses in 2017 and 2018. In 2019 there was one (1) hate crime at Cuyamaca College.***

## Sexual Assault [\(AP 3540\)](#)

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 Grossmont-Cuyamaca Community College District (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. Individuals who are not students or employees (e.g., guests, visitors, etc.) of the District may not be entitled to the same procedures as those who are members of the District community. Students, faculty, and staff who may be victims of (Claimants) or may be accused of (Respondents) sexual and other assaults shall be treated with dignity and provided assistance. (See also BP/AP 5500 Standards of Student Conduct).

"Sexual assault" includes any sexually related offenses, including Non-consensual Sexual Contact and Non-consensual Sexual Intercourse.

**Non-Consensual Sexual Contact** is defined as:

- Intentional,
- sexual touching,
- however slight,
- with any object,
- by a person upon another person,
- without consent.

Sexual touching includes any bodily contact with the breasts, groin, genitals, mouth or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

**Non-Consensual Sexual Intercourse** is defined as:

- any sexual penetration or intercourse (anal, oral or vaginal),

- however slight,
- with any object,
- by a person upon another person,
- without consent.

Sexual penetration includes vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation by mouth to genital contact or genital to mouth contact.

“Intimate Partner Violence” (Also known as “Dating Violence”) is defined as a single act or a pattern of abusive behavior in a sexual, dating, domestic, or other intimate relationship that is used by one partner to gain or maintain power and control over another intimate partner. Intimate partner violence can occur in a dating or domestic relationship. Intimate partner violence can be physical, sexual, emotional (when severe and repeated), economic, or psychological (when severe and repeated), actions or threats of actions that influence another person. This includes any repeated behaviors that severely intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

The existence of an intimate relationship shall be determined based on a consideration of the following factors:

- i. The length of the relationship;
- ii. The type of relationship; and
- iii. The frequency of interaction between the persons involved in the relationship.

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

- Current or former spouse/domestic partner of the victim;
- Person with whom the victim shares a child in common;
- Person who is cohabitating with or has cohabitated with the victim as a spouse;
- Person similarly situated to a spouse/domestic partner 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” is a pattern of repeated and unwanted attention, harassment, contact, or any other course of unwelcome conduct directed at a specific person that would cause a reasonable person to feel fear of his or her safety or the safety of others or suffer substantial emotional distress.

- “Course of conduct” means two or more acts that can include, but is not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.
- “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical treatment or professional counseling.

- “Reasonable person” is a legal term that the courts have generally defined as a prudent, hypothetical person with ordinary sensitivities who embodies a community ideal of reasonable behavior.

This policy prohibits all stalking, not just stalking that occurs within the context of a relationship or stalking that is discriminatory.

## Affirmative Consent

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

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

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

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

All students, faculty members, staff members, or visitors who allege they are the victims of violations of any of the above policies shall be provided with information regarding options and assistance available to them. Those accused (Respondents) of these offenses should refer to either: the Collective Bargaining Agreement (employees), Student Code of Conduct (students), and other District Governing Board Policies for community members. Information shall be available for students in the College Student Affairs Office, and for staff in the District Human Resources Office. The appropriate office shall maintain the identity and other information about alleged sexual assault victims as confidential unless and until the office is authorized to release such information.

The College Student Affairs Office or District Human Resources Office shall provide all individuals who allege that they have been the victims of violations of any of the above polices with the following information upon request:

- A copy of the District's policy and procedure regarding the policies alleged to have been violated
- A list of personnel on campus who should/will be notified of the alleged violations, and procedures for such notification
- Information about the importance of preserving evidence and the identification and location of witnesses
- A description of available services, and the persons on and off campus available to provide those services if requested. Services and those responsible for providing or arranging them include:
  - Transportation to a hospital—paramedics, local law enforcement, and/or Claimant’s designee(s)

- Counseling or referral to a counseling center—the College Student Affairs Office or the District Human Resources Office
- Notice of the assault; if the Claimant consents—local law enforcement via 911 or the non-emergency number at 858-565-5200.
- A packet of available campus resources and off-campus services—District Public Safety Department or College Student Affairs Office
- The Claimants option to:
  - Notify proper law enforcement authorities, including on-campus and local police
  - Be assisted by campus authorities in notifying law enforcement authorities if the Claimant so chooses
  - Decline to notify such authorities
  - The rights of Claimants 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 Claimants and reporters
  - Written notification to Claimants 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 Claimant 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
  - Modification of class or other schedules

The Title IX Coordinator 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, regardless of whether a complaint is filed with local law enforcement. All Claimants and Respondents in allegations of sexual assault on District property shall be kept informed through the College Student Affairs Office or District Human Resources Office, of any ongoing investigation. Information shall include the status of any student or employee disciplinary proceedings or appeal.

All Claimants and Respondents in cases of allegations of domestic violence, dating violence, sexual assault, or stalking on District property shall be kept informed, through the Student Affairs Office or District Human



Resources Office of any ongoing investigation. Information shall include the status of any student or employee disciplinary proceedings or appeal.

A Claimant or witness who participates in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for minor violations of District policies 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 dishonesty.

In the evaluation of allegations in any disciplinary process, it shall not be a valid defense to allege that the Respondent believed that the Claimant consented to the sexual activity under either of the following circumstances:

- The Respondent's belief that they were too intoxicated or impaired to be aware of the Claimant's inability or lack of consent.
- The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Claimant affirmatively consented

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

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

The District shall maintain the identity of any Claimant, witness, or third-party reporter of sexual assault on District property, as defined above, in confidence (in terms of reporting this information to 3<sup>rd</sup> parties) unless the Claimant, witness, or third-party reporter specifically waives that right to confidentiality. However, in almost all cases, the Respondent will be made aware of the identity of the Claimant and the witnesses. All inquiries from reporters or other media representatives about allegations of violations of these policies on District property shall be referred to the Communications and Public Information Office, which shall work with the College Student Affairs Office or District Human Resources Office to assure that all confidentiality rights are maintained.

Additionally, per the Clery Act, the Annual Security Report prepared by the District Public Safety Office (available on the District website) includes a statement regarding the District's programs to prevent sexual assault, domestic violence, dating violence/intimate partner 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 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, and other forcible and non-forcible sex offenses

- Procedures to follow if a sex offense 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 Claimant'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 Claimants, including how publicly available recordkeeping will be accomplished without the inclusion of identifying information about the Claimant, to the extent permissible by law
- Information for Claimants about existing on- and off-campus counseling, mental health, victim advocacy, legal assistance or other services for victims
- Written notification of Claimants 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 sexual assault, 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 Claimant and the Respondent are entitled to the same opportunities to have others present during a disciplinary proceeding
  - Both the Claimant and the Respondent 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 Respondent and Claimant to appeal the results of the disciplinary proceeding, of any changes to the results that occur 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 sex offense and any sanction that is imposed against the Respondent
  - 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 nonforcible sex offenses

### *Education and Prevention Information*

The College Student Affairs Office or District Human Resources Office shall:

- Provide education and prevention information about sexual assault. 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 and violence prevention programming, awareness raising campaigns, primary prevention, bystander intervention, and risk reduction
- Publish sexual violence prevention and education information on the District websites

***Trained support counselors may be reached at the following locations on campus:***

Location	Name and Phone Number	Hours
Grossmont College Health Services Office 60-130	Matthew Ring 619-644-7192 Julie Little 619-644-7148 Birana Killian Molly McGraw More Counselors Pending Board Approval Fall 2020	Monday – Friday 9:00am to 4:00pm
Cuyamaca College Health Services Office I-134	Rogelia Becerra, Supervisor Trainees: Mason Beck More Counselors Pending Board Approval Fall 2020	Tuesday 9am-3pm Thursday 9am-5pm Friday 9am-3pm

***Outside Community Resources***

Center for Community Solutions- 24 Hour Crisis Line	1-888-DVLINKS (385-4657)	<a href="http://www.ccssd.org">http://www.ccssd.org</a>
National Sexual Assault Hotline	1-800-656-HOPE	<a href="http://www.rainn.org">http://www.rainn.org</a>

The Grossmont-Cuyamaca Community College District has disciplinary procedures for cases of alleged sex offenses with sanctions that may be imposed as appropriate. Further information regarding prevention of sexual assault is available through the San Diego Sheriff’s Department district personnel at Grossmont and Cuyamaca Colleges.

## **VAWA**

On March 7<sup>th</sup>, 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013 (VAWA) which amended the Clery Act to require institutions to compile statistics for incidents of dating violence, domestic violence, sexual assault, and stalking and to include certain policies, procedures, and programs pertaining to these incidents in our annual security report (ASR).

The definitions per the Violence Against Women Act of 1994 (34 CFR 668.46(c)(6)(A)(i)) are as follows:

**Sexual Assault (Sex Offenses)** Any sexual act directed against another person, without consent of the

victim, including instances where the victim is incapable of giving consent.

**Rape** is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.

**Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity

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

**Statutory Rape** is sexual intercourse with a person who is under the statutory age of consent.

For further information on Penal Codes pertaining to the State of California, please see page 52 of this report.

For convenience purposes the VAWA reporting statistics are repeated below for each campus:

Cuyamaca College Clery Act Crime Statistics 2017-2019									
	Cuyamaca Campus			Non-Campus Property			Public Property		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
Criminal Homicide, Murder and Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Criminal Homicide, Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Forcible Sex Offenses:	0	0	0	0	0	0	0	0	0
<b>Rape</b>	0	0	0	0	0	0	0	0	0
<b>Fondling</b>	0	0	0	0	0	0	0	0	0
<b>Incest</b>	0	0	0	0	0	0	0	0	0
<b>Statutory Rape</b>	0	0	0	0	0	0	0	0	0
Robbery	1	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	1	0	0	0	0	0	0
Burglary	1	1	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	1	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Hate Crimes	0	0	1	0	0	0	0	0	0
<b>Arrests</b>									
Liquor Law Violations	0	0	0	0	0	0	0	0	0
Drug and Narcotic Violations	1	1	0	0	0	0	0	0	0
Illegal Weapons Possession	0	0	0	0	0	0	0	0	0

<b>VAWA</b>									
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

<b>Grossmont College Clery Act Crime Statistics 2017-2019</b>									
	<b>Grossmont Campus</b>			<b>Non-Campus Property</b>			<b>Public Property</b>		
	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
Criminal Homicide, Murder and Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Criminal Homicide, Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Forcible Sex Offenses:	0	0	0	0	0	0	0	0	0
<b>Rape</b>	0	0	0	0	0	0	0	0	0
<b>Fondling</b>	1	0	1	0	0	0	0	0	0
<b>Incest</b>	0	0	0	0	0	0	0	0	0
<b>Statutory Rape</b>	0	0	0	0	0	0	0	0	0
Robbery	0	1	0	0	0	0	0	0	0
Aggravated Assault	0	1	0	0	0	0	0	0	0
Burglary	3	4	1	0	0	0	0	0	0
Motor Vehicle Theft	2	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Hate Crimes	0	0	0	0	0	0	0	0	0
<b>Arrests</b>									
Liquor Law Violations	0	0	0	0	0	0	0	0	0
Drug and Narcotic Violations	0	0	2	0	0	0	0	0	0
Illegal Weapons Possession	0	0	0	0	0	0	0	0	0
<b>VAWA</b>									
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	1	0	1	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

**\*\*Special note on VAWA: Domestic violence, dating, violence, and stalking are newly required crime types following amendments made to the Clery Act in April 2013 by the Campus Sexual Violence Elimination (Campus SaVE) provision of the Violence against Women Reauthorization Act. Because the new statutes went into effect in 2014 and because final guidance from the Department of Education on their application was not provided until October 2014, recordkeeping for these crime types prior to that time may be incomplete. However, GCCCD has made a good faith effort to comply with the various provisions of the law as interpreted by the Department of Education.**

## Title IX Initiatives

Title IX is a comprehensive federal law that prohibits discrimination on the basis of sex in any federally funded education program or activity. Title IX promotes equal opportunity by providing that no person may be subjected to discrimination on the basis of sex under any educational program or activity receiving federal financial assistance. A school must respond promptly and effectively to sexual harassment, including sexual violence, that creates a hostile environment.

"No person in the U.S. shall, on the basis of sex be excluded from participation in, or denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal aid."

Examples of the types of conduct that violates Title IX include, but are not limited to:

- Sexual harassment
- Hostile environment caused by sexual harassment
- Sexual assault (non-consensual sexual contact & non-consensual sexual intercourse)
- Pressure for sexual activity
- Sexual innuendos and comments
- Sexual ridicule
- Requests for sexual favors
- Sexual exploitation
- Domestic violence
- Dating violence
- Stalking
- Retaliation
- Intimidation
- Unwelcome touching, hugging, stroking, squeezing
- Spreading rumors about a person's sexuality
- Displaying or sending sexually suggestive electronic content, including but not limited to emails, text messages, etc.
- Pervasive displays of pictures, calendars, cartoons, or other materials with sexually explicit or graphic content
- Stalking a person
- Attempted or actual sexual violence

These written procedures and protocols are designed to ensure victims of sexual assault receive treatment and information. (For physical assaults/violence, see also AP [3500](#), [3510](#), [3430](#) and [3515](#)).

All students, faculty members, staff members, or visitors who allege they are the victims of a sexual assault on District property shall be provided with information regarding options and assistance available to them. The accused of such offenses should refer to either: the Collective Bargaining Agreement (employees), Student Code of Conduct (students), and other District Governing Board Policies for community members. Information shall be available for students in the College Student Affairs Office, and for staff in the District Human Resources Office. The appropriate office shall maintain the identity and other information about alleged sexual assault victims as confidential unless and until the office is authorized to release such information.

*9/24/2020: These policies and procedures are implemented on an interim basis for renewable six-month intervals. Should a court strike down, either temporarily or permanently, any terms or provisions of these*

*policies and procedures, Grossmont-Cuyamaca Community College District reserves the right to make immediate modifications to the policies and procedures that take effect upon publication on our website. Further, should any court strike any portion of the 2020 title IX regulations (34 C.F.R. Part 106), or should an administration order them suspended or withdrawn, Grossmont-Cuyamaca Community College District reserves the right to withdraw these interim policies and procedures and immediately reinstate previous policies and/or procedures or revise them accordingly.*

## **Introduction**

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

## **Title IX Coordinator**

Questions concerning Title IX may be referred to the District Title IX Coordinator whose contact information is below.

Tim Corcoran, Vice Chancellor of Human Resources and Title IX Coordinator contact information:  
8800 Grossmont College Drive, Bldg. 38H  
(619) 644-7572  
[Tim.corcoran@gcccd.edu](mailto:Tim.corcoran@gcccd.edu)

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

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

## **Title IX Harassment Complaints, Investigations, and Hearings**

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

## **Jurisdictional Requirements – Application of Procedures**

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

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

## Definitions

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

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

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

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

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

**Decision-Maker:** The person who will oversee the live hearing and make a determination of responsibility. The District may have one Decision-Maker determine whether the Respondent is responsible, and another Decision-Maker determine the appropriate level of penalty for the conduct. The Decision-Maker cannot be the Title IX Coordinator or the investigator.

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

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

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

- A District employee conditions the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct (*quid pro quo* harassment);
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity;



- Sexual assault, including the following:
  - **Sex Offenses.** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
  - **Rape** (except Statutory Rape). The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity. There is carnal knowledge if there is the slightest penetration of the genital or anal opening of the body of another person.
  - **Sodomy.** Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity.
  - **Sexual Assault with an Object.** To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything the offender uses other than the offender's genitalia, e.g., a finger, bottle, handgun, stick.
  - **Fondling.** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity.
  - **Sex Offenses, Non-Forcible Unlawful, Non-Forcible Sexual Intercourse.**
    - **Incest.** Non-Forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
    - **Statutory Rape – Non-Forcible.** Sexual intercourse with a person who is under the statutory age of consent. There is no force or coercion used in Statutory Rape; the act is not an attack.
  - **Dating violence.** Violence against a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a relationship will be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
  - **Domestic Violence.** Violence committed:
    - By a current or former spouse or intimate partner of the victim;
    - By a person with whom the victim shares a child in common;
    - By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
    - By a person similarly situated to a spouse of the victim under the domestic or family violence laws of California; or
    - By any other person against an adult or youth victim protected from that person's acts under the domestic or family violence laws of California.
  - **Stalking.** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her/their safety or the safety of others or suffer substantial emotional distress.

### Reporting Options

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

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

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

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

The District will document reports of sexual harassment in compliance with the Clery Act, a federal law requiring data collection of crime within the campus geography. Under the Clery Act, the District does not document personal information; the District reports the type of conduct, and the time, date, and location. (Also see BP/AP 3540 Sexual and Other Assaults on Campus.

## **Intake and Processing of Report**

### **Receipt of Report**

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

### **Timeframe for Reporting**

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

### **Supportive Measures**

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

### **Removal of Respondent Pending Final Determination**

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

### **Emergency removal**

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

The District may not use emergency removal to address a Respondent's threat of obstructing the sexual harassment investigation or destroying relevant evidence. Emergency removal is only available to address health or safety risks against individuals arising out of sexual harassment allegations, not to address other forms of misconduct that a Respondent might commit pending the processing of a complaint.

The District's Mental Health Counseling/Behavioral Intervention Team/Personal Counseling Supervisor or designee will conduct the individualized safety and risk analysis.

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

### **Administrative leave**

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

### **Formal Complaint Grievance Process**

#### **Notice to Parties**

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

- Notice of the District's Title IX grievance process;
- Notice of the allegations of alleged sexual harassment with sufficient details known at the time and with sufficient time to prepare a response before any initial interview;
- Statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- Notice that the Parties may have Advisor of their choice, who may be, but is not required to be, an attorney;
- Notice that the Parties may inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence whether obtained from a Party or other source; and
- Inform the Parties of any provision in the District's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

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

**Dismissal of formal complaint**

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

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

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

- If at any time during the investigation or hearing: a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations;
- If the Respondent is no longer enrolled or employed by the District; or
- If there are specific circumstances that prevent the District from gathering evidence sufficient to reach a determination regarding responsibility as to the formal complaint or allegations.

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

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

**Consolidation of Formal Complaints**

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

**Equitable Treatment of the Parties**

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

**Statement of Presumption of Non-Responsibility**

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

**Bias or Conflict of Interest**

The District’s Title IX Coordinator, investigator, Decision-Maker, or any person designated by the District to facilitate an informal resolution process, will not have potential actual bias or conflict of interest in the investigatory, hearing, sanctioning, or appeal process or bias for or against Complainants or Respondents generally. Actual bias is an articulated prejudice in favor of or against one Party or position; it is not generalized

concern about the personal or professional backgrounds, positions, beliefs, or interests of the Decision-Maker in the process. The District will ensure that the Title IX Coordinator, investigator, Decision-Maker, and facilitator receive training on:

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

## **Timeline for Completion**

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

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

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

## **Role of Advisor**

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

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

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

## **Confidentiality Agreements**

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

## **Use of Privileged Information**

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

## **Investigations**

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

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

### **Trained investigators**

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

### **Gathering Evidence and Burden of Proof**

The District, not the Parties, has the responsibility to gather information and interview witnesses. When the investigator evaluates the evidence, he/she/they will do so using the preponderance of the evidence standard. After considering all the evidence gathered, the investigator will decide whether it is more likely than not that reported conduct occurred.

### **Notice of Investigative Interview**

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

### **Evidence Review**

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

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

### **Investigative Report**

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

- A description of the circumstances giving rise to the formal complaint;
- A description of the procedural steps taken during the investigation, including all individuals contacted and interviewed;
- A summary of the testimony of each witness the investigator interviewed;

- An analysis of relevant evidence collected during the investigation, including a list of relevant documents;
- A specific finding as to whether the allegations occurred using a preponderance of the evidence standard;
- A table of contents if the report exceeds ten pages; and
- Any other information deemed appropriate by the District.

The investigator will not make a determination regarding responsibility.

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

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

### **Hearing**

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

### **Notice**

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

### **Hearing Format**

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

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

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

### **Decision-Maker**

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

The Decision-Maker may ask the Parties and the witness's questions during the hearing. The Decision-Maker must objectively evaluate all relevant evidence both inculpatory and exculpatory and must independently reach

a determination regarding responsibility without giving deference to the investigative report. The Decision-Maker must receive training on issues of relevance, how to apply the rape-shield protections for Complainants, and any technology to be used at the hearing.

### **Presenting Witnesses**

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

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

### **Cross-Examination**

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

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

If a Party or witness does not submit to cross-examination at the live hearing, the Decision-Maker will not rely on any statement of that Party or witness in reaching a determination regarding responsibility. A Party or witness may also decline to answer a question, and the Decision-Maker cannot rely on any statement on which that Party or witness has declined to answer cross-examination questions. A Decision-Maker cannot draw an inference about the determination regarding responsibility based solely on a Party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

### **Determinations of Responsibility**

When the Decision-Maker makes a determination of responsibility or non-responsibility, the Decision-Maker will issue a written determination regarding responsibility, no later than 20 business days (days during which College is in session and regular classes are held, including summer and intersession days, and excluding Saturdays and Sundays, unless otherwise specified in the procedures), after the date that the hearing ends.

When making a determination regarding responsibility, a Decision-Maker will objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence. A Decision-Maker may not make credibility determinations based on an individual's status as a Complainant, Respondent, or witness. In evaluating the evidence, the Decision-Maker will use the preponderance of the evidence standard. Thus, after considering all the evidence it has gathered, the District will decide whether it is more likely than not that sexual harassment occurred.

The written determination will include:

- Identification of the allegations potentially constituting Title IX sexual harassment as defined in these procedures;



- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including who conducted the investigation and gave notifications to the Parties. The determination will also state when, where, and the date the investigator interviewed the Parties and witnesses, conducted site visits, the methods used to gather other evidence. The procedural section should also discuss the dates and how the Parties were provided the opportunity to review and inspect evidence and the date of any hearings held and who attended the hearing;
- Findings of fact supporting the determination. In making these findings, the Decision-Maker will focus on analyzing the findings of fact that support the determination of responsibility or non-responsibility;
- Conclusions regarding the application of the District's code of conduct to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility;
- A statement of, and rationale for, any disciplinary sanctions the District imposes on the Respondent;
- A statement of whether the District will provide the Complainant with remedies designed to restore or preserve equal access to the District's education program or activity;
- The District need not disclose to the Respondent remedies that do not affect him/her/them as part of the written determination. The District can inform the Respondent that it will provide remedies to the Complainant. However, the District will inform the Complainant of the sanctions against the Respondent;
- The District's procedures and permissible bases for the Complainant and Respondent to appeal.

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

### **Disciplinary Sanctions and Remedies**

The District must have completed the grievance procedures (investigation, hearing, and any appeal, if applicable) before the imposing disciplinary sanctions or any other actions that are not supportive measures against a Respondent. If the Decision-Maker determines the Respondent was responsible for conduct that constitutes sexual harassment, the District will take disciplinary action against the Respondent and any other remedial action it determines to be appropriate. The action will be prompt, effective, and commensurate with the severity of the offense.

Remedies for the Complainant might include, but are not limited to:

- Providing an escort to ensure that the Complainant can move safely between classes and activities;
- Ensuring that the Complainant and Respondent do not attend the same classes or work in the same work area;
- Providing counseling services or a referral to counseling services;
- Providing medical services or a referral to medical services;
- Providing academic support services, such as tutoring;
- Arranging for a Complainant, if a student, to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the Complainant's academic record; and
- Reviewing any disciplinary actions taken against the Complainant to see if there is a causal connection between the harassment and the misconduct that may have resulted in the Complainant's discipline.

Possible disciplinary sanctions for student Respondents include written or verbal reprimand, required training or counseling, non-academic probation, suspension, and expulsion. Possible disciplinary sanctions for employee Respondents include written or verbal reprimand, required training or counseling, reduction in pay, demotion, suspension, or discharge, per applicable collective bargaining agreement, handbook, and procedures described in BP/AP 7365 Discipline and Dismissals – Classified Employees and BP 7360 Discipline and Dismissals – Academic Employees.

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

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

**Grounds for Appeal**

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

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

**Appeal Procedure**

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

- Notify the other Party in writing within five (5) business days of receiving a Party’s appeal;
- Allow the non-appealing Parties at least ten (10) business days from the date of receipt of the appeal to submit a written statement in support of, or challenging, the outcome;

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

The Decision-Maker on appeal may extend or otherwise modify the deadlines provided above. Either Party may seek an extension by submitting a written request to the appeal Decision-Maker explaining the need for the extension and the proposed length of the extension. The Decision-Maker will respond to the request within two (2) business days in writing and will inform the Parties simultaneously whether the extension is granted.

**Informal Resolution**

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

The District will provide the Complainant and Respondent written disclosure of the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the Parties from resuming a formal complaint arising from the same allegations, and any consequences resulting

from participating in the informal resolution process, including the records that will be maintained or could be shared.

The District must obtain the Parties' voluntary, written consent to the informal resolution process. If the Parties reach an agreement, the District does not have to complete a full investigation and adjudication of a report of sexual harassment. At any time prior to agreeing to a resolution, any Party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.

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

### **Retaliation Prohibited**

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

### **Dissemination of Policy and Procedures**

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

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

### **Training**

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

### **File retention**

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

- The original report or complaint;
- Any actions taken in response to the complaint, including supportive measures;
- The investigative report including all evidence gathered and any responses from the Parties;
- The District's determination regarding responsibility;
- Audio or audiovisual recording or transcript from a hearing;
- Records of any disciplinary sanctions imposed on the Respondent;
- Records of any remedies provided to the Complainant;
- Any appeal and the result;
- Any informal resolution and the result; and

- All materials used to train Title IX Coordinators, investigators, Decision-Makers, and any person who facilitates an informal resolution process. The District will make these training materials publicly available on its website.

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

## Student Prevention, Training & Education for Sexual Assault, Domestic Violence, Stalking and Dating Violence

In an effort to educate our students and new employees on the prevention of sexual assault, domestic violence, stalking and dating violence, Cuyamaca and Grossmont Colleges each offer various training and educational workshops throughout the year. In addition, the Student Health Centers at each college offer monthly tabling events on campus. Students can contact the Student Affairs office at either campus to receive copies of the GCCCD Policies and Procedures as well as information pertaining to sexual assault, sexual harassment, domestic violence, dating violence and many other topics. Additional Resources are listed below:

### Cuyamaca College Prevention Programs & Resources:

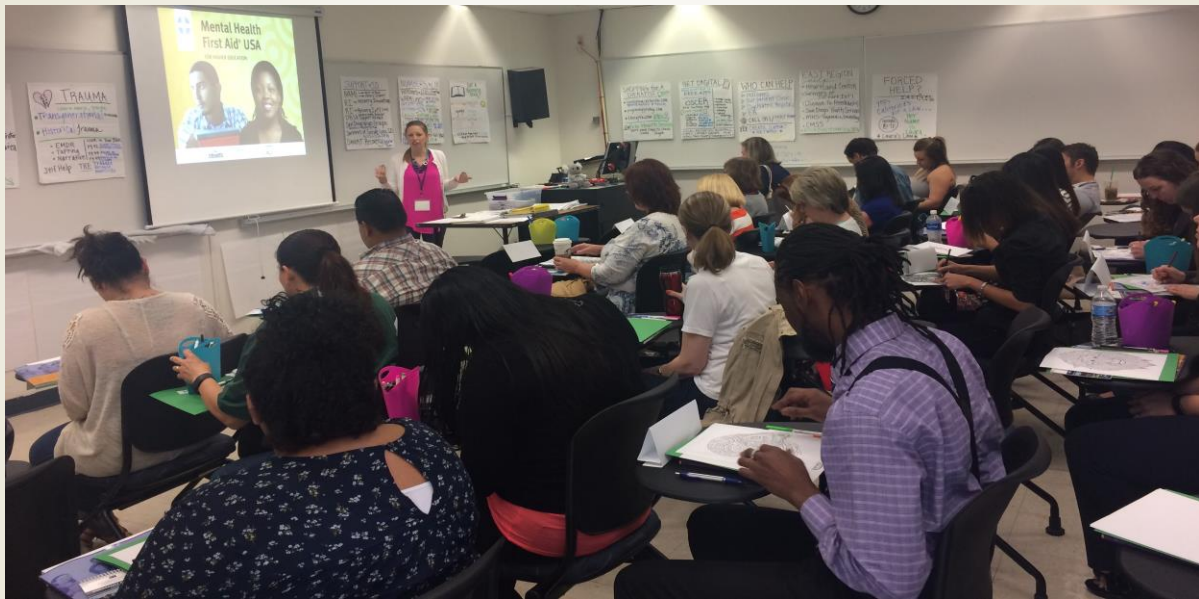
Awareness Events	Sexual Assault and Domestic Violence Prevention Workshops
	Welcome Week Outreach Table with Health Services information regarding Sexual Assault, Alcohol, Drugs and various referral programs.
	Diversity Dialogue workshops
	Personal Counseling Classroom visits and orientation Program
	Cuyamaca Cares Programming and Resources
	Personal Counseling and Health Services Outreach
	De-Stress Events
	Bystander Intervention
	QPR Suicide Prevention Programs
	Alcohol and Drug Prevention Programs
	Center for Community Solution Resources
	Mood Screening and Personal Counseling
	Wellness Walk and Resources
	Weekly Outreach Education
	Prevention Events
Personal Counseling Workshops	
Personal Counseling Support Groups	
Mood Screening Programs	
Health Services Workshops	
Health Fair	
Suicide Prevention and Awareness Tabling Event	

Grossmont College Prevention Programs & Resources:

Awareness Events	WOW Information Fair
	Suicide and Violence Prevention Resource Fair
	Sexual Assault Prevention Resource Fair
	Sexual and Domestic Assault prevention Resource Table with the Center for Community Solutions
	Depression and Alcohol Screening Day- County of San Diego Volunteers arrive at Grossmont College for referrals
	Suicide Prevention Training: Question, Persuade, Refer
	Student Bystander Intervention Training
	Suicide Prevention Awareness and Mood Screening
	Mental Health Classroom Presentations
	Sexual Assault Prevention
	Campus Safety Tabling Event
	Center for Community Services Event
Prevention Events	Domestic Violence Prevention Month – Purple Ribbon Awareness
	International Student Orientation
	Health Fair
	Sexual Assault Prevention and Awareness Month- Teal Ribbon Awareness
	Great American Smoke-out Smoking Cessation Program, in conjunction with Respiratory Therapy Students from the Nursing Program
	Holiday Stress, Drugs and Alcohol Abuse Prevention Program
	Blood Pressure Check and Smoking Cessation, in conjunction with Respiratory Therapy Students from the Nursing Program
	Nutrition and Alcohol Abuse Awareness Table
Annual Health and Wellness Fair including agencies from across the County participating with a brochure and tabling program.	

- Educational materials pertaining to prevention and awareness campaigns can be found at the Student Affairs Departments and Health & Wellness Centers at Grossmont College and Cuyamaca College. In addition, the Title IX and Student Affairs websites also list this information for both colleges. The following brochures and informational cards have also been distributed to students:
  - *What you Need to Know About Sexual Assault (Pocket Pal)*
  - *Protect Yourself Against Sexual Assault*

- *Myths & Facts About Sexual Assault: What Everyone Should Know*
- *10 Things You Need to Know About Sexual Assault For Women & Men*
  
- The Center for Community Solutions facilitated several workshops for students at Cuyamaca College, and the content for the workshops focused on the mandated criteria for delivering educational programs by *The Campus Sexual Violence Elimination Act*.
  - *Safe and positive options for bystander intervention*
  - *Information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks*
  - *Awareness of rape, acquaintance rape, domestic violence, and dating violence*
  - *The definition of consent, with reference to sexual offenses, in the applicable jurisdiction*
  
- The customization for the Sexual Assault Prevention online program (Get Inclusive) is complete, and both campuses utilize the program for student engagement (student leaders & student employees). Below is a screen shot of the Get Inclusive progress report.



2016 Mental Health First Aid Training



Report generated: 2020-09-22 12:38 PM EDT

## Grossmont Cuyamaca Community College District Progress Report

This report shows the snapshot of your current progress and change over the trailing 30 day period across selected courses. The pie chart shows completed progress for the courses in this report followed by summary for each course.



### Student Upstanders students (2019-01-01 - 2019-12-31)

Completions in Reporting Period	Completions Past 30 day	Expected Total
<b>771</b> 7%	<b>0</b> 0%	<b>11,644</b>

Generated on 09-22-2020 12:38 PM EDT. All rights reserved. © 2020 GCCCD. All rights reserved. All rights reserved.

## **Estimated Tabling & Outreach Outcomes for 2019:**

- Health and Wellness Center Open House, Spring and Fall (61 students)
- Health Outreach and Education Welcome Week (50 students)
- Sexual Assault Prevention Training, February (27 students)
- Wellness Walk Health Outreach and Education, Spring and Fall (215 students)
- Health & Wellness Fair (92)
- Health Outreach and Education (50 students)
- De-stress Event
- Sexual Assault Training (27 students)

Additionally, all employees of the District are sent a reminder each semester about their responsibilities as a public employee. A sample of this reminder is below:





GROSSMONT-CUYAMACA  
COMMUNITY COLLEGE DISTRICT

Date: August 28, 2019  
To: All Employees  
From: Nicole Conklin, Director of Public Safety  
Re: Responsibility of Public Employees

As part of the District's *Emergency Response Plan and Clery Act Requirements*, notices are required to be sent annually informing everyone of their responsibilities as public employees. The following information is provided:

- All personnel must be informed that, as public employees, they are also [disaster service workers](#) during national, state, and local emergencies. The District must ensure that its employees are in compliance with the disaster service worker [oath requirements](#).
- In addition, all members of the District community are informed on an annual basis that they are required to notify the District Public Safety Department of any situation or incident on campus that involves a [significant emergency or dangerous situation](#). Completing a call to 911 during an emergency or dangerous situation will fulfil these requirements.
- [Campus Security Authorities \(CSA's\)](#) can be the first responder to a student, employee or campus visitor who wants to report a crime and this first encounter with you can determine what the reporting person's next step will be. [More information on CSA's may be found on the Districtwide Public Safety website](#).

Please contact Nicole Conklin ([Nicole.Conklin@gcccd.edu](mailto:Nicole.Conklin@gcccd.edu)) if you have any questions regarding these requirements and responsibilities.

## Title IX Websites

- Both colleges developed Title IX websites and integrated various educational materials, reporting information, local & community resources, and campus policies & procedures on the websites. In addition, both websites are also linked to the "It's on Us" national campaign to end sexual assault.
  - <https://www.cuyamaca.edu/student-support/student-affairs/title-ix-information.php>
  - <https://www.grossmont.edu/student-support/student-affairs/title-ix.php>
  - <https://www.gcccd.edu/title-ix/default.html>

<b>Counseling Center</b>	
<b>Cuyamaca College</b> Contact: (619) 660-4429 Location: A-200	<b>Grossmont College</b> Contact: (619) 644-7208 Location: Building 10
<b>Student Health &amp; Wellness Center</b>	
<b>Cuyamaca College</b> Contact: (619) 660-4200 Location: I-134	<b>Grossmont College</b> Contact: (619) 644-7192 Location: Griffin Center 60-130
<b>Student Affairs</b>	
<b>Cuyamaca College</b> Contact: (619) 660-4612 Location: I-120	<b>Grossmont College</b> Contact: (619) 644-7600 Location: Griffin Center 60-204

The college Student Affairs Office or District Human Resources Office will:

- Provide education and prevention information about sexual assault. 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 of victim prevention, awareness raising campaigns, primary prevention, bystander intervention, and risk reduction.
- Publish sexual violence prevention and education information on the District websites.

Please call or email **Tim Corcoran, Title IX Coordinator** to set up an informal meeting if you have a complaint involving sex discrimination, sexual harassment, or sexual violence. GCCCD promptly and thoroughly investigates and resolves complaints alleging sex discrimination, sexual harassment, and sexual violence.

Inquiries regarding the filing of grievances or for requesting a copy of the college's grievance procedures may be directed to:

<b>Cuyamaca College</b>	<b>Grossmont College</b>
Dr. Lauren Vaknin Dean, Student Affairs, I-115 Cuyamaca College 900 Rancho San Diego Parkway El Cajon, CA 92109 619-660-4295 or <a href="mailto:Lauren.Vaknin@gcccd.edu">Lauren.Vaknin@gcccd.edu</a>	Sara Varghese Dean, Student Affairs, 60-205 Grossmont College 8800 Grossmont College Drive El Cajon, CA 92020 619-644-7600 or <a href="mailto:Sara.Varghese@gcccd.edu">Sara.Varghese@gcccd.edu</a>

**Districtwide Contact**

Cheryl Detwiler  
Human Resources  
Grossmont College  
8800 Grossmont College Drive  
El Cajon, CA 92020  
619-644-7571 or  
[Cheryl.Detwiler@gcccd.edu](mailto:Cheryl.Detwiler@gcccd.edu)

**Tim Corcoran, Vice Chancellor**  
Human Resources  
Title IX Coordinator  
(619) 644-7572 or [Tim.Corcoran@gcccd.edu](mailto:Tim.Corcoran@gcccd.edu)

**Grossmont-Cuyamaca CCD Title IX Team**

**Title IX Coordinator** – Tim Corcoran

**Deputy Coordinators**

Associate Vice Chancellor of Human Resources - Craig Leedham  
Director of Human Resources - Alyssa Brown  
Human Resources Coordinator - Cheryl Detwiler  
Deans of Student Affairs - Lauren Vaknin and Sara Varghese  
Associate Deans of Athletics - Nedra Brown and Pat Thiss  
Director of Public Safety - Nicole Conklin

**Investigators**

Associate Vice Chancellor of Human Resources - Craig Leedham  
Director of Human Resources - Alyssa Brown  
Human Resources Coordinator - Cheryl Detwiler  
Deans of Student Affairs - Lauren Vaknin and Sara Varghese  
Associate Deans of Athletics - Nedra Brown and Pat Thiss  
Director of Public Safety - Nicole Conklin

**Decision Makers** – *May use outside resources.*

Associate Vice Chancellor of Human Resources - Craig Leedham

Director of Human Resources - Alyssa Brown

Vice Presidents of Student Services - Jessica Robinson and Marsha Gable

Director of Public Safety - Nicole Conklin

**Appeal Decision Makers** - *May use outside resources.*

Associate Vice Chancellor of Human Resources - Craig Leedham

Director of Human Resources - Alyssa Brown

Dean of Student Affairs - Lauren Vaknin and Sara Varghese

Director of Public Safety - Nicole Conklin

**Advisors** – *We are continuously adding to our pool of Advisors.*

Students: Grossmont and Cuyamaca conduct panelists to serve as advisors

Public Safety Compliance Specialist – Daryl Johnson

Campus and parking Services Supervisor – Gabriela Garcia

**Advocates**

Student Health Nurses

Grossmont College Mental Health Counselors

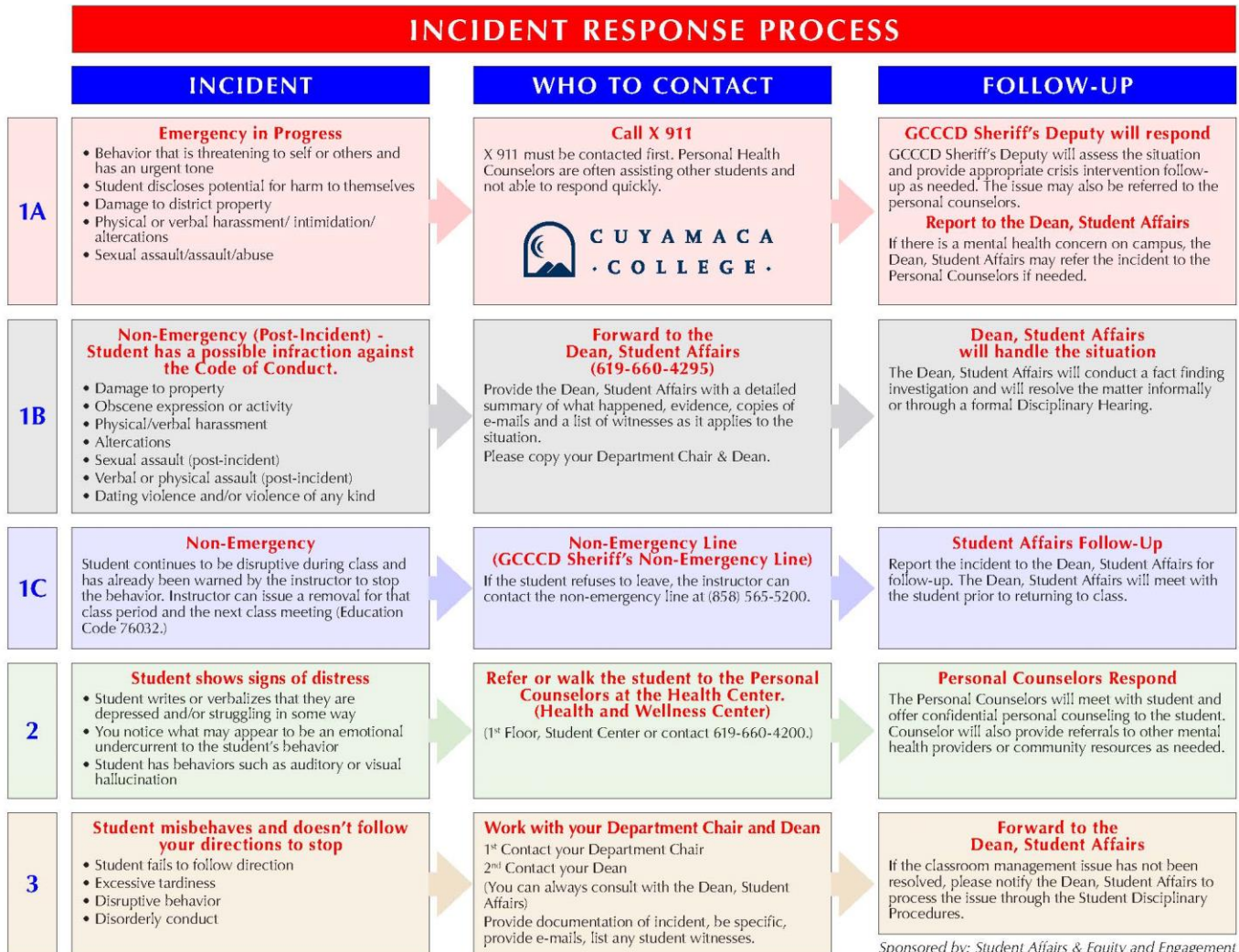
Cuyamaca College Personal Counselors

**Informal Process Facilitator** - *May use outside resources.*

## Important Telephone Numbers

District Public Safety:	(619) 644-7654 <a href="https://www.gcccd.edu/public-safety/default.html">https://www.gcccd.edu/public-safety/default.html</a>
Grossmont College Counseling Center:	(619) 644-7208 <a href="https://www.grossmont.edu/student-support/counseling/index.php">https://www.grossmont.edu/student-support/counseling/index.php</a>
Grossmont College Student Affairs Office:	(619)-644-7600 <a href="https://www.grossmont.edu/student-support/student-affairs/index.php">https://www.grossmont.edu/student-support/student-affairs/index.php</a>
Grossmont College Health Services: And Mental Health Services	(619) 644-7192 <a href="https://www.grossmont.edu/student-support/health-and-wellness/index.php">https://www.grossmont.edu/student-support/health-and-wellness/index.php</a>
Cuyamaca College Counseling Center:	(619) 660-4429 <a href="https://www.cuyamaca.edu/student-support/counseling-center/">https://www.cuyamaca.edu/student-support/counseling-center/</a>
Cuyamaca College Personal Counseling:	<a href="https://www.cuyamaca.edu/student-support/health-and-wellness-center/mental-health-counseling.php">https://www.cuyamaca.edu/student-support/health-and-wellness-center/mental-health-counseling.php</a>
Cuyamaca College Student Affairs Office:	(619)-660-4295 <a href="https://www.cuyamaca.edu/student-support/student-affairs/index.php">https://www.cuyamaca.edu/student-support/student-affairs/index.php</a>
Cuyamaca College Health & Wellness Center:	(619) 660-4200 <a href="https://www.cuyamaca.edu/student-support/health-and-wellness-center/index.php">https://www.cuyamaca.edu/student-support/health-and-wellness-center/index.php</a>

# Grossmont-Cuyamaca Student Discipline Process



Sponsored by: Student Affairs & Equity and Engagement  
August 2018

## INCIDENT RESPONSE PROCESS

	INCIDENT	WHO TO CONTACT	FOLLOW-UP
<b>1</b>	<p style="text-align: center; color: red;"><b>Emergency in Progress</b></p> <ul style="list-style-type: none"> <li>Behavior that is threatening to self or others and has an urgent tone</li> <li>Student discloses potential for harm to themselves</li> <li>Damage to district property</li> <li>Physical or verbal harassment/ intimidation/ altercations</li> <li>Sexual assault/assault/abuse</li> </ul>	<p style="color: red;"><b>Call X 911</b></p> <p>X 911 must be contacted first. Mental Health Counselors are often assisting other students and not able to respond quickly.</p> <p style="text-align: center;"><b>GROSSMONT COLLEGE</b></p>	<p style="color: red;"><b>GCCCD Sheriff's Deputy will respond</b></p> <p>GCCCD Sheriff's Deputy will assess the situation and provide appropriate crisis intervention follow-up as needed. The issue may also be referred to the mental health counselors.</p> <p style="color: red;"><b>Report to the Dean, Student Affairs</b></p> <p>If there is a mental health concern on campus, the Dean, Student Affairs may refer the incident to the Mental Health Counselors if needed.</p>
<b>1A</b>	<p style="color: red;"><b>Non-Emergency (Post-Incident) - Student has a possible infraction against the Code of Conduct</b></p> <ul style="list-style-type: none"> <li>Damage to property</li> <li>Obscene expression or activity</li> <li>Physical/verbal harassment</li> <li>Altercations</li> <li>Sexual assault (post-incident)</li> <li>Verbal or physical assault (post-incident)</li> <li>Dating violence and/or violence of any kind</li> </ul>	<p style="color: red;"><b>Forward to the Dean, Student Affairs</b></p> <p>(2nd Floor, Student Center (60-204) or 619-644-7600)</p> <p>Provide the Dean, Student Affairs with a detailed summary of what happened, evidence, copies of e-mails and a list of witnesses as it applies to the situation.</p> <p>Please copy your Department Chair &amp; Division Dean.</p>	<p style="color: red;"><b>Dean, Student Affairs will address the situation</b></p> <p>The Dean, Student Affairs will conduct a fact finding investigation and will resolve the matter informally or through a formal Student Conduct Hearing.</p>
<b>2</b>	<p style="color: red;"><b>Removal from Class by Instructor</b></p> <p>Student continues to be disruptive during class and has already been warned by the instructor to stop the behavior. Instructor can issue a removal for that class period and the next class meeting (Education Code 76032.)</p>	<p style="color: red;"><b>Non-Emergency Line (GCCCD Sheriff's Non-Emergency Line)</b></p> <p>If the student refuses to leave, the instructor may contact the non-emergency line at (858) 565-5200 or x7800.</p>	<p style="color: red;"><b>Departmental Follow-Up</b></p> <p>Report the incident to the Dean, Student Affairs, Division Dean and Department Chair for follow-up. The Division Dean and/or Department Chair will meet with the student prior to returning to class.</p>
<b>3</b>	<p style="color: red;"><b>Student shows signs of distress</b></p> <ul style="list-style-type: none"> <li>Student writes or verbalizes that they are depressed and/or struggling in some way</li> <li>You notice what may appear to be an emotional undercurrent to the student's behavior</li> <li>Student has behaviors such as auditory or visual hallucination</li> </ul>	<p style="color: red;"><b>Refer or walk the student to the Mental Health Counselors at Student Health Services</b></p> <p>(1st Floor, Student Center (60-130) or 619-644-7192)</p>	<p style="color: red;"><b>Mental Health Counselors Respond</b></p> <p>The Mental Health Counselors will meet with student and offer confidential mental health counseling to the student. Counselor will also provide referrals to other mental health providers or community resources as needed.</p>
<b>4</b>	<p style="color: red;"><b>Student misbehaves and doesn't follow your directions to stop</b></p> <ul style="list-style-type: none"> <li>Student fails to follow direction</li> <li>Excessive tardiness</li> <li>Disruptive behavior</li> <li>Disorderly conduct</li> </ul>	<p style="color: red;"><b>Work with your Department Chair and Dean</b></p> <p>1<sup>st</sup> Contact your Department Chair 2<sup>nd</sup> Contact your Division Dean (You may always consult with the Dean, Student Affairs)</p> <p>Provide documentation of incident, be specific, provide e-mails, list any student witnesses.</p>	<p style="color: red;"><b>Forward to the Dean, Student Affairs</b></p> <p>If the classroom management issue has not been resolved, please notify the Dean, Student Affairs to process the issue through the Student Conduct Procedures.</p>

*Sponsored by: Prevent Assess and Care Team (PACT) and Office of Student Affairs, April 2017*

## Victim and Community Resources

2-1-1 San Diego .....	2-1-1
Center for Community Solutions for 24 Hour Sexual Assault .....	888-272-1767
Center for Community Solutions (Rape Crisis Center-Coastal).....	858-272-5777
Center for Community Solutions (East) .....	619-697-7477
Center for Community Solutions (North).....	760-747-6282
Center for Community Solutions 24-hour Crisis Hotline .....	888-385-4657
Domestic Violence Center.....	888-385-4657
Family Advocacy Center (military).....	619-556-8809
Family Health Centers of San Diego.....	619-515-2300
Health and Human Services Agency-Public Health Services .....	858-694-3900
Indian Health Council, Inc. [Peace Between Partners Program] .....	760-749-1410 X 5249
Legal Aid Society of San Diego .....	1-877-534-2524
National Alliance on Mental Health Illness (NAMI) San Diego Helpline .....	619-543-1434
Peer2Peer – Text and Chat Support and Referral Services.....	619-377-7111
Rape Abuse and Incest National Network (RAINN) .....	800-656-HOPE (4673)
<i>(When a survivor calls the 800 number, a computer will read the caller's area code and the first three digits of the phone number. The call will then be routed instantaneously to the rape crisis center nearest to the caller.)</i>	
San Diego Access and Crisis Line .....	888-724-7240
U.S. Citizenship and Immigration Service .....	1-877-247-4645
Victims of Crime Compensation Program .....	800-777-9229
Victim's Resource Center for 24 Hour Sexual Assault.....	760-757-3500
Victim Witness Assistance .....	619-531-4041
Women's Resource Center (Oceanside) .....	760-757-3500
YWCA Domestic Violence Services .....	619-234-3164

## Important GCCCD Links

Public Safety Website: <http://www.gcccd.edu/public-safety/default.html>

GCCCD Emergency Preparedness Information: <http://www.gcccd.edu/emergency/default.html>

Human Resources: <http://www.gcccd.edu/human-resources/default.html>

Grossmont College Mental Health Services: <https://www.grossmont.edu/student-support/health-and-wellness/index.php>

Grossmont College Student Affairs: <https://www.grossmont.edu/student-support/student-affairs/index.php>

Cuyamaca College Personal Counseling: <https://www.cuyamaca.edu/student-support/health-and-wellness-center/mental-health-counseling.php>

Cuyamaca College Student Affairs: <https://www.cuyamaca.edu/student-support/student-affairs/index.php>



## Definitions per the Crime Reporting Handbook

### 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.

### Arson

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

### 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 felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

### Criminal Homicide

These offenses are separated into two categories: murder and non-negligent manslaughter, and negligent manslaughter.

- a) Murder and non-negligent manslaughter: The willful (non-negligent) killing of one human being by another.
- b) Manslaughter by negligence: The killing of another person through gross negligence.

### 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).

### 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, violence, and/or causing the victim fear.

### Drug Law 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 non-narcotic drugs (barbiturates, Benzedrine).

### 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.)

### 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 Crimes

A hate crime is a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, religion, disability, sexual orientation or ethnicity/ national origin.

- **Race.** A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g. color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity, which distinguishes them as a distinct division of humankind (e.g. Asians, blacks, whites).
- **Gender.** A preformed negative opinion or attitude toward a group of persons because those persons are male or female.
- **Religion.** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists).
- **Sexual orientation.** A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex (e.g., gays, lesbians, heterosexuals).
- **Ethnicity/national origin.** A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs and traditions (e.g., Arabs, Hispanics).
- **Disability.** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

### Larceny/Theft

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.

The definitions per the Violence Against Women Act of 1994 (34 CFR 668.46(c)(6)(A)(i)) are as follows:

**Sexual Assault (Sex Offenses)** Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

- **Rape** is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.
- **Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity
- **Incest** is sexual intercourse between persons who are related to each other within the degrees

wherein marriage is prohibited by law.

- **Statutory Rape** is sexual intercourse with a person who is under the statutory age of consent.

### **Simple Assault**

An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

### **Intimidation**

To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

### **Destruction/Damage/Vandalism of Property**

To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

## **Clery Geography Definitions**

### **On Campus**

Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and Any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

### **Public Property**

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

### **Non-Campus Building or Property**

Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

## State of California Penal Codes

### Rape

261. (a) **Rape** is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances:

- (1) Where a person is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1(commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent.
- (2) Where it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.
- (3) Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused.
- (4) Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, "unconscious of the nature of the act" means incapable of resisting because the victim meets any one of the following conditions:
  - (A) Was unconscious or asleep.
  - (B) Was not aware, knowing, perceiving, or cognizant that the act occurred.
  - (C) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.
  - (D) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.
- (5) Where a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.
- (6) Where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.
- (7) Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that

the perpetrator is a public official. As used in this paragraph, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(a) As used in this section, "duress" means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed, or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and his or her relationship to the defendant, are factors to consider in appraising the existence of duress.

(b) As used in this section, "menace" means any threat, declaration, or act which shows an intention to inflict an injury upon another.

261.5. (a) Unlawful sexual intercourse is an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator, if the person is a minor. For the purposes of this section, a "minor" is a person under the age of 18 years and an "adult" is a person who is at least 18 years of age.

(b) Any person who engages in an act of unlawful sexual intercourse with a minor who is not more than three years older or three years younger than the perpetrator, is guilty of a misdemeanor.

(c) Any person who engages in an act of unlawful sexual intercourse with a minor who is more than three years younger than the perpetrator is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170.

(d) Any person 21 years of age or older who engages in an act of unlawful sexual intercourse with a minor who is under 16 years of age is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.

(e)(1) Notwithstanding any other provision of this section, an adult who engages in an act of sexual intercourse with a minor in violation of this section may be liable for civil penalties in the following amounts:

(A) An adult who engages in an act of unlawful sexual intercourse with a minor less than two years younger than the adult is liable for a civil penalty not to exceed two thousand dollars (\$2,000).

(B) An adult who engages in an act of unlawful sexual intercourse with a minor at least two years younger than the adult is liable for a civil penalty not to exceed five thousand dollars (\$5,000).

(C) An adult who engages in an act of unlawful sexual intercourse with a minor at least three years younger than the adult is liable for a civil penalty not to exceed ten thousand dollars (\$10,000).

(D) An adult over the age of 21 years who engages in an act of unlawful sexual intercourse with a minor less than 16 years of age is liable for a civil penalty not to exceed twentyfive thousand dollars (\$25,000).

(2) The district attorney may bring actions to recover civil penalties pursuant to this subdivision. From the amounts collected for each case, an amount equal to the costs of pursuing the action shall be deposited with the treasurer of the county in which the judgment was entered, and the remainder shall be deposited in the Underage Pregnancy Prevention Fund, which is hereby created in the State Treasury. Amounts deposited in the Underage Pregnancy Prevention Fund may be used only for the purpose of preventing underage pregnancy upon appropriation by the Legislature.

(3) In addition to any punishment imposed under this section, the judge may assess a fine not to exceed seventy dollars (\$70) against any person who violates this section with the proceeds of this fine to be used in accordance with Section 1463.23. The court shall, however, take into consideration the defendant's ability to pay, and no defendant shall be denied probation because of his or her inability to pay the fine permitted under this subdivision.

261.6. In prosecutions under Section 261, 262, 286, 288a, or 289, in which consent is at issue, "consent" shall be defined to mean positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved. A current or previous dating or marital relationship shall not be sufficient to constitute consent where consent is at issue in a prosecution under Section 261, 262, 286, 288a, or 289. Nothing in this section shall affect the admissibility of evidence or the burden of proof on the issue of consent.

261.7. In prosecutions under Section 261, 262, 286, 288a, or 289, in which consent is at issue, evidence that the victim suggested, requested, or otherwise communicated to the defendant that the defendant use a condom or other birth control device, without additional evidence of consent, is not sufficient to constitute consent.

262. (a) **Rape** of a person who is the spouse of the perpetrator is an act of sexual intercourse accomplished under any of the following circumstances:

(1) Where it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.

(2) Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known, by the accused.

(3) Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, "unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions:

(A) Was unconscious or asleep.

(B) Was not aware, knowing, perceiving, or cognizant that the act occurred.

(C) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.

(4) Where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.

(5) Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(b) As used in this section, "duress" means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed, or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and his or her relationship to the defendant, are factors to consider in appraising the existence of duress.

(c) As used in this section, "menace" means any threat, declaration, or act that shows an intention to inflict an injury upon another.

(d) If probation is granted upon conviction of a violation of this section, the conditions of probation may include, in lieu of a fine, one or both of the following requirements:

(1) That the defendant make payments to a battered women's shelter, up to a maximum of one thousand dollars (\$1,000).

(2) That the defendant reimburses the victim for reasonable costs of counseling and other reasonable expenses that the court finds are the direct result of the defendant's offense. For any order to pay a fine, make payments to a battered women's shelter, or pay restitution as a condition of probation under this subdivision, the court shall make a determination of the defendant's ability to pay. In no event shall any order to make payments to a battered women's shelter be made if it would impair the ability of the defendant to pay direct restitution to the victim or court-ordered child support. Where the injury to a married person is caused in whole or in part by the criminal acts of his or her spouse in violation of this section, the community property may not be used to discharge the liability of the offending spouse for restitution to the injured spouse, required by Section 1203.04, as operative on or before August 2, 1995, or Section 1202.4, or to a shelter for costs with regard to the injured spouse and dependents, required by this section, until all separate property of the offending spouse is exhausted.

263. The essential guilt of rape consists in the outrage to the person and feelings of the victim of the rape. Any sexual penetration, however slight, is sufficient to complete the crime.

264.2. (a) Whenever there is an alleged violation or violations of subdivision (e) of Section 243, or Section 261, 261.5, 262, 273.5, 286, 288a, or 289, the law enforcement officer assigned to the case shall immediately

provide the victim of the crime with the "Victims of Domestic Violence" card, as specified in subparagraph (G) of paragraph (9) of subdivision (c) of Section 13701(b)

(1) The law enforcement officer, or his or her agency, shall immediately notify the local rape victim counseling center, whenever a victim of an alleged violation of Section 261, 261.5, 262, 286, 288a, or 289 is transported to a hospital for any medical evidentiary or physical examination. The victim shall have the right to have a sexual assault counselor, as defined in Section 1035.2 of the Evidence Code, and a support person of the victim's choosing present at any medical evidentiary or physical examination.

(2) Prior to the commencement of any initial medical evidentiary or physical examination arising out of a sexual assault, a victim shall be notified orally or in writing by the medical provider that the victim has the right to have present a sexual assault counselor and at least one other support person of the victim's choosing.

(3) The hospital may verify with the law enforcement officer, or his or her agency, whether the local rape victim counseling center has been notified, upon the approval of the victim.

(4) A support person may be excluded from a medical evidentiary or physical examination if the law enforcement officer or medical provider determines that the presence of that individual would be detrimental to the purpose of the examination.

## Sexual Battery

243.4. (a) Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification or sexual abuse, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(b) Any person who touches an intimate part of another person who is institutionalized for medical treatment and who is seriously disabled or medically incapacitated, if the touching is against the will of the person touched, and if the touching is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(c) Any person who touches an intimate part of another person for the purpose of sexual arousal, sexual gratification, or sexual abuse, and the victim is at the time unconscious of the nature of the act because the perpetrator fraudulently represented that the touching served a professional purpose, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(d) Any person who, for the purpose of sexual arousal, sexual gratification, or sexual abuse, causes another, against that person's will while that person is unlawfully restrained either by the accused or an



accomplice, or is institutionalized for medical treatment and is seriously disabled or medically incapacitated, to masturbate or touch an intimate part of either of those persons or a third person, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(e) (1) Any person who touches an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of misdemeanor sexual battery, punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. However, if the defendant was an employer and the victim was an employee of the defendant, the misdemeanor sexual battery shall be punishable by a fine not exceeding three thousand dollars (\$3,000), by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. Notwithstanding any other provision of law, any amount of a fine above two thousand dollars (\$2,000) which is collected from a defendant for a violation of this subdivision shall be transmitted to the State Treasury and, upon appropriation by the Legislature, distributed to the Department of Fair Employment and Housing for the purpose of enforcement of the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), including, but not limited to, laws that proscribe sexual harassment in places of employment. However, in no event shall an amount over two thousand dollars (\$2,000) be transmitted to the State Treasury until all fines, including any restitution fines that may have been imposed upon the defendant, have been paid in full.

(2) As used in this subdivision, “touches” means physical contact with another person, whether accomplished directly, through the clothing of the person committing the offense, or through the clothing of the victim.

(f) As used in subdivisions (a), (b), (c), and (d), “touches” means physical contact with the skin of another person whether accomplished directly or through the clothing of the person committing the offense.

(g) As used in this section, the following terms have the following meanings:

- (1) “Intimate part” means the sexual organ, anus, groin, or buttocks of any person, and the breast of a female.
- (2) “Sexual battery” does not include the crimes defined in Section 261 or 289.
- (3) “Seriously disabled” means a person with severe physical or sensory disabilities.
- (4) “Medically incapacitated” means a person who is incapacitated as a result of prescribed sedatives, anesthesia, or other medication.
- (5) “Institutionalized” means a person who is located voluntarily or involuntarily in a hospital, medical treatment facility, nursing home, acute care facility, or mental hospital.
- (6) “Minor” means a person under 18 years of age.

(h) This section shall not be construed to limit or prevent prosecution under any other law which also proscribes a course of conduct that also is proscribed by this section.

(i) In the case of a felony conviction for a violation of this section, the fact that the defendant was an employer and the victim was an employee of the defendant shall be a factor in aggravation in sentencing.

(j) A person who commits a violation of subdivision (a), (b), (c), or (d) against a minor when the person has a prior felony conviction for a violation of this section shall be guilty of a felony, punishable by imprisonment in the state prison for two, three, or four years and a fine not exceeding ten thousand dollars (\$10,000).

## Dating Violence

13700. As used in this title:

(a) "Abuse" means intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another.

(b) "Domestic violence" means abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship. For purposes of this subdivision, "cohabitant" mean two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to,

(1) sexual relations between the parties while sharing the same living quarters, (2) sharing of income or expenses, (3) joint use or ownership of property, (4) whether the parties hold themselves out as husband and wife, (5) the continuity of the relationship, and (6) the length of the relationship.

(c) "Official means any officer or employee of a local police department or sheriff's officer and any peace officer of the Department of the California Highway Patrol, the Department of Parks and Recreation, the University of California Police Department, or the California State University and College Police Departments, as defined in Section 830.2, a peace officer of the Department of General Services of the City of Los Angeles, as defined in subdivision (c) of Section 830.31, a housing authority patrol officer, as defined in subdivision (d) of Section 830.31, or a peace officer as defined in subdivisions (a) and (b) of Section 830.32

(d) "Victim" means a person who is a victim of domestic violence.

13701. (a) Every law enforcement agency in this state shall develop, adopt, and implement written policies and standards for officer's responses to domestic violence calls by January 1, 1986. These policies shall reflect that domestic violence is alleged criminal conduct. Further, they shall reflect existing policy that a request for assistance in a situation involving domestic violence is the same as any other request for assistance where violence has occurred.

(b) The written policies shall encourage the arrest of domestic violence offenders if there is probable cause that an offense has been committed. These policies also shall require the arrest of an offender, absent exigent circumstances, if there is probable cause that a protective order issued under Chapter 4 (commencing with Section 2040) of Part 1 of Division 6, Division 10 (commencing with Section 6200), or Chapter 6 (commencing with Section 7700) of Part 3 of Division 12, of the Family Code, or Section

136.2 of this code, or by a court of any other state, a commonwealth, territory, or insular possession subject to the jurisdiction of the United States, a military tribunal, or a tribe has been violated. These policies shall discourage, when appropriate, but not prohibit, dual arrests. Peace officers shall make reasonable efforts to identify the dominant aggressor in any incident.

The dominant aggressor is the person determined to be the most significant, rather than the first, aggressor. In identifying the dominant aggressor, an officer shall consider the intent of the law to protect victims of domestic violence from continuing abuse, the threats creating fear of physical injury, the history of domestic violence between the persons involved, and whether either person acted in self-defense. These arrest policies shall be developed, adopted, and implemented by July 1, 1996. Notwithstanding subdivision (d), law enforcement agencies shall develop these policies with the input of local domestic violence agencies.

(c) These existing local policies and those developed shall be in writing and shall be available to the public upon request and shall include specific standards for the following:

- (1) Felony arrests.
- (2) Misdemeanor arrests.
- (3) Use of citizen arrests.
- (4) Verification and enforcement of temporary restraining orders when (A) The suspect is present and (B) The suspect has fled.
- (5) Verification and enforcement of stay away orders.
- (6) Cite and release policies.
- (7) Emergency assistance to victims, such as medical care, transportation to a shelter, or a hospital for treatment when necessary, and police standbys for removing personal property and assistance in safe passage out of the victim's residence.
- (8) Assisting victims in pursuing criminal options, such as giving the victim the report number and directing the victim to the proper investigation unit.
- (9) Furnishing written notice to victims at the scene, including, but not limited to, all of the following information:
  - (A) A statement informing the victim that despite official restraint of the person alleged to have committed domestic violence, the restrained person may be released at any time.
  - (B) A statement that, "For further information about a shelter you may contact \_\_\_\_."
  - (C) A statement that, "For information about other services in the community, where available, you may contact \_\_\_\_."
  - (D) A statement that, "For information about the California victims' compensation program, you may contact 1-800-777- 9229."

(E) A statement informing the victim of domestic violence that he or she may ask the district attorney to file a criminal complaint.

(F) A statement informing the victim of the right to go to the superior court and file a petition requesting any of the following orders for relief:

(i) An order restraining the attacker from abusing the victim and other family members.

(ii) An order directing the attacker to leave the household.

(iii) An order preventing the attacker from entering the residence, school, business, or place of employment of the victim.

(iv) An order awarding the victim or the other parent custody of or visitation with a minor child or children.

(v) An order restraining the attacker from molesting or interfering with minor children in the custody of the victim.

(vi) An order directing the party not granted custody to pay support of minor children, if that party has a legal obligation to do so.

(vii) An order directing the defendant to make specified debit payments coming due while the order is in effect.

(viii) An order directing that either or both parties participate in counseling.

(G) A statement informing the victim of the right to file a civil suit for losses suffered as a result of the abuse, including medical expenses, loss of earnings, and other expenses for injuries sustained and damage to property, and any other related expenses incurred by the victim or any agency that shelters the victim.

H) In the case of an alleged violation of subdivision (e) of Section 243 or Section 261, 261.5, 262, 273.5, 286, 288a, or 289, a "Victims of Domestic Violence" card which shall include, but is not limited to, the following information:

(I) The names and phone numbers of or local county hotlines for, or both the phone numbers of and local county hotlines for, local shelters for battered women and rape victim counseling centers within the county, including those centers specified in Section 13837, and their 24-hour counseling service telephone numbers.

(ii) A simple statement on the proper procedures for a victim to follow after a sexual assault.

(iii) A statement that sexual assault by a person who is known to the victim, including sexual assault by a person who is the spouse of the victim, is a crime.

(iv) A statement that domestic violence or assault by a person who is known to the victim, including domestic violence or assault by a person who is the spouse of the victim, is a crime.

(10) Writing of reports.

(d) In the development of these policies and standards, each local department is encouraged to consult with domestic violence experts, such as the staff of the local shelter for battered women and their children. Departments may utilize the response guidelines developed by the commission in developing local policies.

13702. Every law enforcement agency in this state shall develop, adopt, and implement written policies and standards for dispatchers' response to domestic violence calls by July 1, 1991. These policies shall reflect that calls reporting threatened, imminent, or ongoing domestic violence, and the violation of any protection order, including orders issued pursuant to Section 136.2, and restraining orders, shall be ranked among the highest priority calls. Dispatchers are not required to verify the validity of the protective order before responding to the request for assistance.

### Stalking

646.9 (a) Any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family is guilty of the crime of stalking, punishable by imprisonment in a county jail for not more than one year, or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment, or by imprisonment in the state prison.

(b) Any person who violates subdivision (a) when there is a temporary restraining order, injunction, or any other court order in effect prohibiting the behavior described in subdivision (a) against the same party, shall be punished by imprisonment in the state prison for two, three, or four years.

(c) (1) every person who, after having been convicted of a felony under Section 273.5, 273.6, or 422, commits a violation of subdivision (a) shall be punished by imprisonment in a county jail for not more than one year, or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment, or by imprisonment in the state prison for two, three, or five years.

(2) Every person who, after having been convicted of a felony under subdivision (a), commits a violation of this section shall be punished by imprisonment in the state prison for two, three, or five years.

(d) In addition to the penalties provided in this section, the sentencing court may order a person convicted of a felony under this section to register as a sex offender pursuant to Section 290.006.

(e) For the purposes of this section, "harasses" means engages in a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, torments, or terrorizes the person, and that serves no legitimate purpose.

(f) For the purposes of this section, "course of conduct" means two or more acts occurring over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct."

(g) For the purposes of this section, “credible threat” means a verbal or written threat, including that performed through the use of an electronic communication device, or a threat implied by a pattern of conduct or a combination of verbal, written, or electronically communicated statements and conduct, made with the intent to place the person that is the target of the threat in reasonable fear for his or her safety or the safety of his or her family, and made with the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety or the safety of his or her family. It is not necessary to prove that the defendant had the intent to actually carry out the threat. The present incarceration of a person making the threat shall not be a bar to prosecution under this section. Constitutionally protected activity is not included within the meaning of “credible threat.”

(h) For purposes of this section, the term “electronic communication device” includes, but is not limited to, telephones, cellular phones, computers, video recorders, fax machines, or pagers. “Electronic communication” has the same meaning as the term defined in Subsection 12 of Section 2510 of Title 18 of the United States Code.

(i) This section shall not apply to conduct that occurs during labor picketing.

(j) If probation is granted, or the execution or imposition of a sentence is suspended, for any person convicted under this section, it shall be a condition of probation that the person participate in counseling, as designated by the court. However, the court, upon a showing of good cause, may find that the counseling requirement shall not be imposed.

(k) (1) the sentencing court also shall consider issuing an order restraining the defendant from any contact with the victim that may be valid for up to 10 years, as determined by the court. It is the intent of the Legislature that the length of any restraining order be based upon the seriousness of the facts before the court, the probability of future violations, and the safety of the victim and his or her immediate family.

(2) This protective order may be issued by the court whether the defendant is sentenced to state prison, county jail, or if imposition of sentence is suspended and the defendant is placed on probation.

(l) For purposes of this section, “immediate family” means any spouse, parent, child, any person related by consanguinity or affinity within the second degree, or any other person who regularly resides in the household, or who, within the prior six months, regularly resided in the household.

(m) The court shall consider whether the defendant would benefit from treatment pursuant to Section 2684. If it is determined to be appropriate, the court shall recommend that the Department of Corrections and Rehabilitation make a certification as provided in Section 2684. Upon the certification, the defendant shall be evaluated and transferred to the appropriate hospital for treatment pursuant to Section 2684.

## **Incest**

285. Persons being within the degrees of consanguinity within which marriages are declared by law to be incestuous and void, who intermarry with each other, or who being 14 years of age or older, commit fornication or adultery with each other, are punishable by imprisonment in the state prison.

## **Victim’s Bill of Right’s 2009: Marsy’s law California constitution, Article i, Section 28(b)**

(b) In order to preserve and protect a victim's rights to justice and due process, a victim shall be entitled to the following rights:

(1) To be treated with fairness and respect for his or her privacy and dignity, and to be free from intimidation, harassment, and abuse, throughout the criminal or juvenile justice process.

(2) To be reasonably protected from the defendant and persons acting on behalf of the defendant.

(3) To have the safety of the victim and the victim's family considered in fixing the amount of bail and release conditions for the defendant.

(4) To prevent the disclosure of confidential information or records to the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, which could be used to locate or harass the victim or the victim's family or which disclose confidential communications made in the course of medical or counseling treatment, or which are otherwise privileged or confidential by law.

(5) To refuse an interview, deposition, or discovery request by the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, and to set reasonable conditions on the conduct of any such interview to which the victim consents.

(6) To reasonable notice of and to reasonably confer with the prosecuting agency, upon request, regarding, the arrest of the defendant if known by the prosecutor, the charges filed, the determination whether to extradite the defendant, and, upon request, to be notified of and informed before any pretrial disposition of the case.

(7) To reasonable notice of all public proceedings, including delinquency proceedings, upon request, at which the defendant and the prosecutor are entitled to be present and of all parole or other post-conviction release proceedings, and to be present at all such proceedings.

(8) To be heard, upon request, at any proceeding, including any delinquency proceeding, involving a post-arrest release decision, plea, sentencing, post-conviction release decision, or any proceeding in which a right of the victim is at issue.

(9) To a speedy trial and a prompt and final conclusion of the case and any related post judgment proceedings.

(10) To provide information to probation department officer conducting a presentence investigation concerning the impact of the offense on the victim and the victim's family and any sentencing recommendations before the sentencing of the defendant.

(11) To receive, upon request, the pre-sentence report when available to the defendant, except for those portions made confidential by law.

(12) To be informed, upon request, of the conviction, sentence, place and time of incarceration, or other disposition of the defendant, the scheduled release date of the defendant, and the release of or the escape by the defendant from custody.

(13) To restitution.

(A) It is the unequivocal intention of the People of the State of California that all persons who suffer losses as a result of criminal activity shall have the right to seek and secure restitution from the persons convicted of the crimes causing the losses they suffer.

(B) Restitution shall be ordered from the convicted wrongdoer in every case, regardless of the sentence or disposition imposed, in which a crime victim suffers a loss.

(C) All monetary payments, monies, and property collected from any person who has been ordered to make restitution shall be first applied to pay the amounts ordered as restitution to the victim.

(14) To the prompt return of property when no longer needed as evidence.

(15) To be informed of all parole procedures, to participate in the parole process, to provide information to the parole authority to be considered before the parole of the offender, and to be notified upon request, of the parole or other release of the offender.

(16) To have the safety of the victim, the victim's family, and the general public considered before any parole or other post-judgment release decision is made.

(17) To be informed of the rights enumerated in paragraphs (1) through (16).

SOURCE : *Office of the Attorney General –Victim Services Unit*

## HEALTH AND SAFETY CODE - HSC

**DIVISION 10. UNIFORM CONTROLLED SUBSTANCES ACT [11000 - 11651]** (*Division 10 repealed and added by Stats. 1972, Ch. 1407.*)

**CHAPTER 6. Offenses and Penalties [11350 - 11392]** (*Chapter 6 added by Stats. 1972, Ch. 1407.*)

**ARTICLE 5. Offenses Involving Controlled Substances Formerly Classified as Restricted Dangerous Drugs [11377 - 11382.5]** (*Heading of Article 5 amended by Stats. 1973, Ch. 1078.*)

### [11377.](#)

(a) Except as authorized by law and as otherwise provided in subdivision (b) or Section 11375, or in Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the Business and Professions Code, every person who possesses any controlled substance which is (1) classified in Schedule III, IV, or V, and which is not a narcotic drug, (2) specified in subdivision (d) of Section 11054, except paragraphs (13), (14), (15), and (20) of subdivision (d), (3) specified in paragraph (11) of subdivision (c) of Section 11056, (4) specified in paragraph (2) or (3) of subdivision (f) of Section 11054, or (5) specified in subdivision (d), (e), or (f) of Section 11055, unless upon the prescription of a physician, dentist, podiatrist, or veterinarian, licensed to practice in this state, shall be punished by imprisonment in a county jail for a period of not more than one year, except that such person may instead be punished pursuant to subdivision (h) of Section 1170 of the Penal Code if that person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 of the Penal Code or for an offense requiring registration pursuant to subdivision (c) of Section 290 of the Penal Code.



(b) The judge may assess a fine not to exceed seventy dollars (\$70) against any person who violates subdivision (a), with the proceeds of this fine to be used in accordance with Section 1463.23 of the Penal Code. The court shall, however, take into consideration the defendant's ability to pay, and no defendant shall be denied probation because of his or her inability to pay the fine permitted under this subdivision.

(c) It is not unlawful for a person other than the prescription holder to possess a controlled substance described in subdivision (a) if both of the following apply:

(1) The possession of the controlled substance is at the direction or with the express authorization of the prescription holder.

(2) The sole intent of the possessor is to deliver the prescription to the prescription holder for its prescribed use or to discard the substance in a lawful manner.

(d) This section does not permit the use of a controlled substance by a person other than the prescription holder or permit the distribution or sale of a controlled substance that is otherwise inconsistent with the prescription.

*(Amended (as amended by Proposition 47) by Stats. 2017, Ch. 269, Sec. 6. (SB 811) Effective January 1, 2018. Note: This section was amended on Nov. 4, 2014, by initiative Prop. 47.)*

### 11377.5.

(a) Except as otherwise provided in this division, every person who possesses any controlled substance specified in paragraph (11) of subdivision (c) of, or subdivision (g) of, Section 11056 of this code, or paragraph (13) of subdivision (d) of Section 11057 of this code, with the intent to commit sexual assault, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code.

(b) For purposes of this section, "sexual assault" means conduct in violation of Section 243.4, 261, 262, 286, 287, or 289 of, or former Section 288a of, the Penal Code.

*(Amended by Stats. 2018, Ch. 423, Sec. 36. (SB 1494) Effective January 1, 2019.)*

### 11378.

Except as otherwise provided in Article 7 (commencing with Section 4110) of Chapter 9 of Division 2 of the Business and Professions Code, a person who possesses for sale a controlled substance that meets any of the following criteria shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code:

(1) The substance is classified in Schedule III, IV, or V and is not a narcotic drug, except the substance specified in subdivision (g) of Section 11056.

(2) The substance is specified in subdivision (d) of Section 11054, except paragraphs (13), (14), (15), (20), (21), (22), and (23) of subdivision (d).

(3) The substance is specified in paragraph (11) of subdivision (c) of Section 11056.

(4) The substance is specified in paragraph (2) or (3) of subdivision (f) of Section 11054.

(5) The substance is specified in subdivision (d), (e), or (f), except paragraph (3) of subdivision (e) and subparagraphs (A) and (B) of paragraph (2) of subdivision (f), of Section 11055.

*(Amended by Stats. 2013, Ch. 76, Sec. 110. (AB 383) Effective January 1, 2014.)*

### 11378.5.

Except as otherwise provided in Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the Business and Professions Code, every person who possesses for sale phencyclidine or any analog or any

precursor of phencyclidine which is specified in paragraph (21), (22), or (23) of subdivision (d) of Section 11054 or in paragraph (3) of subdivision (e) or in subdivision (f), except subparagraph (A) of paragraph (1) of subdivision (f), of Section 11055, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for a period of three, four, or five years.

*(Amended by Stats. 2011, Ch. 15, Sec. 173. (AB 109) Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)*

### 11379.

(a) Except as otherwise provided in subdivision (b) and in Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the Business and Professions Code, every person who transports, imports into this state, sells, furnishes, administers, or gives away, or offers to transport, import into this state, sell, furnish, administer, or give away, or attempts to import into this state or transport any controlled substance which is (1) classified in Schedule III, IV, or V and which is not a narcotic drug, except subdivision (g) of Section 11056, (2) specified in subdivision (d) of Section 11054, except paragraphs (13), (14), (15), (20), (21), (22), and (23) of subdivision (d), (3) specified in paragraph (11) of subdivision (c) of Section 11056, (4) specified in paragraph (2) or (3) of subdivision (f) of Section 11054, or (5) specified in subdivision (d) or (e), except paragraph (3) of subdivision (e), or specified in subparagraph (A) of paragraph (1) of subdivision (f), of Section 11055, unless upon the prescription of a physician, dentist, podiatrist, or veterinarian, licensed to practice in this state, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for a period of two, three, or four years.

(b) Notwithstanding the penalty provisions of subdivision (a), any person who transports any controlled substances specified in subdivision (a) within this state from one county to another noncontiguous county shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for three, six, or nine years.

(c) For purposes of this section, "transports" means to transport for sale.

(d) Nothing in this section is intended to preclude or limit prosecution under an aiding and abetting theory, accessory theory, or a conspiracy theory.

*(Amended by Stats. 2014, Ch. 54, Sec. 8. (SB 1461) Effective January 1, 2015.)*

### 11379.2.

Except as otherwise provided in Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the Business and Professions Code, every person who possesses for sale or sells any controlled substance specified in subdivision (g) of Section 11056 shall be punished by imprisonment in the county jail for a period of not more than one year or in the state prison.

*(Added by Stats. 1991, Ch. 294, Sec. 5.)*

### 11379.5.

(a) Except as otherwise provided in subdivision (b) and in Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the Business and Professions Code, every person who transports, imports into this state, sells, furnishes, administers, or gives away, or offers to transport, import into this state, sell, furnish, administer, or give away, or attempts to import into this state or transport phencyclidine or any of its analogs which is specified in paragraph (21), (22), or (23) of subdivision (d) of Section 11054 or in paragraph (3) of subdivision (e) of Section 11055, or its precursors as specified in subparagraph (A) or (B) of paragraph (2) of

subdivision (f) of Section 11055, unless upon the prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for a period of three, four, or five years.

(b) Notwithstanding the penalty provisions of subdivision (a), any person who transports for sale any controlled substances specified in subdivision (a) within this state from one county to another noncontiguous county shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for three, six, or nine years.

(c) For purposes of this section, "transport" means to transport for sale.

(d) This section does not preclude or limit prosecution for any aiding and abetting or conspiracy offenses. (Amended by Stats. 2015, Ch. 77, Sec. 2. (AB 730) Effective January 1, 2016.)

### 11379.6.

(a) Except as otherwise provided by law, every person who manufactures, compounds, converts, produces, derives, processes, or prepares, either directly or indirectly by chemical extraction or independently by means of chemical synthesis, any controlled substance specified in Section 11054, 11055, 11056, 11057, or 11058 shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for three, five, or seven years and by a fine not exceeding fifty thousand dollars (\$50,000).

(b) Except when an enhancement pursuant to Section 11379.7 is pled and proved, the fact that a person under 16 years of age resided in a structure in which a violation of this section involving methamphetamine occurred shall be considered a factor in aggravation by the sentencing court.

(c) Except when an enhancement pursuant to Section 11379.7 is pled and proved, the fact that a violation of this section involving methamphetamine occurred within 200 feet of an occupied residence or any structure where another person was present at the time the offense was committed may be considered a factor in aggravation by the sentencing court.

(d) The fact that a violation of this section involving the use of a volatile solvent to chemically extract concentrated cannabis occurred within 300 feet of an occupied residence or any structure where another person was present at the time the offense was committed may be considered a factor in aggravation by the sentencing court.

(e) Except as otherwise provided by law, every person who offers to perform an act which is punishable under subdivision (a) shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for three, four, or five years.

(f) All fines collected pursuant to subdivision (a) shall be transferred to the State Treasury for deposit in the Clandestine Drug Lab Clean-up Account, as established by Section 5 of Chapter 1295 of the Statutes of 1987. The transmission to the State Treasury shall be carried out in the same manner as fines collected for the state by the county.

(Amended by Stats. 2015, Ch. 141, Sec. 1. (SB 212) Effective January 1, 2016.)

### 11379.7.

(a) Except as provided in subdivision (b), any person convicted of a violation of subdivision (a) of Section 11379.6 or Section 11383, or of an attempt to violate subdivision (a) of Section 11379.6 or Section 11383, as those sections relate to methamphetamine or phencyclidine, when the commission or attempted commission of the crime occurs in a structure where any child under 16 years of age is present, shall, in addition and consecutive to the punishment prescribed for the felony of which he or she has been convicted, be punished by an additional term of two years in the state prison.

(b) Any person convicted of a violation of subdivision (a) of Section 11379.6 or Section 11383, or of an attempt

to violate subdivision (a) of Section 11379.6 or Section 11383, as those sections relate to methamphetamine or phencyclidine, where the commission of the crime causes any child under 16 years of age to suffer great bodily injury, shall, in addition and consecutive to the punishment prescribed for the felony of which he or she has been convicted, be punished by an additional term of five years in the state prison.

(c) As used in this section, "structure" means any house, apartment building, shop, warehouse, barn, building, vessel, railroad car, cargo container, motor vehicle, housecar, trailer, trailer coach, camper, mine, floating home, or other enclosed structure capable of holding a child and manufacturing equipment.

(d) As used in this section, "great bodily injury" has the same meaning as defined in Section 12022.7 of the Penal Code.

*(Added by Stats. 1996, Ch. 871, Sec. 1. Effective January 1, 1997.)*

### 11379.8.

(a) Any person convicted of a violation of subdivision (a) of Section 11379.6, or of a conspiracy to violate subdivision (a) of Section 11379.6, with respect to any substance containing a controlled substance which is specified in paragraph (21), (22), or (23) of subdivision (d) of Section 11054, or in paragraph (1) or (2) of subdivision (d) or in paragraph (3) of subdivision (e) or in paragraph (2) of subdivision (f) of Section 11055 shall receive an additional term as follows:

(1) Where the substance exceeds three gallons of liquid by volume or one pound of solid substances by weight, the person shall receive an additional term of three years.

(2) Where the substance exceeds 10 gallons of liquid by volume or three pounds of solid substance by weight, the person shall receive an additional term of five years.

(3) Where the substance exceeds 25 gallons of liquid by volume or 10 pounds of solid substance by weight, the person shall receive an additional term of 10 years.

(4) Where the substance exceeds 105 gallons of liquid by volume or 44 pounds of solid substance by weight, the person shall receive an additional term of 15 years.

In computing the quantities involved in this subdivision, plant or vegetable material seized shall not be included.

(b) The additional terms provided in this section shall not be imposed unless the allegation that the controlled substance exceeds the amounts provided in this section is charged in the accusatory pleading and admitted or found to be true by the trier of fact.

(c) The additional terms provided in this section shall be in addition to any other punishment provided by law.

(d) Notwithstanding any other provision of law, the court may strike the additional punishment for the enhancements provided in this section if it determines that there are circumstances in mitigation of the additional punishment and states on the record its reasons for striking the additional punishment.

(e) The conspiracy enhancements provided for in this section shall not be imposed unless the trier of fact finds that the defendant conspirator was substantially involved in the direction or supervision of, or in a significant portion of the financing of, the underlying offense.

*(Amended by Stats. 1998, Ch. 425, Sec. 3. Effective January 1, 1999.)*

### 11379.9.

(a) Except as provided by Section 11379.7, any person convicted of a violation of, or of an attempt to violate, subdivision (a) of Section 11379.6 or Section 11383, as those sections relate to methamphetamine or phencyclidine, when the commission or attempted commission of the offense causes the death or great bodily injury of another person other than an accomplice, shall, in addition and consecutive to any other punishment authorized by law, be punished by an additional term of one year in the state prison for each death or injury.

(b) Nothing in this section shall preclude prosecution under both this section and Section 187, 192, or 12022.7, or any other provision of law. However, a person who is punished under another provision of law for causing death or great bodily injury as described in subdivision (a) shall not receive an additional term of imprisonment under this section.

*(Amended by Stats. 1998, Ch. 936, Sec. 2. Effective September 28, 1998.)*

### 11380.

(a) Every person 18 years of age or over who violates any provision of this chapter involving controlled substances which are (1) classified in Schedule III, IV, or V and which are not narcotic drugs or (2) specified in subdivision (d) of Section 11054, except paragraphs (13), (14), (15), and (20) of subdivision (d), specified in paragraph (11) of subdivision (c) of Section 11056, specified in paragraph (2) or (3) or subdivision (f) of Section 11054, or specified in subdivision (d), (e), or (f) of Section 11055, by the use of a minor as agent, who solicits, induces, encourages, or intimidates any minor with the intent that the minor shall violate any provision of this article involving those controlled substances or who unlawfully furnishes, offers to furnish, or attempts to furnish those controlled substances to a minor shall be punished by imprisonment in the state prison for a period of three, six, or nine years.

(b) Nothing in this section applies to a registered pharmacist furnishing controlled substances pursuant to a prescription.

*(Amended by Stats. 2001, Ch. 841, Sec. 8. Effective January 1, 2002.)*

### 11380.1.

(a) Notwithstanding any other provision of law, any person 18 years of age or over who is convicted of a violation of Section 11380, in addition to the punishment imposed for that conviction, shall receive an additional punishment as follows:

(1) If the offense involved phencyclidine (PCP), methamphetamine, lysergic acid diethylamide (LSD), or any analog of these substances and occurred upon the grounds of, or within, a church or synagogue, a playground, a public or private youth center, a child day care facility, or a public swimming pool, during hours in which the facility is open for business, classes, or school-related programs, or at any time when minors are using the facility, the defendant shall, as a full and separately served enhancement to any other enhancement provided in paragraph (3), be punished by imprisonment in the state prison for one year.

(2) If the offense involved phencyclidine (PCP), methamphetamine, lysergic acid diethylamide (LSD), or any analog of these substances and occurred upon, or within 1,000 feet of, the grounds of any public or private elementary, vocational, junior high school, or high school, during hours that the school is open for classes or school-related programs, or at any time when minors are using the facility where the offense occurs, the defendant shall, as a full and separately served enhancement to any other enhancement provided in paragraph (3), be punished by imprisonment in the state prison for two years.

(3) If the offense involved a minor who is at least four years younger than the defendant, the defendant shall, as a full and separately served enhancement to any other enhancement provided in this subdivision, be punished by imprisonment in the state prison for one, two, or three years, at the discretion of the court.

(b) The additional punishment provided in this section shall not be imposed unless the allegation is charged in the accusatory pleading and admitted by the defendant or found to be true by the trier of fact.

(c) The additional punishment provided in this section shall be in addition to any other punishment provided by law and shall not be limited by any other provision of law.

(d) Notwithstanding any other provision of law, the court may strike the additional punishment provided for in this section if it determines that there are circumstances in mitigation of the additional punishment and states

on the record its reasons for striking the additional punishment.

(e) The definitions contained in subdivision (e) of Section 11353.1 shall apply to this section.

(f) This section does not require either that notice be posted regarding the proscribed conduct or that the applicable 1,000-foot boundary limit be marked.

*(Amended by Stats. 1993, Ch. 556, Sec. 3.5. Effective January 1, 1994.)*

### 11380.7.

(a) Notwithstanding any other provision of law, any person who is convicted of trafficking in heroin, cocaine, cocaine base, methamphetamine, or phencyclidine (PCP), or of a conspiracy to commit trafficking in heroin, cocaine, cocaine base, methamphetamine, or phencyclidine (PCP), in addition to the punishment imposed for the conviction, shall be imprisoned pursuant to subdivision (h) of Section 1170 of the Penal Code for an additional one year if the violation occurred upon the grounds of, or within 1,000 feet of, a drug treatment center, detoxification facility, or homeless shelter.

(b) (1) The additional punishment provided in this section shall not be imposed unless the allegation is charged in the accusatory pleading and admitted by the defendant or found to be true by the trier of fact.

(2) The additional punishment provided in this section shall not be imposed if any other additional punishment is imposed pursuant to Section 11353.1, 11353.5, 11353.6, 11353.7, or 11380.1.

(c) Notwithstanding any other provision of law, the court may strike the additional punishment provided for in this section if it determines that there are circumstances in mitigation of the additional punishment and states on the record its reasons for striking the additional punishment. In determining whether or not to strike the additional punishment, the court shall consider the following factors and any relevant factors in aggravation or mitigation in Rules 4.421 and 4.423 of the California Rules of Court.

(1) The following factors indicate that the court should exercise its discretion to strike the additional punishment unless these factors are outweighed by factors in aggravation:

(A) The defendant is homeless, or is in a homeless shelter or transitional housing.

(B) The defendant lacks resources for the necessities of life.

(C) The defendant is addicted to or dependent on controlled substances.

(D) The defendant's motive was merely to maintain a steady supply of drugs for personal use.

(E) The defendant was recruited or exploited by a more culpable person to commit the crime.

(2) The following factors indicate that the court should not exercise discretion to strike the additional punishment unless these factors are outweighed by factors in mitigation:

(A) The defendant, in committing the crime, preyed on homeless persons, drug addicts or substance abusers who were seeking treatment, shelter or transitional services.

(B) The defendant's primary motive was monetary compensation.

(C) The defendant induced others, particularly homeless persons, drug addicts and substance abusers, to become involved in trafficking.

(d) For the purposes of this section, the following terms have the following meanings:

(1) "Detoxification facility" means any premises, place, or building in which 24-hour residential nonmedical services are provided to adults who are recovering from problems related to alcohol, drug, or alcohol and drug misuse or abuse, and who need alcohol, drug, or alcohol and drug recovery treatment or detoxification services.

(2) "Drug treatment program" or "drug treatment" has the same meaning set forth in subdivision (b) of Section 1210 of the Penal Code.

(3) "Homeless shelter" includes, but is not limited to, emergency shelter housing, as well as transitional housing, but does not include domestic violence shelters. "Emergency shelter housing" is housing with minimal support services for homeless persons in which residency is limited to six months or less and is not related to the person's ability to pay. "Transitional housing" means housing with supportive services, including self-

sufficiency development services, which is exclusively designed and targeted to help recently homeless persons find permanent housing as soon as reasonably possible, limits residency to 24 months, and in which rent and service fees are based on ability to pay.

(4) "Trafficking" means any of the unlawful activities specified in Sections 11351, 11351.5, 11352, 11353, 11354, 11378, 11379, 11379.6, and 11380. It does not include simple possession or drug use.

*(Amended by Stats. 2011, Ch. 15, Sec. 177. (AB 109) Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)*

### 11381.

As used in this article "felony offense" and offense "punishable as a felony" refer to an offense prior to October 1, 2011, for which the law prescribes imprisonment in the state prison, or for an offense on or after October 1, 2011, imprisonment in either the state prison or pursuant to subdivision (h) of Section 1170 of the Penal Code, as either an alternative or the sole penalty, regardless of the sentence the particular defendant received.

*(Amended (as amended by Stats. 2011, Ch. 15) by Stats. 2011, Ch. 39, Sec. 3. (AB 117) Effective June 30, 2011. Operative October 1, 2011, pursuant to Secs. 68 and 69 of Ch. 39.)*

### 11382.

Every person who agrees, consents, or in any manner offers to unlawfully sell, furnish, transport, administer, or give any controlled substance which is (a) classified in Schedule III, IV, or V and which is not a narcotic drug, or (b) specified in subdivision (d) of Section 11054, except paragraphs (13), (14), (15), and (20) of subdivision (d), specified in paragraph (11) of subdivision (c) of Section 11056, or specified in subdivision (d), (e), or (f) of Section 11055, to any person, or offers, arranges, or negotiates to have that controlled substance unlawfully sold, delivered, transported, furnished, administered, or given to any person and then sells, delivers, furnishes, transports, administers, or gives, or offers, or arranges, or negotiates to have sold, delivered, transported, furnished, administered, or given to any person any other liquid, substance, or material in lieu of that controlled substance shall be punished by imprisonment in the county jail for not more than one year, or pursuant to subdivision (h) of Section 1170 of the Penal Code.

*(Amended by Stats. 2011, 1st Ex. Sess., Ch. 12, Sec. 5. (AB 17 1x) Effective September 21, 2011. Operative October 1, 2011, by Sec. 46 of Ch. 12.)*

### 11382.5.

All controlled substances in Schedules I, II, III, IV, and V, in solid or capsule form, except for such controlled substances in the possession or inventory of a wholesaler, retailer, or pharmacist on January 1, 1975, shall not be sold, furnished, or distributed in this state unless they have on the controlled substance if in solid form, or on the capsule if in capsule form, an identifying device, insignia, or mark of the manufacturer of such controlled substance. However, the exception for such controlled substances in the possession or inventory of a wholesaler, retailer, or pharmacist shall not be available to any wholesaler, retailer, or pharmacist under the control or jurisdiction of a manufacturer of controlled substances.

This section shall not apply to a pharmacist who, in accordance with applicable state law, compounds such controlled substance in the course of his practice as a pharmacist for direct dispensing by him upon a prescription of any person licensed to prescribe such controlled substances.

*(Added by Stats. 1974, Ch. 926.)*



---

# GROSSMONT-CUYAMACA

## COMMUNITY COLLEGE DISTRICT

8800 Grossmont College Drive  
El Cajon, CA 92020-1799  
619-644-7010  
[www.gcccd.edu](http://www.gcccd.edu)

### **Governing Board Members**

Elena Adams, Linda Cartwright, Bill Garrett, Debbie Justeson, Brad Monroe

### **Lynn Ceresino Neault, Ed.D.**

Grossmont-Cuyamaca Community College District  
8800 Grossmont College Drive  
El Cajon, CA 92020-1799  
619-644-7010  
[www.gcccd.edu](http://www.gcccd.edu)

### **Grossmont College President**

Nabil Abu-Ghazaleh, Ed.D.  
Grossmont Community College  
8800 Grossmont College Drive  
El Cajon, CA 92020-1799  
619-644-7000  
[www.grossmont.edu](http://www.grossmont.edu)

### **Cuyamaca College President**

Julianna Barnes, Ed.D.  
Cuyamaca Community College  
900 Rancho San Diego Parkway  
El Cajon, CA 92019  
619-660-4000  
[www.cuyamaca.edu](http://www.cuyamaca.edu)

Updates to this report will be emailed electronically, Districtwide on the day of the update. It will be noted and reposted here with a date.