



2016

# ANNUAL SECURITY REPORT



**MARIN COMMUNITY COLLEGE DISTRICT  
POLICE DEPARTMENT**

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## MESSAGE FROM THE CHIEF OF POLICE

The Marin Community College District Police Department hereby respectfully submits the 2015 Annual Security Report. This report, as required by the Jeanne Cleary Disclosure of Campus Security Policy and Campus Crime Statistics Act, requires all colleges and universities that participate in federal financial aid programs to keep and disclose information about crime on and near their respective campuses. In addition, the Act requires the District to provide policy statements regarding various safety and security measures, campus crime prevention program descriptions, and procedures to be followed during the investigation and prosecution of alleged sex offenses. According to our statistical data report, Marin Community College District is an extremely safe campus community with few violent assaults and minimal property crimes. There is no police department that can maintain safety alone: it must continue to be a collaborative effort with the college community. The men and women of the Marin Community College District Police Department are dedicated to our primary mission, which is maintaining a safe learning and working environment for our students, staff and faculty.

John Adams  
Chief of Police

## WHAT IS THE "JEANNE CLERY" DISCLOSURE ACT?

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, codified at 20 USC 1092 (f) as a part of the Higher Education Act of 1965, is a federal law that requires colleges and universities to disclose certain timely and annual information about campus crime and security policies. All public and private post-secondary educational institutions participating in federal student aid programs are required to comply with it. The law, originally enacted by Congress in 1990 as the Campus Security Act, was initiated by Howard and Connie Clery after their daughter Jeanne was tragically murdered at Lehigh University in 1986. Amendments to the Act in 1998 renamed it in memory of Jeanne Clery.

The Clery Act requires colleges and universities to publish an annual report by October 1st that contains three years of crime statistics and certain policy statements including sexual assault policies which assure basic victims' rights, the law enforcement authority of campus police, and where the students should go to report crimes. The complete text of the Clery Act and the U.S. Department of Education regulations are available on the Security On Campus, Inc. web site at <https://studentaid.ed.gov/sa/about/data-center/school/clery-act>

The Marin Community College District Police Department is responsible for gathering crime statistics and providing safety information to all students, staff, faculty, visitors, and prospective students and employees of the District.

The annual security report for Marin Community College District includes statistics for the previous three years concerning reported crimes that occurred on campus, in certain off-campus buildings or property owned or controlled by the Marin Community College District, and on public property within, or immediately adjacent to and accessible from the campus. In accordance with mandated reporting requirements, information concerning the monitoring and recording of any criminal activity in which students have engaged, at off campus locations and/or within student organizations that are officially recognized by the District, are gathered from local police agencies. These agencies include any City, County, State, or Federal agencies that may have relevant information and the statistics are published in this disclosure. The report also includes institutional policies concerning campus safety and security, such as policies concerning alcohol and drug use, crime prevention, the reporting of crimes, sexual assault and other matters.

The District Police Department is aware that crimes may go unreported to law enforcement and encourages employees of the District, who have significant responsibility for students and student activities, to report any crimes that they may have become aware of in their daily contact with students to the District Police. As a reminder to those employees who have significant responsibility for students, a reporting form is sent out monthly for collection and recording of accurate statistics. Administrators, deans, directors, department heads, faculty advisors and student academic advisors, student activities advisors and coordinators, and athletic coaches are all included in the notification. Classroom faculty (except for advisors), physicians, psychologists, and most clerical staff are examples of employees who are not required to report under the Clery Act. All reports to the District Police can be made confidentially and anonymously in accordance with the reporting person's wishes. Crime prevention and personal safety information and pamphlets are available in the District Police Department, in Student Health Services, and in various student and staff publications through the District.

## KRISTIN SMART CAMPUS SAFETY ACT OF 1998

This Interagency Operations and Protocol Agreement, between the College of Marin Police Department and neighboring agencies is to clarify agency jurisdiction and response responsibility as required by the Kristin Smart Campus Safety Act of 1998.

The California Legislature under this Act also reaffirms that campus law enforcement agencies have primary authority for providing law enforcement service on their campuses.

This Act also requires law enforcement agencies to designate operational responsibility and define specific geographical boundaries of response for the investigation of Part I violent crimes of homicide, forcible rape, robbery and aggravated assaults on campus property and property controlled by the college.

The Marin Community College District Police Department has primary responsibility for law enforcement response and investigations of criminal activity on District property, located within the jurisdiction of the Marin County Sheriff's Department, Central Marin Police Department, and Novato Police Department.

The Marin Community College District Police Department and the Marin County Sheriff Office, Central Marin Police Authority, and Novato Police Department have agreed that the Marin Community College District Police Department may request their assistance at any time. Further, the District may request these agencies to assume control over investigations for serious violent Part I crimes that may be beyond the resources of the Marin Community College District Police Department in accordance with existing Mutual Aid procedures.

## POLICY FOR REPORTING THE ANNUAL CRIME STATISTICS

The College of Marin Police Department prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The full text of this report can also be located on our website at <http://www.marin.edu/police/security-report.html>. This report is a collaborative and comprehensive effort that includes the cooperation of law enforcement agencies surrounding College Of Marin campuses, centers, off-site facilities, and properties, and the Office of the Vice President of Student Services. Each entity provides crime statistics and/or information on their educational efforts and programs to comply with the Act.

To comply with the Act, crime statistics are collected from law enforcement agencies with concurrent law enforcement jurisdiction or jurisdictions surrounding the Districts campuses, centers, off-site facilities, and properties owned or utilized by the District for business, to include public property immediately adjacent to campuses and facilities. These law enforcement agencies provide crime statistics they have collected for crimes occurring on college properties or a radius around the properties requested. These statistics may include crimes that have occurred in private businesses and residences and is not required by law. The college does not have any off or on campus fraternity or sorority houses. Likewise, student organization recognition does not extend beyond the college, and student organizations are not recognized to engage in activity off-campus. Every paid part-time, full-time, adjunct, and short-term non-continuing student, faculty, and classified employee receive a notice through campus email, that informs them of the security report, a description of the contents, information regarding the availability of the report on the Internet, the electronic address to access the report, and a statement on how to obtain a paper copy, if desired.

Employees and students also receive this same information when completing the application process for admission or employment in person or via the Internet. Additionally, notices regarding the existence of the Annual Security Report, a brief description of its contents, information regarding the availability of the report on the Internet with the electronic address to access the report, and a statement on how to obtain a paper copy, if desired are included in the Echo Times, Schedule of Classes, in the Community Education Schedule of Classes, the Course Catalog, and on the Admissions, Records, and Enrollment Development and Human Resources websites to inform students, employees and prospective students and employees about the existence of the Security Report, the electronic address to access the report, and information on how to obtain a paper copy, if desired. Copies of the report may also be obtained at the Marin Community College District Police Department at 835 College Ave. Kentfield Ca. 94904, Building VS-1 or you may call Police Records at 415-485-9455.

## LAW ENFORCEMENT AUTHORITY

The Marin Community College District Police Department has complete police authority to apprehend and arrest anyone involved in illegal acts on-campus and areas immediately adjacent to the campus. If minor offenses involving District rules and regulations are committed by a student, the District Police may also refer the individual to the Chief Student Services Officer. Major offenses such as rape, murder, aggravated assault, robbery, and auto theft are reported to the local law enforcement, and the Marin Community College District Police Department and local law enforcement work together to solve these serious felony crimes. The District Police personnel work closely with local, state, and federal police agencies. The Marin Community College District Police Department is also a part of the local 911 Emergency System. Through coordination with local law enforcement agencies, any criminal activity engaged in by students at off-campus locations of student organizations, is monitored and recorded. This information is provided to the Chief Student Services Officer for any action or follow-up that may be required.

The Marin Community College District Police Department maintains a close working relationship with the Marin County Sheriff's Office, the Novato Police Department, and the Central Marin Police Authority. The Marin Community College District Police Department occasionally works with other law enforcement agencies within the County of Marin. Meetings may be held between the leaders of these agencies on both a formal and informal basis. Marin Community College District Police Department and the law enforcement agencies within the County of Marin communicate regularly on the scene of incidents that occur in and around campus areas. When incidents arise that require joint investigative efforts, resources, crime related reports, and exchanges of information, the Marin Community College District Police Department will work closely with the law enforcement agencies within the County of Marin. There are written memoranda of understanding between the District Police Department and the Marin County Sheriff's Office, the Novato Police Department, and the Central Marin Police Authority.

By mutual agreement with state and federal agencies, Marin Community College District Police Department maintains an NLETS terminal (National Law Enforcement Telecommunications Network). Through this system police personnel can access the National Crime Information Computer system as well as the California Law Enforcement Telecommunications System. These computer databases are used for accessing criminal history data, nationwide police

records, driver/vehicle identification information, as well as other local, state and federal law enforcement information.

Marin Community College District Police Department focuses enforcement and prevention efforts in our primary jurisdiction to include all property owned and operated by the Marin Community College District Police Department, shares concurrent law enforcement jurisdiction on all adjacent public streets, areas, and in communities surrounding the Kentfield and Indian Valley campuses' and cooperates fully with all local, state and federal law enforcement agencies. College of Marin maintains operational agreements/memorandums of understanding that comply with the Kristin Smart Campus Safety Act and Higher Education Opportunity Act clarifying that Marin Community College District Police Department are the primary law enforcement agency for all crimes occurring on College of Marin properties or facilities. Marin Community College District Police Department also adhere to the Marin County Law Enforcement Chief's Association protocols that encourage prompt law enforcement response and collaboration in incidents requiring inter-agency law enforcement collaboration.

## **FACILITY ACCESS AND SECURITY**

It is the practice of Marin Community College District that District buildings are opened prior to the beginning of the business day and locked nightly after the conclusion of evening classes. The library, bookstore and computer labs have specific hours based on their function and hours are posted. It is recognized that there will be scheduled events and certain needs for after hours and weekend access to buildings. Anyone working late or on weekends outside of scheduled events and academic scheduled classes should notify the Marin Community College District Police Department when they enter and leave a building. Although proper identification is always required, after-hours access requires additional event paperwork or authorization from the effected department. Access on holidays is treated as weekend access.

Campus facilities and grounds are maintained by the Marin Community College District Maintenance and Operations department. Marin Community College District Police Department conduct lighting surveys, recommend the trimming of shrubbery and foliage when it will enhance safety, and complete work requests to Maintenance and Operations when hazardous situations are found that require prompt correction. Marin Community College District Police Department may conduct crime prevention surveys analysis when a crime trend occurs or when requested by an administrator when physical changes to office space and equipment occur. Many offices, labs, computer rooms, and areas of campus have alarms that report a signal directly to Marin Community College District Police Department if tampering occurs.

## **REPORTING CRIMES AND EMERGENCIES**

Marin Community College District Police Department is located at Village Square at the Kentfield Campus and Building 11 at the Indian Valley campus. Marin Community College District Police Department is similar to other Police agencies in your local communities, provides 24-hour law enforcement service, throughout the entire year, including all holidays. Contact the District Police Department at 415-485-9696 (non-emergencies) and dial 911 (emergencies only). Any suspicious activity or person seen in the parking lots or loitering

around vehicles or inside buildings should be reported to the District Police Department. In addition, individuals may report a crime to the following areas:

- Chief Student Services Officer 415-485-9618
- Chief Counseling Officer 415-485-9432
- Chief Student Health Officer 415-485-9462
- Chief Human Resources / Title IX Coordinator 415-485-9340

If the individual is the victim of a crime and does not want to pursue action within the District's System or the criminal justice system, the individual may still want to consider making a confidential report. With the individual's permission, the District Police Department can file a report on the details of the incident without revealing his/her identity. The purpose of a confidential report is to comply with the individual's wish to keep the matter confidential, while taking steps to ensure the future safety of himself/herself and others. With such information, the District can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the institution.

The District Police Department encourages anyone who is the victim or witness to any crime to promptly report the incident to the police. Because police reports are public records under state law, the District Police Department cannot hold reports of crime in confidence. Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can generally be made to other campus security authorities as identified above. Confidential reports of crime may also be made to Chief Human Resources / Title IX Coordinator at 415-485-9340.

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

- Arson
- Assault offenses
- Burglary
- Criminal homicide - manslaughter by negligence
- Criminal homicide - murder and non-negligent manslaughter
- Destruction, damage, or vandalism of property
- Kidnapping or abduction

## **"TIMELY WARNING" CRIME ALERT BULLETINS**

In the event that a situation arises, either on or off campus, that, in the judgment of the District Police Chief, constitutes an ongoing or continuing threat, a district wide "timely warning" will be issued. The warning will be issued through the District notification system(s) to students, faculty, staff and the campus' student newspaper. The information shall be disseminated by District Police in a manner that aids the prevention of similar crimes.

Depending on the particular circumstances of the crime, especially in all situations that could pose an immediate threat to the community and individuals, the District Police Chief may also

post a notice on the district-wide electronic bulletin board on the District's web site at: [www.marin.edu](http://www.marin.edu), providing the community with more immediate notification. The electronic bulletin board is immediately accessible via computer by all faculty, staff, students, and the public. Anyone with information warranting a timely warning should report the circumstances to the District Police Department, by phone at 911 or in person at the District Police Department Headquarters at 835 College Avenue, Kentfield, CA.

The District shall not be required to provide a timely warning with respect to crimes reported to a pastoral or professional counselor. The Clery Act defines pastoral counselor as a person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor. The definition of a professional counselor is a person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of his/her license or certification. This definition applies even to professional counselors who are not employees of the institution, but are under contract to provide counseling at the institution. To be exempt from disclosing reported offenses, pastoral or professional counselors must be acting in the role of pastoral or professional counselors at the time of disclosure. This means that a dean of students who has a professional counselor's license, but is employed by the institution only as a dean and not as a counselor, is not exempt from reporting.

If there is an immediate threat to the health or safety of students or employees occurring on campus, the District shall follow its emergency notification procedures.

## DAILY CRIME LOG

The purpose of the Daily Crime Log is to record criminal incidents and alleged criminal incidents that are reported to the District police. The Marin Community College District Police Department maintains a Daily Crime Log of criminal and alleged criminal incidents that are reported for the most recent 60-day period. The log is available for public inspection during normal business hours of 8 a.m. to 5 p.m., Monday through Friday. Log entries older than 60 days can be obtained by written request within two business days. <http://www.marin.edu/police/press-log.html>

## CRIME DEFINITIONS

### **Criminal Homicide – Murder and Non Negligent Manslaughter**

The willful (non-negligent) killing of one human being by another.

### **Criminal Homicide – Manslaughter by Negligence**

The killing of another person through gross negligence.

### **Robbery**

The taking or attempting to take anything of value from another person or persons by force or threat of force or violence and/or by putting the victim in fear.

### **Aggravated Assault**

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

### **Burglary**

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

Burglary vs. Larceny: An incident must meet three conditions to be classified as a Burglary.

- There must be evidence of unlawful entry (trespass).
- There must be evidence of both forcible entry and unlawful entry.
- The unlawful entry must occur within a structure, which is defined as having four walls, a roof, and a door.
- The unlawful entry into a structure must show evidence that the entry was made in order to commit a felony or theft. If the intent was not to commit a felony or theft, or if the intent cannot be determined, the proper classification is a larceny.

### **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 attempts and joyriding.)

### **Weapon Law Violations**

The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

### **Drug Abuse Violations**

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

### **Liquor Law Violations**

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

### **Arson**

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

### **Dating Violence**

Violence committed by a person who is or has been in a romantic or intimate relationship with the victim; whether there was such a relationship will be gaged by its length, type and frequency of interaction.

### **Domestic Violence**

Includes misdemeanor or felony crimes of violence committed by the victim's current or former spouse or cohabitant, person with whom the victim shares a child in common, person similarly situated under domestic or family violence laws or anyone else protected under domestic or family violence laws.

### **Stalking**

Engaging in a course of conduct directed to a specific person that would cause a reasonable person to fear for her, his or others' safety or to suffer substantial emotional distress.

## **HATE CRIMES**

"Hate crimes" are crimes that, upon investigation, manifest evidence that the victim was intentionally selected because of the perpetrator's bias. Clery Act statistics for hate crimes are derived from any of the Clery Act reportable crimes listed in the Crime Definitions section and, beginning in 2009, the following additional crimes. Note: Non-Criminal hate incidents are not included.

### **Larceny/Theft**

- The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Note: Constructive possession is defined by Black's Law Dictionary, 6th edition, as "where one does not have physical custody or possession, but is in a position to exercise dominion or control over a thing."

### **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 (Except Arson)**

- 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.

## SEX OFFENSES

The following sex offense definitions are excerpted from the Summary Reporting Standards (SRS) Edition of the Uniform Crime Reporting Program. Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

### Rape

- Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This definition includes any gender of victim or perpetrator. Sexual penetration means 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, or by a sex-related object. This definition also includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent.

### Fondling

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

### Incest

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

### Statutory Rape

- Sexual intercourse with a person who is under the statutory age of consent

## CRIME STATISTICS 2013-2015

The following statistics are being provided as part of the Marin Community College District's commitment to safety and security on campus and to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

The statistics are reported crimes that have occurred on-campus, in non-campus areas, and in public areas adjacent to the campuses. These statistics also include data received from other law enforcement agencies in response to annual requests.

Crime statistics reported as occurring "on-campus" include incidents reported to the Marin Community College District Police Department as well as incidents reported to other campus officials, including but not limited to directors, deans, student affairs, the Vice President of Student Services, advisors to students, student organizers, and athletic coaches.

Reports received from campus officials may have been submitted anonymously and may result in criminal statistics higher than those reported to the FBI by Marin Community College District Police Department pursuant to their reporting guidelines. The listed "crime definitions" will help you understand these statistics. Hard copies of this information are available upon request from the Marin Community College District Police Department. If you have any questions, please contact the District Police Department Records Unit at 415-485-9455.

## REPORTED CRIME STATISTICS

### KENTFIELD CAMPUS

Crime Statistics	On Campus			Non-Campus			Public Property		
Category	2013	2014	2015	2013	2014	2015	2013	2014	2015
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent-Manslaughter	0	0	0	0	0	0	0	0	0
Forcible Sex Offenses (Rape & Fondling) <i>*Specific Classifications in 2014</i>	0	X	X	0	X	X	0	X	X
Rape	X	1	2	0	0	0	0	0	0
Fondling	X	0	0	0	0	0	0	0	0
Non-Forcible Sex Offenses (Incest & Statutory Rape) <i>*Specific Classifications in 2014</i>	0	0	0	0	0	0	0	0	0
Incest	X	0	0	X	0	0	X	0	0
Statutory Rape	X	0	0	X	0	0	X	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	1	0	0	0	1	0	0
Burglary	1	1	2	0	0	0	0	0	0
Motor Vehicle Theft	0	1	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Domestic Violence	0	1	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

### INDIAN VALLEY CAMPUS

Crime Statistics	On Campus			Non-Campus			Public Property		
Category	2013	2014	2015	2013	2014	2015	2013	2014	2015
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent-Manslaughter	0	0	0	0	0	0	0	0	0
Forcible Sex Offenses (Rape & Fondling) <i>*Specific Classifications in 2014</i>	0	X	X	0	X	X	0	X	X
Rape	X	0	0	X	0	0	X	0	0
Fondling	X	0	0	X	0	0	X	0	0
Non-Forcible Sex Offenses (Incest & Statutory Rape) <i>*Specific Classifications in 2014</i>	0	X	X	0	X	X	0	X	X
Incest	X	0	0	X	0	0	X	0	0
Statutory Rape	X	0	0	X	0	0	X	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
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

## REPORTED HATE CRIME STATISTICS

### Kentfield Campus

There were no reported hate crimes for the years 2013, 2014 or 2015.

### Indian Valley Campus

There were no reported hate crimes for the years 2013, 2014, or 2015.

## SPECIAL CATEGORY - ARRESTS

### Weapons, Drugs and Liquor Law Violations KENTFIELD CAMPUS

Arrest Category	On Campus			Non-Campus			Public Property		
	2013	2014	2015	2013	2014	2015	2013	2014	2015
Weapons	0	1	0	0	0	0	0	0	0
Drugs	0	1	3	0	0	0	0	0	3
Liquor	2	4	3	0	0	0	0	3	0

### INDIAN VALLEY CAMPUS

Arrest Category	On Campus			Non-Campus			Public Property		
	2013	2014	2015	2013	2014	2015	2013	2014	2015
Weapons	0	0	0	0	0	0	0	0	0
Drugs	0	1	0	0	0	0	0	0	0
Liquor	0	0	0	0	0	0	0	0	0

## SPECIAL CATEGORY - STUDENT DISCIPLINARY REFERRALS

### Weapons, Drugs and Liquor Law Violations

#### KENTFIELD CAMPUS

Referral Category	On Campus			Non-Campus			Public Property		
	2013	2014	2015	2013	2014	2015	2013	2014	2015
Weapons	0	0	1	0	0	0	0	0	0
Drugs	0	1	1	0	0	0	0	0	0
Liquor	0	2	1	0	0	0	0	0	0

#### INDIAN VALLEY CAMPUS

Referral Category	On Campus			Non-Campus			Public Property		
	2013	2014	2015	2013	2014	2015	2013	2014	2015
Weapons	0	0	0	0	0	0	0	0	0
Drugs	0	0	0	0	0	0	0	0	0
Liquor	0	0	0	0	0	0	0	0	0

## PASTORAL AND PROFESSIONAL COUNSELORS

District "Pastoral Counselors" and District "Professional Counselors," when acting as such, are not considered to be a campus security officers and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics.

A Pastoral Counselor is a person 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.

A Professional Counselor is an employee of a college whose official responsibilities include providing psychological counseling to members of a college's community and who is functioning within the scope of his/her license or certification.

## ASSISTANCE FOR VICTIMS OF SEXUAL ASSAULT

The Marin Community College District Police Department is committed to ensuring that students, employees, and other persons who have been sexually assaulted are provided treatment, medical, and counseling assistance and information, and that they are treated with sensitivity, dignity and confidentiality. Every effort is made to ensure that our educational environment promotes and assists prompt reporting of sexual assaults and provides compassionate support services for survivors. Prompt reporting of sexual assaults is encouraged. Sexual assault includes, but is not necessarily limited to, acts or attempted acts of rape, forced sodomy, forced oral copulation, rape by foreign object, sexual battery, and acquaintance/ date rape.

College of Marin provides confidential and trained assistance to individuals reporting a sexual assault. Primary assistance is provided through Sexual Assault Prevention training, Marin Community College District's Health Center and Counseling Services at Marin Community College District's Student Services. The Health Center and Counseling Services offer both immediate and ongoing response to students, including confidential crisis counseling and assistance and advocacy with the initial medical evaluation, criminal and civil procedures, and academic issues. Marin Community College District's Health Center also provides general medical care for students who report being sexually assaulted. However referrals are made for these students to the appropriate agencies equipped to handle the ramifications of sexual assault /battery, STD testing, and pregnancy testing.

The student may request changes in her or his academic schedule or in that of an alleged assailant, after the student has made a report of an assault, and the district shall grant any reasonable request for such change.

## SEXUAL ASSAULT

Any sexual assault or physical abuse, including, but not limited to, rape, domestic violence, dating violence, sexual assault, or stalking as defined by California law, whether committed by an employee, student, or member of the public, occurring on District property in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District facilities at another location, 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 Board Policies and Administrative Procedures and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. (Also see AP 5500 titled Standards of Student Conduct)

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

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

**"Domestic violence"** includes felony or misdemeanor crimes of violence committed by:

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

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

**"Affirmative consent"** means affirmative, conscious, and voluntary agreement to engage in sexual activity. If affirmative consent is withdrawn, the sexual activity must immediately stop.

It is the responsibility of each person involved in sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent. Consent must be given without coercion, provocation, force, threats or intimidation. Consent cannot be given when a person is incapacitated or when his or her understanding is affected by a mental or physical impairment.

These written procedures and protocols are designed to ensure that victims of domestic violence, dating violence, sexual assault, or stalking receive treatment and information. (For physical assaults/violence, also see AP 3500 titled Campus Safety, AP 3510 titled Workplace Violence Plan, and AP 3515 titled Reporting of Crimes).

## REPORTING THE SEXUAL ASSAULT

If you are sexually assaulted:

- Get to a safe place as soon as possible. Your immediate safety is first!
- Call Marin Community College District Police 415-485-9696 or 9-1-1.
- If the crime occurred in another police jurisdiction the Marin Community College District Police will help facilitate contact with the law enforcement agency that has

jurisdiction where the crime occurred. Contacting police does not require that you pursue prosecution.

- Preserve physical evidence. Do not wash, use the toilet, eat, smoke, drink, or change clothing if at all possible. If you do change clothes, place all clothing you were wearing when the assault occurred in a paper bag. Keep all voicemails, emails, texts or other types of communication between you and the attacker.
- Get medical attention immediately. This will determine and treat any physical injuries you might have sustained during the assault; determine the risk of sexually transmitted diseases or pregnancy and provide preventative treatment options; and gather evidence that could aid in criminal prosecution of the perpetrator.
- Call a sexual assault advocate (Community Violence Solutions 1-800-670-7273) or a friend, family member, or someone you trust for support.

### **REMEMBER: Sexual assault is never your fault!**

The College of Marin strongly encourages all members of the campus community who believe they are victims of sexual assault to immediately report the incident to the Marin Community College District Police Department or the police agency of jurisdiction where the crime occurred. Timely reporting to the police is an important factor in successful investigation and prosecution of sexual assault cases. Victims are not required to pursue prosecution just because they report the crime to a police agency. The reporting of sexual assault to the police agency may prevent others from being victims and safeguard your rights for future prosecution.

Marin Community College District Police Officers have received specific training to thoroughly investigate these types of crimes and officers provide assistance to victims of sexual assault to include facilitating medical and counseling services, evidence collection, explaining options for a forensic exam, contacting Community Violence Solutions 1-800-670-7273 sexual assault advocate to assist and accompany you during any forensic exam, and referrals to numerous on and off campus resources for support and assistance.

Reasons to report the crime to police include:

- Reporting within 72 hours of the assault will allow for valuable evidence to be collected. The sooner you report, the better the chance of physical evidence being collected and not being diminished or destroyed. Should you want to pursue prosecution, this increases the chances of apprehending and successfully prosecuting the suspect.
- Reporting is empowering. It gives survivors a chance to talk about what has happened and gives them back some of their personal control.
- Reporting the crime will ensure that medical expenses, including a forensic medical exam and costs for emergency care, may be paid by public compensation funds.
- Reporting and prosecuting are essential to sexual assault prevention and the protection of other potential victims by stopping or deterring repeat offenders.
- Reporting attests to the fact that sexual assault really happens, it is never the survivor's fault, and that the survivor's voice is heard and not silenced.
- Reporting can help support the case of another survivor who has previously reported a crime committed by the same perpetrator. The information you provide might be just enough evidence to help close another survivor's case and help them get justice.

Victims in Marin County who do not wish to contact police or are undecided are strongly encouraged to call and speak with a sexual assault advocate from Community Violence

Solutions as soon as possible. Community Violence Solutions maintains a 24 hour crisis line, 1-800-670-7273, and advocates will maintain confidentiality for the victim, explain options available, and provide resource referrals, and emotional support.

If the crime occurs outside of Marin County victims may also call the 24-hour National Sexual Assault Hotline, operated by RAINN, at 1-800-656-4673. You will be automatically connected to the closest rape crisis center. Rape crisis centers are on call 24-hours a day waiting to help you.

All faculty and staff, (other than Pastoral and Professional counseling staff) MUST report all incidents of sexual assault that occur on campus, at District sanctioned events, or on any property owned or utilized by College of Marin, to the Title IX Coordinator/Kristina Combs in the Human Resources Title IX at 415-485-9340.

## IF YOU BECOME A VICTIM OF SEXUAL ASSAULT

All students, faculty members, or staff members who allege they are the victims of a domestic violence, dating violence, sexual assault, or stalking on District property shall be provided with information regarding options and assistance available to them. Information shall be available from The Executive Director of Human Resources, who shall maintain the identity and other information about alleged sexual assault victims as confidential unless and until the Executive Director of Human Resources is authorized to release such information. Situations that fall under the auspices of mandated reporting shall be addressed according to appropriate laws and regulations. In instances involving District employees, District Police shall work with Human Resources as appropriate.

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

- A copy of the Board Policy (BP) and Administrative Procedure (AP) regarding domestic violence, dating violence, sexual assault, or stalking.
- A list of personnel on campus who should be notified and procedures for such notification, if the alleged victim consents. (Executive Director of Human Resources)
- Information about the importance of preserving evidence and the identification and location of witnesses;
- Available services, and the person(s) on campus available to provide those services if requested. Services and those responsible for providing or arranging them include:
  - transportation to a hospital if necessary via emergency services - 911 or District police;
  - counseling provided by the District's psychologist in the Counseling department;
  - referral to *Community Violence Solutions* (for sexual assault) and *Center for Domestic Peace* (domestic violence issues) for off campus resources;
  - a list of other appropriate campus and off-campus resources and referrals into the community (available via publication and website).
- The victim's option to:
  - notify proper law enforcement authorities, including District and local police;
  - be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and
  - decline to notify such authorities;

- o the rights of the victims and the institution's responsibilities regarding orders of protection, no contact orders, or similar lawful orders issued by a court;
  - o information about how the District will protect the confidentiality of victims; and
  - o Written notification of victims about options for, and available assistance in, changing academic, living, transportation, and working situations. If requested and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to District police or local law enforcement
- A description of each of the following procedures:
  - o criminal prosecution;
  - o civil prosecution (i.e., lawsuit);
  - o District disciplinary procedures, both student and employee;
  - o modification of class schedules;
  - o tutoring, if necessary.

Persons who believe that they are victims of sexual assault, including witnesses thereto, that do not wish to report the information to Marin Community College District Police but wish to report the information to a College of Marin employee may report and discuss the matter with one of the following District employees:

- Executive Director of Human Resources, Title IX Coordinator Kristina Combs, at 415-485-9340
- A College of Marin Psychologist in Counseling and Psychological Services at 415-485-9649
- Student Health Center Professional Staff (a doctor or nurse) at 415-485-9458

Counseling and referrals through Counseling and Psychological Services are available to students at no cost. The staff consists of licensed psychologists and doctoral-level interns. Counseling sessions are considered privileged and the holder of the privilege is the client. If a client does not want a police report taken, then counselors will not talk to police or make a client file a report. The psychologists do not disclose information to police without the consent of the client, unless there is an immediate threat to safety.

Medical care and services through the Student Health Center are available for College of Marin students at no cost/minimal cost and the staff consists of licensed nurses and doctors. While hospital personnel and medical professionals in the Student Health Center are required to notify police whenever they provide treatment for injuries resulting from a violent crime to include sexual assault (CA Penal Code 11166), it does not require that the patient file a police report or proceed with prosecution. Additionally, medical records and your treatment are confidential and will not be released to police without your written consent.

The Executive Director of Human Resources should be available to provide assistance to the District law enforcement unit employees regarding how to respond appropriately to reports of sexual violence.

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

All alleged victims of domestic violence, dating violence, sexual assault, or stalking on District property shall be kept informed, through the Executive Director of Human Resources of any ongoing investigation. Information shall include the status of any student or employee disciplinary proceedings or appeal; alleged victims of domestic violence, dating violence,

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

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

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

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

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

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

The District shall maintain the identity of any alleged victim witness, or third-party reporter of domestic violence, dating violence, sexual assault, or stalking on District property, as defined above, in confidence unless the alleged victim witness, or third-party reporter specifically waives that right to confidentiality. All inquiries from reporters or other media representatives about alleged domestic violence, dating violence, sexual assaults, or stalking on District property shall be referred to the Superintendent/President's office, which shall work with the Executive Director of Human Resources and District Police to assure that all confidentiality rights are maintained.

### On-Campus Support Resources

Marin Community College District Police Department	(415) 485-9696
Student Health Services	(415) 485-9458
Vice President of Student Services / Student Learning	(415) 485-9618
Executive Director of Human Resources	(415) 485-9340
Dean Of Student Success	(415) 485-9431
Counseling and Psychological Services	(415) 485-9649

### Marin County Law Enforcement Agencies

Marin Community College District Police Department	(415) 485-9696
Belvedere Police Department	(415) 435-3266
California Highway Patrol	(415) 924-1100
Central Marin Police Authority	(415) 927-5150
Fairfax Police Department	(415) 453-5330
Marin County Sheriff's Department	(415) 499-7250
Mill Valley Police Department	(415) 389-4100
Novato Police Department	(415) 897-4361
Ross Police Department	(415) 453-1453
San Rafael Police Department	(415) 485-3000
Sausalito Police Department	(415) 289-4170
Tiburon Police Department	(415) 789-2801

### Emergency Shelters

Center For Domestic Peace (English) (24 Hour)	(415) 924-6616
Center For Domestic Peace (Spanish) (24 Hour)	(415) 924-3456
Community Violence Solutions Rape Crisis Counseling	(415) 259-2850
Community Violence Solutions Crisis Hotline	(800) 670-7273
National 24-Hour Domestic Violence Hotline	(800) 799-7233

### Emergency Intervention

Marin Suicide Prevention Crisis Hotline	(415) 499-1100
Marin Mental Health Crisis Unit	(415) 499-6666
Children and Family Services (24 Hours)	(415) 473-7153

### Health and Mental Services

Women's Health Services	(415) 448-1500
Kaiser Permanente	(800) 464-4000
Marin Community Clinic (San Rafael)	(415) 448-1500
Family Service Agency	(415) 491-5700
Family Service Agency Grief Counseling	(415) 499-1195
Planned Parenthood (Mill Valley)	(415) 380-8797
Huckleberry House Teen/Parent Crisis Hotline (24 Hour)	(415) 621-2929

Family Works	(415) 492-0720
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### Alcohol and Drug Services

Al-Anon and Alateen (San Rafael)	(415) 455-4723
Alcoholics Anonymous	(415) 499-0400
Center Point	(415) 456-6655
Marin Treatment Center (PACE)	(415) 457-3755

### Legal Services

Legal Aid of Marin	(415) 492-0230
Family and Children's Law Center	(415) 492-9230
Legal Self Help Center of Marin	(415) 492-1111
District Attorney / Victim-Witness	(415) 499-6450
Child Support Services	(415) 507-4068

### Housing Services

Homeward Bound of Marin	(415) 382-3363
Mill Street Center (Adults Only)	(415) 457-9561
Gilead House	(415) 895-5575
Fair Housing of Marin	(415) 457-5025
Marin Housing Authority	(415) 485-2908

### LGBTQI Community

Spectrum Community Services	(415) 472-1945
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### Batterer Intervention Programs

Mankind 24-Hour Hotline	(415) 924-6616
Womankind	(415) 526-2552

### Immigrant Victims Services

Canal Alliance	(415) 454-2640
Canal Welcome Center	(415) 526-2486

### Senior Adult Services

Ombudsman / Elder Abuse	(800) 231-4024
Adult Protective Services	(415) 507-2774

Senior Citizen Legal Services (M-Th: 10-4)	(415) 492-0920
Hospice by the Bay (Marin)	(415) 927-2273

## LEGAL OPTIONS

Any person who has been sexually assaulted has several legal options: criminal prosecution against the assailant; and/or civil prosecution against the assailant; and/or the College District disciplinary procedure if the assailant is an employee or student.

## CRIMINAL PROSECUTION

Notification or reporting to the police agency having jurisdiction over the location where the crime or attempted crime occurred begins the criminal prosecution. If the crime occurs off campus or District properties, the District Police Department can facilitate contact for the sexual assault survivor with the appropriate law enforcement agency and/or provide information as to how to contact them.

All law enforcement agencies have trained police officers who will facilitate medical and counseling services, referrals, evidence collection, and information. You will be interviewed at a location of your choice and will be allowed or offered an advocate(s) to accompany you during all aspects of the investigation. Under California law, a sexual assault survivor's name, and any identifying information can't be released without the survivor's written consent. The protection of the survivor's name and any identifying information will be of the highest priority. A survivor's decision to prosecute does not necessarily have to be made during initial contact with officers and the survivor's decision determines officers' subsequent investigation protocol. Police Officers have legal authority to arrest the assailant as appropriate and to forward the case to the District Attorney's Office for criminal prosecution upon completion of the investigation. District Police will also help ensure the survivor of sexual assault has an advocate from the court, the department, community agencies, and/or friends or family of their choosing to support them through the criminal prosecution process if the survivor decides to prosecute the assailant.

## CIVIL PROSECUTION

Survivors of sexual assault can consult an attorney about initiating a suit in civil court against their assailant for damages. The purpose of a civil suit is to compensate the survivor for the wrong done to them. A civil action can be brought against the assailant regardless of the decision to criminally prosecute.

## COLLEGE DISTRICT DISCIPLINARY PROCEDURE

If the crime occurs on campus or any District property and the assailant is a student, in addition to criminal and civil action, campus administrative action may be initiated through the Office of the Dean of Students. The District may sanction/discipline a student charged with sexual assault, which may include, but is not limited to: probation, counseling, suspension or expulsion.

If the assailant is a faculty or staff member, besides criminal and civil action, they may be subject to disciplinary action under applicable human resources and employment policies or collective bargaining agreements. Report suspected employee misconduct to the Executive Director of Human Resources/ Title IX Coordinator.

A survivor may request a change in academic arraignments after a sexual assault. The District will make every effort to accommodate such requests if the changes are reasonably available. Contact the Dean of Students office for additional information.

The District is committed to providing disciplinary proceedings that are supportive, sensitive, expedient, and respectful to each individual's rights. Both the accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding, and both must be informed of the outcome of any institutional disciplinary proceeding alleging a sex offense.

## PUBLIC INFORMATION ABOUT REGISTERED SEX OFFENDERS ON CAMPUS

Information about certain designated persons required to register in California as sex offenders is available to students, staff, faculty, and the public by viewing the California Department of Justice's Internet web site at <http://www.meganslaw.ca.gov/>. There are additional sex offenders in California that are not included on this site, but are known to law enforcement. Detailed personal profile information on individual registrants may be obtained by using a sex offender's specific name, Zip Code, or City/County listings. Additionally, the map application may be used to search individual neighborhoods throughout California to determine the specific location of any of those registrants on whom the law allows the Department of Justice to display a home address. The Internet web site does not list sex offender information specifically by a college or university name or zip code where a sex offender may work, attend, reside, or volunteer.

The College of Marin may have persons enrolled, employed, residing, carrying on a vocation, transient and located upon college properties, or volunteering on District facilities who have been convicted of certain sex crimes that require them to register their status as a sex offender in the State of California with the law enforcement agency having jurisdiction over where they reside and additionally with the Marin Community College District Police. In limited circumstances, and in compliance with Federal and State law, Marin County Law Enforcement Protocols, and college policies, the Marin Community College District Police may disclose the identity of a sex offender to the college community and/or to specified individuals within the college.

## DRUG AND ALCOHOL ABUSE

The District is committed to providing its employees and students with a drug and alcohol free workplace and campus environment. It emphasizes prevention and intervention through education.

- Employees will be referred to programs and services by the Human Resources Department.

- Students will be referred to programs and services by Student Health Services and/or Counseling.

The District prohibits the unlawful possession, use, sale, or distribution of illicit drugs and alcohol by students and employees on the District's property or as part of any of the District's activities, including but not limited to field trips, activities or workshops.

State and federal law prohibits the unlawful manufacture, distribution, dispensing, possession, or use of alcohol or any controlled substance on District property, during District-sponsored field trips, activities or workshops, and in any facility or vehicle operated by the District.

Drug or alcohol counseling, treatment, or rehabilitation or re-entry programs or referrals are available to employees or students. The district provides confidential referrals through an ANTHEM Blue Cross Employee Assistance Program (EAP) for employees and their families needing assistance with drug or alcohol abuse. Please contact Kristina Combs, Executive Director, Human Resources for more information at 1-415-457-8811 or call ANTHEM at 1-800-999-7222 or visit anthemEAP.com.

## WEAPONS ON CAMPUS

Firearms, knives, explosives, or other dangerous objects, including but not limited to any facsimile firearm, knife, or explosive, are prohibited on all District property.

Activities involving firearms or other weapons conducted under the direction of District officials or as authorized by an official law enforcement agency shall be reported to the District Police before taking place.

Any person who believes that he/she may properly possess a firearm or other weapon on District property or other facility of the District must promptly notify the District Police.

Bringing or possessing any dirk, dagger, ice pick, or knife having a fixed blade longer than 2 1/2 inches upon District property, unless the person is authorized to possess such a weapon in the course of his/her employment, has been authorized by a District employee to have the knife, or is a duly appointed peace officer, who is engaged in the performance of his/her duties, is prohibited on any District campus or at any District Center, or in any facility of the District.

## PERSONAL SAFETY & CRIME PREVENTION

Marin Community College District provided comprehensive outreach and program efforts that included in person presentations from District Police Officers, Student Health Center professionals and representatives from community based organizations to hundreds of students, staff and community members in 2014.

### Personal Safety and Crime Prevention Presentations

Event	Available To	When	Description
Safety and Awareness International Student Orientation	Students and Staff	Fall 2015	General personal safety and crime prevention

Personal Safety and Sexual Assault Awareness	Students, Staff and Community	Summer 2015	President Open Safety Forum, Offered at both campuses. Topics were specifically aimed at Sexual Assault prevention
Safety Forum	Students, Staff and Community	Winter 2015	Drug and Alcohol Prevention, General Safety, Crime Prevention, Sexual Assault Awareness.

## RESPONSIBILITIES OF THE COLLEGE COMMUNITY FOR PERSONAL SAFETY, THEFT, & CRIME PREVENTION

Members of the College of Marin Community must take responsibility for their own personal safety and safety of their personal property as they do day to day away from the college. Members of the community are strongly encouraged to:

- Promptly report all crimes and suspicious persons or activity to the Marin Community College District Police
- Always be aware of your personal safety and your surroundings
- Keep all valuables with you or leave them at home
- Never leave your property unattended and lock bicycles and doors and windows to your car, office
- Get to know people and new friends in public places. Do not invite people that you do not know into your home or go someplace in their car with them. If you only know their first name or "met them on the Internet" consider them a stranger.
- Walk on well-traveled pathways and in well-lit and populated areas. Walk with friends or groups when possible
- Call Marin Community College District Police for a safety escort if you feel afraid or need to walk in isolated areas or at times when areas are unpopulated or closed.
- Engrave owner identification numbers onto electronics and items of value and keep a list of serial numbers and description of property and provide it to police in the event your property is stolen.
- Always double check your doors and windows to ensure they are completely closed and locked before you leave your vehicle.
- Use the Internet wisely and never send money or provide personal identifying information, credit card information, or bank information to someone you do not know or to a company or person you did not initiate contact with on your own (such as Airlines, Department Stores, Amazon, etc.).

## GENERAL BIKE THEFT PREVENTION MEASURES:

- Use a combo or flat key U-lock. Most cable locks can and are easily cut.
- For extra theft prevention use a U-lock and cable lock together especially to lock front and back wheels.
- All bikes are prone to theft but the newer and more expensive a bike, the more of a target it will be.

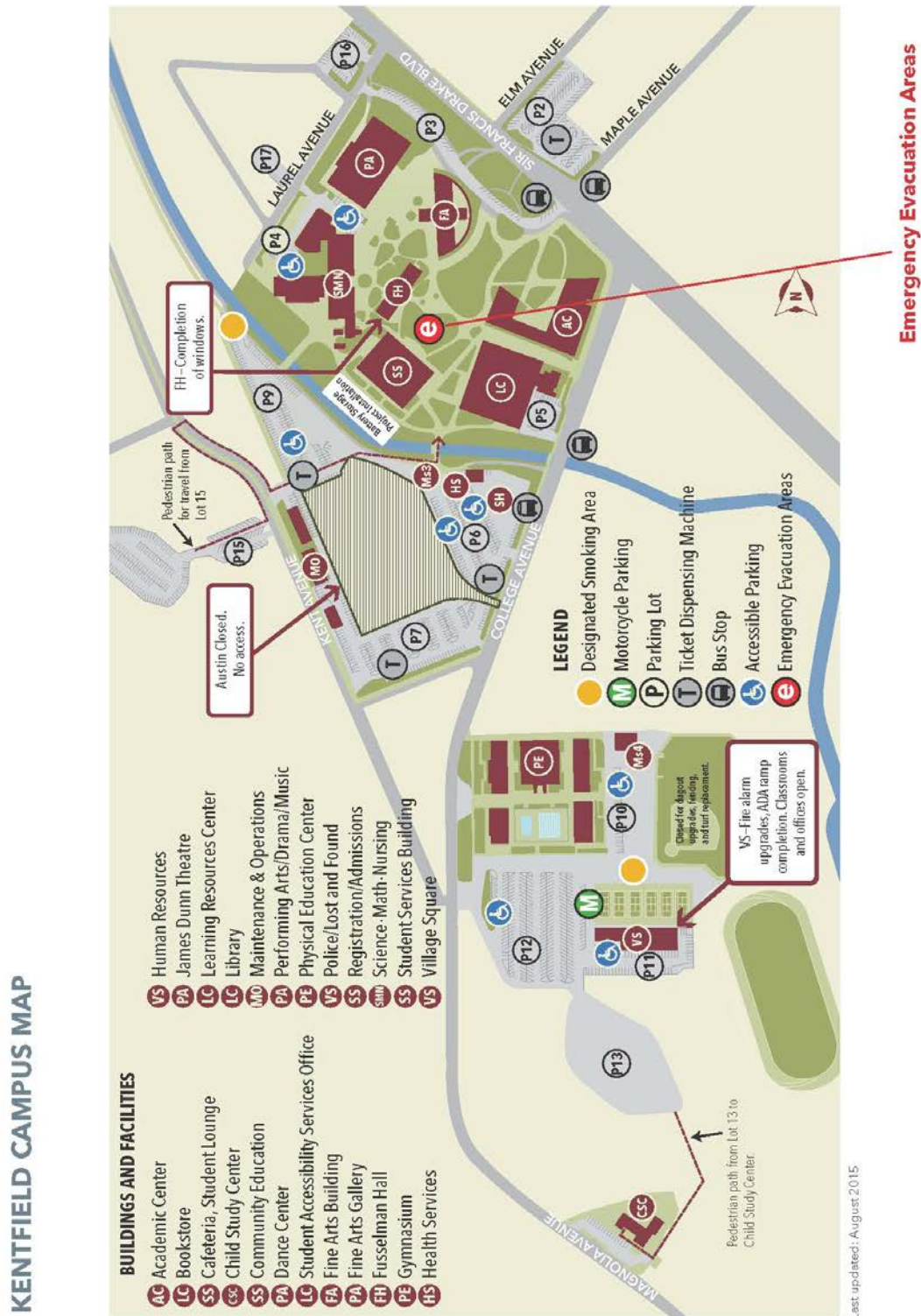
- Always lock your bike when left outside, even if you are going to run into a building for only a few seconds.
- Lock your bike properly to a bike rack in a high visible / high traffic area. Thieves prefer secluded areas.
- Make sure to put your lock through a closed part of your bike frame. Wheels can easily be taken off a bike.
- Lock your wheels as well as your frame. It is harder to take a back wheel off so if you can only lock one wheel, make it your front wheel.
- Avoid leaving your bike locked outside for extended periods of time when you are not using it regularly or when away on vacation.

## EMERGENCY NOTIFICATION, RESPONSE, AND EVACUATION PROCEDURES

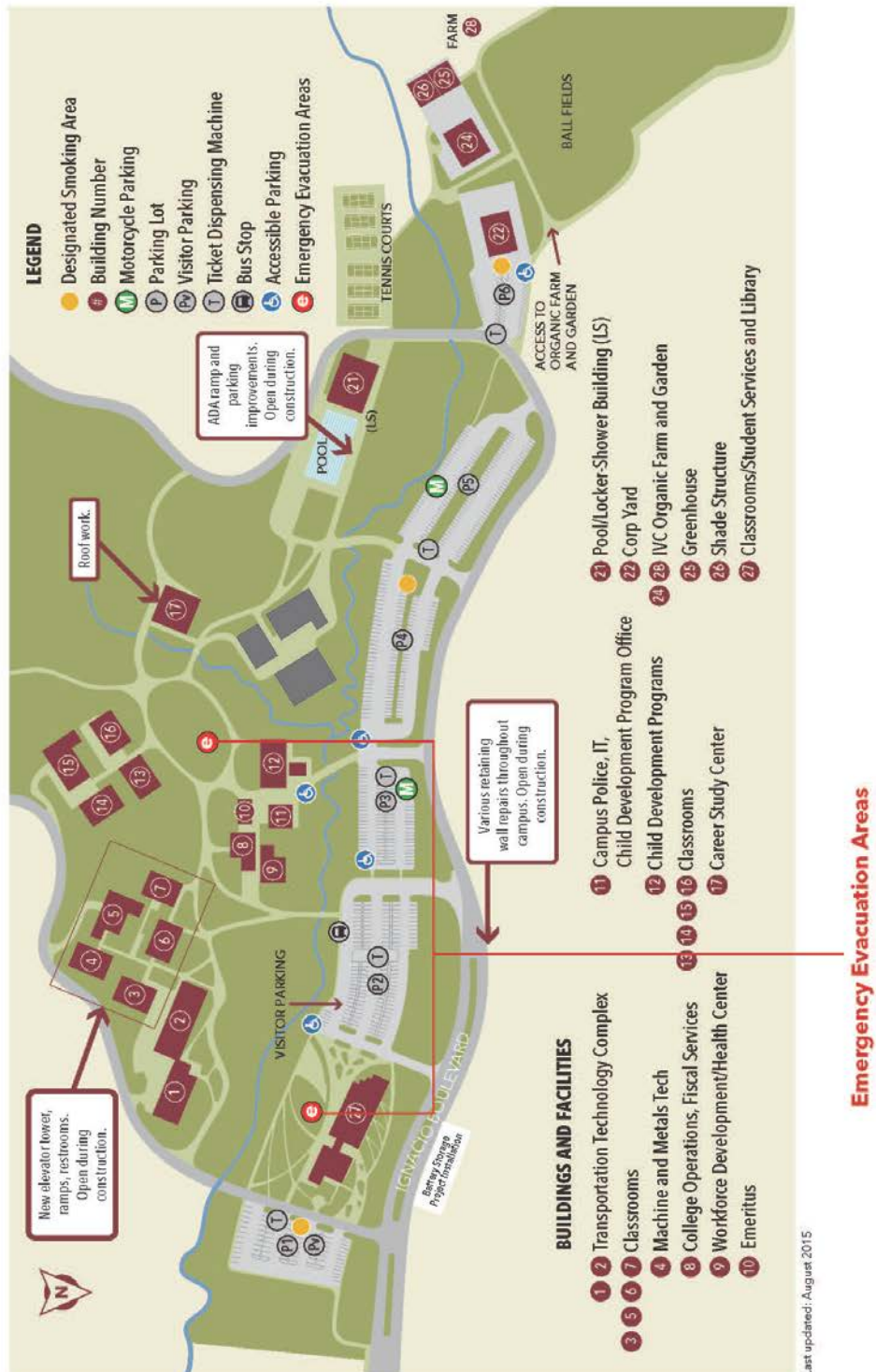
It is our practice, in matters where there is an in-progress significant emergency or dangerous incident that poses an immediate threat to the members of the College of Marin community, such as an earthquake, active shooter, structure fire, hazardous materials leak, or similar major incident, the college will use some or all of the various communication systems in place to quickly communicate information to community members. These communication methods include any of the following methods: PA systems in emergency vehicles, bullhorns, District-wide e-mails, District website, and emergency voice and text messages that could be sent to a cell phone through the emergency notification system, and through the College of Marin telephone system. Marin Community College District will, take into account the safety of the community, determine the content of the notification and initiate the notification system, unless the notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

When a report of a significant emergency or dangerous incident is reported to Marin Community College District Police, an initial response to the location will be done by police personnel. Once on scene, Marin Community College District Police will relay facts through police radio communication through dispatch and the police chain of command will be notified. Once the Chief of Police or designee is notified of the event and the facts occurring, the Chief of Police or designee will consult with the Superintendent/President, Vice President for Operations or any other emergency personnel that are specific to the type of incident, such as a Fire Official in the event of a fire, or an Environmental Health and Safety Official in the event of a chemical spill, to determine if there is a significant emergency that poses an immediate threat to the members of the college community. If one or more of the individuals listed is not reachable or unavailable, the remaining individual(s) will proceed with the determination. If it is determined that a significant emergency exists, the individual(s) will determine who to notify, determine the content of the notification, and initiate the notification system. Marin Community College District Police and Marin Community College District Operations are the responsible organizations for carrying out this process.

# KENTFIELD EVACUATION PLAN



## INDIAN VALLEY CAMPUS MAP



## CAMPUS NOTIFICATION BY COM CONNECT

College of Marin has implemented COM Connect to stay connected with students and faculty and provide them with information in the event of an emergency.

COM Connect is a mass notification systems that enables Marin Community College District Officials to reach students and faculty with personalized messages to create a more connected community and enhancing safety and preparedness.

In case of an emergency, Marin Community College District can use COM Connect to provide critical updates before, during and after an incident.

The Office of the Superintendent/President, Vice President of Operations, Chief of Police and Police Sergeant can communicate to the campus through each individual's preferred mode, including:

- 1. Voice
- 2. Text Message
- 3. Email
- 4. TTY/TDD devices (for the hearing impaired)
- 5. Posts to RSS feeds, Facebook, and Twitter

Please contact the Marin Community College District Police Department with any questions.

Marin Community College District Police Department 835 College Avenue Kentfield, CA 94904  
415-485-9455

## REFERENCE - BOARD POLICIES AND ADMINISTRATIVE PROCEDURES

## BP 7600 DISTRICT POLICE

References: Education Code Sections 72330 et seq.; Government Coded Sections 3300 et seq.

The Board of Trustees has established a police department under the supervision of the Chief of Police. The purpose of the department is to enforce the law on or near the campuses and other grounds or properties owned, operated, controlled, or administered by the District or by the state acting on behalf of the District.

District police officers shall be employed as members of the classified service but shall, when duly sworn, be peace officers as defined by law. Prior to employment, they shall satisfy the training requirements set out in Penal Code Sections 830 et seq. Minimum qualifications of employment for the Chief of Police shall be established including, but not limited to, prior employment as a peace officer or completion of a peace officer training course approved by the Commission on Peace Officers' Standards and Training.

Every member of the District Police Department first employed by the District before July 1, 1999 must satisfy the requirements of state law regarding qualifications for continued employment.

Every member of the District Police Department shall be issued a suitable identification card and badge bearing the words "College of Marin Police."

The Chief of Police, in cooperation with appropriate District officials, shall issue such other regulations as may be necessary for the administration of the District Police Department.

## AP 7600 DISTRICT POLICE

References: Education Code Sections 67381, 72330, and 72330.2; Government Code Sections 1031 and 3300 et seq.

The Chief Human Resources Officer is delegated the responsibility to establish minimum qualifications of employment for the District Chief of Police including but not limited to the conditions contained in BP 7600 titled District Police.

Every member of the District Police Department must meet the following requirements, including but not limited to:

- Submission of one copy of his/her fingerprints which shall be forwarded to the Federal Bureau of Investigation and State of California.
- A determination that the employee is not a person prohibited from employment by a California community college district, and
- If the employee is required to carry a firearm, is not a person prohibited from possessing a firearm.

The Chief of Police shall issue such other regulations as may be necessary for the administration of the District Police Department:

- Schedules and shifts
- Call back procedures
- Weapons practices, especially drawing weapons

- Use of vehicles
- Pursuit practices
- Discipline procedures
- Training

The District Police Department shall cooperate with local law enforcement in accordance with an agreement to be entered into in accordance with the requirements of Education Code Section 67381. The agreement shall address, but not be limited to, the following:

- Operational responsibilities for investigations of the following violent crimes: willful homicide, forcible rape, robbery, aggravated assault
- Geographical boundaries of the operational responsibilities
- Mutual aid procedures

Office of Primary Responsibility: College Operations (District Police Department) and Human Resources

## **AP 3501 FACILITY ACCESS AND SECURITY**

Reference: 34 Code of Federal Regulations Part 668.46(b)(3)

During business hours, the District will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours access to all District facilities is by key, if issued, or by admittance via the District Police. In the case of periods of extended closing, the District will admit only those with prior written approval to all facilities.

Emergencies may necessitate changes or alterations to any posted schedules. Areas that are revealed as problematic will have regular periodic security surveys. The Chief Business Officer and administrators from other concerned areas review these results. These surveys examine security issues such as landscaping, locks, alarms, lighting, and communications. Additionally, during the academic year, the Director of Facilities Planning, Maintenance & Operations and District Chief of Police shall meet to discuss campus security and access issues of pressing concern.

Office of Primary Responsibility: District Police Department

## **BP 3520 LOCAL LAW ENFORCEMENT**

Reference: Education Code Section 67381

Each campus or center of the District shall enter into a written agreement with local law enforcement agencies. The agreement shall clarify operational responsibilities for investigations of Part I violent crimes, defined by law as willful homicide, forcible rape, robbery, and aggravated assault, occurring at each location.

The written agreement shall designate which law enforcement agency shall have operational responsibility for violent crimes and delineate the specific geographical boundaries of each agency's operational responsibility, including maps as necessary.

The written agreements required by this policy shall be public records and shall be made available for inspection by members of the public upon request.

## AP 3520 LOCAL LAW ENFORCEMENT

References: Education Code Section 67381; 34 Code of Federal Regulations Part 668.46

In order to comply with the Kristin Smart Campus Safety Act of 1998, the District, on behalf of each campus or center, has a written agreement with local law enforcement agencies. The agreement clarifies operational responsibilities for investigations of Part I violent crimes, defined by law as willful homicide, forcible rape, robbery, and aggravated assault, occurring at each location.

The written agreement designates which law enforcement agency has operational responsibility for violent crimes and delineates the specific geographical boundaries of each agency's operational responsibility, including maps as necessary.

The written agreements required by the Board Policy are public records and are made available for inspection by members of the public upon request to College Operations.

The District Police Department maintains a close working relationship with the Marin County Sheriff's Department, the Novato Police Department, the Twin Cities Police Authority. The District Police Department occasionally works with other law enforcement agencies within the County of Marin. Meetings may be held between the leaders of these agencies on both a formal and informal basis. The District Police Department and the law enforcement agencies within the County of Marin communicate regularly on the scene of incidents that occur in and around the campus area. When incidents arise that require joint investigative efforts, resources, crime related reports and exchanges of information, the District Police Department will work closely with the law enforcement agencies within the County of Marin. There are written memoranda of understanding between the District's Police Department and the Marin County Sheriff's Department, the Novato Police Department, the Twin Cities Police Authority.

In response to a call, the District Police Department will take the required action, dispatching an officer or asking the victim to file an incident report. Upon request, report summaries taken by the District Police Department are forwarded to the requesting District official for review and potential action.

Crimes should be reported to the District Police Department to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community, when appropriate.

Community members, students, faculty, staff, and campus visitors are encouraged to report all crimes and public safety related incidents to the District Police Department in a timely manner. To report a crime or an emergency, call 911 and/or the District Police Department at 415-485-9696. To report a non-emergency security or public safety related matter, call the District Police Department at 415-485- 9455.

The District Police Department has complete police authority to apprehend and arrest anyone involved in illegal acts on-campus and areas immediately adjacent to the campus. If minor offenses involving District rules and regulations are committed by a student, the District Police may also refer the individual to the Chief Student Services Officer. Major offenses such as rape, murder, aggravated assault, robbery, and auto theft are reported to the local law enforcement and the District Police Department and local law enforcement work together to solve these

serious felony crimes. The District Police personnel work closely with local, state, and federal police agencies. The District Police Department is also a part of the local 911 Emergency System. Through coordination with local law enforcement agencies, any criminal activity engaged in by students at off-campus locations of student organizations, is monitored and recorded. This information is provided to the Chief Student Services Officer for any action or follow-up that may be required.

Campus "Pastoral Counselors" and Campus "Professional Counselors," when acting as such, are not considered to be a campus security officers and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics.

A Pastoral Counselor is a person 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.

A Professional Counselor is an employee of a District whose official responsibilities include providing psychological counseling to members of the District's community and who is functioning within the scope of his/her license or certification.

Office of Primary Responsibility: College Operations

Date Approved: February 17, 2009

Date Revised: August 21, 2012

## **BP 3515 REPORTING OF CRIMES**

Reference: Education Code Section 67380

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

Office of Primary Responsibility: College Operations

## **AP 3515 REPORTING OF CRIMES**

References: Education Code Sections 212 and 87014; Penal Code Sections 245 and 11160; Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998; 20 U.S. Code Section 1232g; 34 Code of Federal Regulations Part 668.46; 34 Code of Federal Regulations Part 99.31(a)(13), (14); Campus Security Act of 1990

Members of the Marin Community College District who are witnesses or victims of a crime should immediately report the crime to District Police.

In the event an employee is assaulted, attacked, or menaced by a student, the employee should notify the District Police and shall notify his/her supervisor as soon as practical after the incident. The supervisor of any employee who is attacked, assaulted, or menaced shall assist

the employee to promptly report the attack or assault to the District Police if the employee has not done so already. The supervisor himself/herself shall make the report if the employee is unable or unwilling to do so. Reporting a complaint to local law enforcement will not relieve the District of its obligation to investigate all complaints of harassment.

The District will instruct members of the District Police Department to notify students and employees complaining of sexual violence of their right to file a sex discrimination complaint with the District in addition to filing a criminal complaint, and to report incidents of sexual violence to Chief Human Resources Officer if the complainant consents.

The District shall publish warnings to the campus community about the following crimes:

- Criminal homicide - murder and non-negligent manslaughter;
- Criminal homicide - negligent manslaughter;
- Sex offenses - forcible and non-forcible sex offenses;
- Domestic violence, dating violence and stalking
- Robbery;
- Aggravated assault;
- Burglary;
- Motor vehicle theft;
- Arson;
- Arrests for liquor law violations, drug law violations, and illegal weapons possession;
- Persons who were not arrested for liquor law violations, drug law violations, and illegal weapons possession, but who were referred for campus disciplinary action for same;
- Crimes that manifest evidence that the victim was intentionally selected because of the victim's actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability and involve larceny-theft, simple assault, intimidation, destruction/damage/vandalism of property, or any other crime involving bodily injury;
- Those reported to the District Police; and
- Those that are considered to represent a continuing threat to other students and employees.

In the event that a situation arises, either on or off campus, that, in the judgment of the District Police Chief, constitutes an ongoing or continuing threat, a campus wide "timely warning" will be issued. The warning will be issued through the District notification system(s) to students, faculty, staff and the campus' student newspaper. The information shall be disseminated by District Police in a manner that aids the prevention of similar crimes.

Depending on the particular circumstances of the crime, especially in all situations that could pose an immediate threat to the community and individuals, the District Police Chief may also post a notice on the campus-wide electronic bulletin board on the District's web site at: [www.marin.edu](http://www.marin.edu), providing the community with more immediate notification. The electronic bulletin board is immediately accessible via computer by all faculty, staff, and students. Anyone with information warranting a timely warning should report the circumstances to the

District Police Department, by phone at 911 or in person at the District Police Department Headquarters at 835 College Avenue, Kentfield, CA.

The District shall not be required to provide a timely warning with respect to crimes reported to a pastoral or professional counselor. The Clery Act defines pastoral counselor as a person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor. The definition of a professional counselor is a person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of his/her license or certification. This definition applies even to professional counselors who are not employees of the institution, but are under contract to provide counseling at the institution. To be exempt from disclosing reported offenses, pastoral or professional counselors must be acting in the role of pastoral or professional counselors. This means that a dean of students who has a professional counselor's license, but is employed by the institution only as a dean and not as a counselor, is not exempt from reporting.

If there is an immediate threat to the health or safety of students or employees occurring on campus, the District shall follow its emergency notification procedures.

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

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

The District will also provide perspective students and employees with a copy of the Annual Security Report upon request. A copy of the Annual Security Report can be obtained by contacting the District Police Department located at 835 College Avenue, Kentfield, CA 94904.

#### To Report a Crime:

Contact the District Police Department at 415-485-9696 (non-emergencies) and dial 911 (emergencies only). Any suspicious activity or person seen in the parking lots or loitering around vehicles or inside buildings should be reported to the District Police Department. In addition, individuals may report a crime to the following areas:

- Chief Student Services Officer
- 415-485-9618
- Chief Counseling Officer
- 415-485-9432
- Chief Student Health Officer
- 415-485-9462
- Chief Human Resources Officer
- 415-485-9331

If the individual is the victim of a crime and does not want to pursue action within the District's System or the criminal justice system, the individual may still want to consider making a confidential report. With the individual's permission, the District Police Department can file a report on the details of the incident without revealing his/her identity. The purpose of a confidential report is to comply with the individual's wish to keep the matter confidential, while taking steps to ensure the future safety of himself/herself and others. With such information, the District can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the institution.

The District Police Department encourages anyone who is the victim or witness to any crime to promptly report the incident to the police. Because police reports are public records under state law, the District Police Department cannot hold reports of crime in confidence. Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can generally be made to other campus security authorities as identified below. Confidential reports of crime may also be made to Chief Human Resources Officer at 415-485-9331.

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

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

Office of Primary Responsibility: College Operations

Date Approved: February 17, 2009

Date Revised: May 21, 2013

## **AP 3516 REGISTERED SEX OFFENDER INFORMATION**

References: Education Code Section 87405; Penal Code Sections 290, 290.01, and 290.95; 34 Code of Federal Regulations Section 668; Campus Sex Crimes Prevention Act 42 U.S. Code Section 14071j; 20 U.S. Code Section 1092(f)(1)(I); 20 U.S. Code Section 1232g(b)(7)(A)

The District shall include in its Annual Security Report a statement advising the campus community where information pertaining to registered sex offenders may be obtained.

Sex offenders are required to register with the police in the jurisdiction in which they reside and at institutions of higher learning if they are students there or if they work there as employees, contractors, or volunteers. A sex offender who is an employee or volunteer in the District must disclose his or her status as a registrant upon his or her application or acceptance of the position if he or she 1) would be working directly and in an unaccompanied setting with minor children on more than an incidental and occasional basis or have supervision or disciplinary power over minor children or 2) would be working directly and in an accompanied setting with minor children and his or her work would require touching minor children on more than an incidental basis.

Sex offenders who may be required to register should do so at the District Police Department located at 835 College Avenue, Kentfield, CA 94904

Information concerning registered sex offenders can be obtained from the District Police Department located at 835 College Avenue, Kentfield, CA 94904

The District's Police Department shall not release information regarding a sex offender, unless the person seeking the information has signed a statement, on a form provided by the Department of Justice, stating that he or she is not a registered sex offender, that he or she understands the purpose of the release of information is to allow members of the campus community to protect themselves and their children from sex offenders, and that he or she understands it is unlawful to use the information received to commit a crime against any registered sex offender or to engage in illegal discrimination or harassment of a registered sex offender. The department will maintain the signed statement in its records for a period of five years.

The District's Police Department will release the following information regarding a registered sex offender:

- full name
- known aliases
- gender
- race
- physical description
- photograph
- date of birth
- crimes resulting in registration and
- The date of last registration or reregistration

Office of Primary Responsibility: College Operations

Date Approved: February 17, 2009

## **BP 3540 SEXUAL AND OTHER ASSAULTS ON CAMPUS**

References: Education Code Sections 67382, 67385, 67385.7, and 67386 20 US. Code Section 1092(f) (Jeanne Clery Act); 34 Code of Federal Regulations Section 668.46(b)(11) (Institutional Security Policies and Crime Statistics)

Any sexual assault or physical abuse, including, but not limited to, rape, as defined by California law, whether committed by an employee, student or member of the public, that occurs on District property, is a violation of District policies and procedures, and is subject to

all applicable punishment, including criminal procedures, employee discipline as provided in applicable Board policy and collective bargaining agreements, or student discipline procedures. Students, faculty, and staff who may be victims of sexual and other assaults shall be treated with dignity and provided comprehensive assistance.

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

The procedures shall meet the criteria contained in Education Code Sections 67385, and 67385.7, and 67386, and 34 Code of Federal Regulations Section 668.46.

## **AP 3540 SEXUAL AND OTHER ASSAULTS ON CAMPUS**

References: Education Code Sections 67385, 67385.7, and 67386; 20 U.S. Code Section 1092(f) (Jeanne Clery Act); 34 Code of Federal Regulations Section 668.46(b)(11) (Institutional Security Policies and Crime Statistics)

Any sexual assault or physical abuse, including, but not limited to, rape, domestic violence, dating violence, sexual assault, or stalking as defined by California law, whether committed by an employee, student, or member of the public, occurring on District property in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District 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 Board policies and administrative procedures and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. (Also see AP 5500 titled Standards of Student Conduct)

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

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

"Domestic violence" includes felony or misdemeanor crimes of violence committed by:

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

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

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

dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent. Consent must be given without coercion, provocation, force, threats or intimidation. Consent cannot be given when a person is incapacitated or when his or her understanding is affected by a mental or physical impairment.

"Affirmative consent" means affirmative, conscious, and voluntary agreement to engage in sexual activity. If affirmative consent is withdrawn, the sexual activity must immediately stop.

These written procedures and protocols are designed to ensure that victims of domestic violence, dating violence, sexual assault, or stalking receive treatment and information. (For physical assaults/violence, also see AP 3500 titled Campus Safety, AP 3510 titled Workplace Violence Plan, and AP 3515 titled Reporting of Crimes).

All students, faculty members, or staff members who allege they are the victims of a domestic violence, dating violence, sexual assault, or stalking on District property shall be provided with information regarding options and assistance available to them. Information shall be available from The Executive Director of Human Resources, who shall maintain the identity and other information about alleged sexual assault victims as confidential unless and until the Executive Director of Human Resources is authorized to release such information. Situations that fall under the auspices of mandated reporting shall be addressed according to appropriate laws and regulations. In instances involving District employees, District Police shall work with Human Resources as appropriate.

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

- A copy of the Board policy (BP) and administrative procedure (AP) regarding domestic violence, dating violence, sexual assault, or stalking.
- A list of personnel on campus who should be notified and procedures for such notification, if the alleged victim consents. (Executive Director of Human Resources)
- Information about the importance of preserving evidence and the identification and location of witnesses;
- Available services, and the persons on campus available to provide those services if requested. Services and those responsible for providing or arranging them include:
  - transportation to a hospital if necessary via emergency services - 911 or college police;
  - counseling provided by the college's psychologist in the Counseling department;
  - referral to *Community Violence Solutions* (for sexual assault) and *Center for Domestic Peace* (domestic violence issues) for off campus resources;
  - a list of other appropriate campus and off-campus resources and referrals into the community (available via publication and website).
- The victim's 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 victim so chooses; and
  - decline to notify such authorities;
  - the rights of the victims and the institution's responsibilities regarding orders of protection, no contact orders, or similar lawful orders issued by a court;

- information about how the District will protect the confidentiality of victims; and
  - Written notification of victims about options for, and available assistance in, changing academic, living, transportation, and working situations. If requested and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement
- A description of each of the following procedures:
  - criminal prosecution;
  - civil prosecution (i.e., lawsuit);
  - District disciplinary procedures, both student and employee;
  - modification of class schedules;
  - tutoring, if necessary.

The Executive Director of Human Resources should be available to provide assistance to the District law enforcement unit employees regarding how to respond appropriately to reports of sexual violence.

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

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

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

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

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

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

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

The District shall maintain the identity of any alleged victim witness, or third-party reporter of domestic violence, dating violence, sexual assault, or stalking on District property, as defined above, in confidence unless the alleged victim witness, or third-party reporter specifically waives that right to confidentiality. All inquiries from reporters or other media representatives about alleged domestic violence, dating violence, sexual assaults, or stalking on District property shall be referred to the Superintendent/President's office, which shall work with the Executive Director of Human Resources and District Police to assure that all confidentiality rights are maintained.

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

- A description of educational programs to promote the awareness of rape, acquaintance rape, other forcible and non-forcible sex offenses, domestic violence, dating violence, or stalking;
- Procedures to follow if a domestic violence, dating violence, sex offense, or stalking occurs, including who should be contacted, the importance of preserving evidence to prove a criminal offense, and to whom the alleged offense should be reported;
- Information on a student's option right to notify appropriate law enforcement authorities, including on-campus and local police, and a statement that campus personnel will assist the student in notifying these authorities, if the student so requests, and the right to decline to notify these authorities;
- Information about how the District will protect the confidentiality of victims. including how publicly-available recordkeeping will be accomplished without the includes of identifying information about the victim, to the extent permissible by law;
- Information for students about existing on- and off-campus counseling, mental health, victim advocacy, legal assistance or other student services for victims;
- Written notification to victims about options for, and available assistance in changing academic, living, transportation, and working situations, if requested, and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus policy or local law enforcement.
- Procedures for campus disciplinary action in cases of an alleged domestic violence, dating violence, sexual assault offense, or stalking including a clear statement that:
  - Such proceedings shall provide a prompt, fair, and impartial resolution;
  - Such proceedings shall be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
  - The accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding; and
  - Both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding resulting from an alleged domestic violence, dating violence, sexual assault, or stalking, the procedures for the accused and victim to appeal the results of the disciplinary proceeding, of any 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 domestic violence, dating violence, sex offense, sexual assault, or stalking and any sanction that is imposed against the accused.

- A description of the sanctions the campus may impose following a final determination by a campus disciplinary proceeding regarding rape, acquaintance rape, other forcible or non-forcible sex offenses, domestic violence, dating violence, or stalking.

#### Education and Prevention Information

The designated positions shall:

- Provide as part of the Kentfield and Indian Valley campus' established on-campus orientation program, education and prevention information about domestic violence, dating violence, sexual assault and stalking. The information shall be developed in collaboration with campus-based and community based victim advocacy organizations, and shall include the District's sexual assault policy and prevention strategies including empowerment education and information programs on victim prevention, primary prevention, bystander intervention, risk reduction and awareness raising campaigns.
- Post sexual violence prevention and education information on the campus internet website and the Student Handbook (Education Code Section 67385.7) regarding domestic violence, dating violence, sexual assault and stalking.

Offices designated for providing information:

Human Resources – Overall charge and staff education

College Operations (Campus Police) – Clery Act

Student Services (Student Activities) – student education

Also see BP and AP 3430 Prohibition of Harassment; AP 3500 titled Campus Safety, AP 3510 titled Workplace Violence Plan, and AP 3515 Reporting of Crimes

Office of Primary Responsibility: College Operations (Campus Police) – Clery Act

Human Resources – Title IX

Vice President, Student Services – Student

## **BP 3550 DRUG AND ALCOHOL FREE ENVIRONMENT AND DRUG PREVENTION PROGRAM**

References: 20 U.S. Code Section 1145g (Drug Free Schools and Communities Act); 41 U.S. Code Section 702 (Drug Free Workplace Act of 1988); 34 Code of Federal Regulations Sections 86.1 et seq.; Business and Professions Code Section 25608

The District shall be free from the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees.

The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in all facilities under the control and use of the District.

Any student or employee who violates this policy will be subject to disciplinary action, which may include referral to an appropriate rehabilitation program, suspension, demotion, expulsion, or dismissal.

The Superintendent/President shall assure that the District distributes annually to each student the information required by the Drug Free Schools and Communities Act Amendments of 1989 and complies with other requirements of the Act.

See BP/AP 3560 titled Alcohol on Campus

Date Adopted: December 14, 2010

(Replaces College of Marin Policy 5.0035)

Marin Community College District Policy BP 3560

General Institution

## **BP 3560 ALCOHOLIC BEVERAGES**

Reference: Business and Professions Code Section 25608

The Superintendent/President is authorized to enact procedures as appropriate and permitted by law regarding serving alcoholic beverages on campus or at fund-raising events held to benefit non-profit corporations. Alcoholic beverages shall not be served on campus except in accordance with these procedures.

Also see BP/AP 3550 titled Drug and Alcohol Free Environment and Drug Prevention Program

Date Adopted: July 19, 2011

## **BP 3570 SMOKE FREE LEARNING AND WORKING ENVIRONMENT**

References: Government Code Sections 7596, 7597, and 7598; Labor Code Section 6404.5; Education Code Sections 70902 and 76033(e); Penal Code Sections 602 and 853.6; Vehicle Code Section 4000.1; Marin County Ordinance 3464

The Board recognizes the relationship between smoking and various health risks, including lung disease, cancer and heart disease. Furthermore, a strong link between environmental tobacco smoke or "secondhand smoke" and health risks has also been demonstrated.

Therefore, the Board prohibits smoking by all employees, students, and visitors at all times on any District property EXCEPT in Designated Smoking Areas. District property refers to any and all buildings, parking lots, District vehicles, as well as property on the Kentfield Campus, the Indian Valley Campus, and the Bolinas Marine Lab property.

The term smoking in this policy refers to cigarette, cigar, pipe, or other means of smoking.

Also see AP 3570 titled Smoke Free Learning and Working Environment

Office of Primary Responsibility: College Operations

Date Adopted: January 20, 2009

(Replaces College of Marin Policy 8.006)

Date Revised: July 19, 2011

## **BP 3530 WEAPONS ON CAMPUS**

Reference: Penal Code Section 626.7

Firearms or other weapons shall be prohibited on District property or in any facility of the District except for activities conducted under the direction of District officials or as authorized by an official law enforcement agency.

## **AP 3530 WEAPONS ON CAMPUS**

Reference: Penal Code Section 626.7

Firearms, knives, explosives, or other dangerous objects, including but not limited to any facsimile firearm, knife, or explosive, are prohibited on all District property.

Activities involving firearms or other weapons conducted under the direction of District officials or as authorized by an official law enforcement agency shall be reported to the District Police before taking place.

Any person who believes that he or she may properly possess a firearm or other weapon on District property or other facility of the District must promptly notify the District Police. Bringing or possessing any dirk, dagger, ice pick, or knife having a fixed blade longer than 2 1/2 inches upon District property, unless the person is authorized to possess such a weapon in the course of his or her employment, has been authorized by a District employee to have the knife, or is a duly appointed peace officer, who is engaged in the performance of his or her duties.

Office of Primary Responsibility: College Operations

## **BP 3510 WORKPLACE VIOLENCE PLAN**

References: 8 Cal. Code Regs. Section 3203; "Workplace Violence Safety Act of 1994" (Code of Civil Procedure Section 527.8 and Penal Code Sections 273.6 and 12021) Cal/OSHA: Labor Code Sections 6300 et seq.;

The Board of Trustees is committed to providing a District work and learning environment that is free of violence and the threat of violence. The Board's priority is the effective handling of critical workplace violence incidents, including those dealing with actual or potential violence.

The Superintendent/President shall establish administrative procedures that assure that employees are informed regarding what actions will be considered violent acts, and requiring any employee who is the victim of any violent conduct in the workplace, or is a witness to violent conduct to report the incident, and that employees are informed that there will be no retaliation for such reporting.

## **AP 3510 WORKPLACE VIOLENCE PLAN**

References: Cal/OSHA - Labor Code Sections 6300 et seq.; Title 8 Section 3203; Code of Civil Procedure Section 527.8; Penal Code Sections 273.6, 626.9, 626.10, and 12021

Responding to Threats of Violence

The top priority in this process is to immediately respond and address critical workplace incidents, especially those dealing with actual or potential violence.

Violence or the threat of violence against or by any employee of the District or any other person is unacceptable.

Should a non-employee on District property demonstrate or threaten violent behavior, he/she may be subject to criminal prosecution.

Should an employee, during working hours, demonstrate or threaten violent behavior he/she may be subject to disciplinary action and/or criminal prosecution.

The following actions are considered violent acts:

- Striking, punching, or assaulting another person
- Fighting or challenging another person to fight
- Engaging in dangerous, threatening, or unwanted horseplay
- Possession, use, or threat of use, of a firearm, knife, explosive, or other dangerous object, including but not limited to any facsimile firearm, knife, or explosive, on District property, including parking lots, other exterior premises, District vehicles, or while engaged in activities for the District in other locations, unless such possession or use is a requirement of the job
- Threatening harm or harming another person, or any other action or conduct that implies the threat of bodily harm
- Bringing or possessing any dirk, dagger, ice pick, or knife having a fixed blade longer than 2½ inches upon the grounds, unless the person is authorized to possess such a weapon in the course of his/her employment, has been authorized by a District employee to have the knife, or is a duly appointed peace officer who is engaged in the performance of his/her duties

Any employee who is the victim of any violent threatening or harassing conduct, any witness to such conduct, or anyone receiving a report of such conduct, whether the perpetrator is a District employee or a non-employee, shall immediately report the incident to the District Police Department, Human Resources, and his/her supervisor.

No person, acting in good faith, who initiates a complaint or reports an incident under this policy will be subject to retaliation or harassment.

Any employee reported to be a perpetrator shall be afforded due process before disciplinary action is taken.

In the event the District fears for the safety of the perpetrator or the safety of others at the scene of the violent act, the District Police and/or appropriate law enforcement personnel will be called.

Offices of Primary Responsibility: Human Resources

College Operations (District Police Department)

## **BP 3430 PROHIBITION OF HARASSMENT**

References: Education Code Sections 200, 212.5, 44100, 66252, and 66281.5; Government Code Sections 12920 and 12950.1; Title VII of the Civil Rights Act of 1964, 42 U.S.C.A. Section 2000e

All forms of harassment are contrary to basic standards of conduct between individuals and are prohibited by state and federal law, as well as this policy, and will not be tolerated. The District is committed to providing an academic and work environment that respects the dignity of individuals and groups. The District shall be free of sexual harassment and all forms of sexual intimidation and exploitation. It shall also be free of other unlawful harassment, including that which is based on any of the following statuses: race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation of any person, or because he or she is perceived to have one or more of the foregoing characteristics.

The District seeks to foster an environment in which all employees and students feel free to report incidents of harassment without fear of retaliation or reprisal. Therefore, the District also strictly prohibits retaliation against any individual for filing a complaint of harassment or for participating in a harassment investigation. Such conduct is illegal and constitutes a violation of this policy. All allegations of retaliation will be swiftly and thoroughly investigated. If the District determines that retaliation has occurred, it will take all reasonable steps within its power to stop such conduct. Individuals who engage in retaliatory conduct are subject to disciplinary action, up to and including termination or expulsion.

Any student or employee who believes that he or she has been harassed or retaliated against in violation of this policy should immediately report such incidents by following the procedures described in AP 3435 titled Discrimination and Harassment Investigations. Supervisors are mandated to report all incidents of harassment and retaliation that come to their attention.

This policy applies to all aspects of the academic environment, including but not limited to classroom conditions, grades, academic standing, employment opportunities, scholarships, recommendations, disciplinary actions, and participation in any community college activity. In addition, this policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, training opportunities, and compensation.

To this end, the Superintendent/President shall ensure that the institution undertakes education and training activities to counter discrimination and to prevent, minimize, and/or eliminate any hostile environment that impairs access to equal education opportunity or impacts the terms and conditions of employment.

The Superintendent/President shall establish procedures that define harassment on campus. The Superintendent/President shall further establish procedures for employees, students, and other members of the campus community that provide for the investigation and resolution of complaints regarding harassment and discrimination and procedures for students to resolve complaints of harassment and discrimination. All participants are protected from retaliatory acts by the District, its employees, students, and agents. This policy and related written procedures shall be widely published and publicized to administrators, faculty, staff, and students, particularly when they are new to the institution. They shall be available for students and employees in all administrative offices.

Employees who violate the policy and procedures may be subject to disciplinary action up to and including termination. Students who violate this policy and related procedures may be subject to disciplinary measures up to and including expulsion.

## AP 3430 PROHIBITION OF HARASSMENT

References: Education Code Sections 212.5, 44100, and 66281.5; Title 5 Sections 59320 et seq.; Title IX, Education Amendments of 1972; Title VII of the Civil Rights Act of 1964, 42 U.S.C.A. Section 2000e

The District is committed to providing an academic and work environment free of unlawful harassment.

This procedure defines sexual harassment and other forms of harassment on campus, and sets forth a procedure for the investigation and resolution of complaints of harassment by or against any staff or faculty member or student within the District.

### Definitions

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

**Verbal:** Inappropriate or offensive remarks, slurs, jokes or innuendoes based on a person's race, gender, sexual orientation, or other protected status. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status, or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats, or intimidation; or sexist, patronizing, or ridiculing statements that convey derogatory attitudes based on gender, race, nationality, sexual orientation, or other protected status.

**Physical:** Inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling, or sexual gestures.

It also includes any physical assault or intimidation directed at an individual due to that person's gender, race, national origin, sexual orientation, or other protected status.

**Visual or Written:** The display or circulation of visual or written material that degrades an individual or group based on gender, race, nationality, sexual orientation, or other protected status. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics, or electronic media transmissions.

**Environmental:** A hostile academic or work environment exists where it is permeated by sexual innuendo; insults or abusive comments directed at an individual or group based on gender, race, nationality, sexual orientation, or other protected status; or gratuitous comments regarding gender, race, sexual orientation, or other protected status that are not relevant to the subject matter of the class or activities on the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements in the classroom or work environment. It can also be created by an unwarranted focus on, or stereotyping of, particular racial or ethnic groups, sexual orientations, genders, or other protected statuses. An

environment may also be hostile toward anyone who merely witnesses unlawful harassment in his or her immediate surroundings, although the conduct is directed at others. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's learning or work.

**Sexual Harassment:** In addition to the above, sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other conduct of a sexual nature when:

- submission to the conduct is made a term or condition of an individual's employment, academic status, or progress
- submission to, or rejection of, the conduct by the individual is used as a basis of employment or academic decisions affecting the individual
- the conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment
- submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the community college

This definition encompasses two kinds of sexual harassment:

"Quid pro quo" sexual harassment occurs when a person in a position of authority makes educational or employment benefits conditional upon an individual's willingness to engage in or tolerate unwanted sexual conduct.

"Hostile environment" sexual harassment occurs when unwelcome conduct based on a person's gender is sufficiently severe or pervasive so as to alter the conditions of an individual's learning or work environment, unreasonably interfere with an individual's academic or work performance, or create an intimidating, hostile, or abusive learning or work environment. The victim must subjectively perceive the environment as hostile, and the harassment must be such that a reasonable person of the same gender would perceive the environment as hostile.

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

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

- Verbal: Inappropriate or offensive remarks, slurs, jokes, or innuendoes based on a person's protected status, including but not limited to sex. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status, or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats, or intimidation of a sexual nature; or sexist, patronizing, or ridiculing statements that convey derogatory attitudes about a particular gender.
- Physical: Inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to, kissing, patting, lingering or intimate

touches, grabbing, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling, or sexual gestures.

- Visual or Written: The display or circulation of offensive sexually oriented or other discriminatory visual or written material. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics, or electronic media transmissions.
- Environmental: An academic or work environment that is permeated with racially or sexually-oriented talk, innuendo, insults, or abuse not relevant to the subject matter of the class or activities on the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements in the classroom or work environment. An environment may be hostile if unwelcome sexual behavior or other harassing behavior based on a protected status is directed specifically at an individual or if the individual merely witnesses unlawful harassment in his or her immediate surroundings. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's learning or work.

#### Consensual Relationships

Romantic or sexual relationships between supervisors and employees, or between administrators, faculty or staff members and students are discouraged. There is an inherent imbalance of power and potential for exploitation in such relationships. A conflict of interest may arise if the administrator, faculty, or staff member must evaluate the student's or employee's work or make decisions affecting the employee or student. The relationship may create an appearance of impropriety and lead to charges of favoritism by other students or employees. A consensual sexual relationship may change, with the result that sexual conduct that was once welcome becomes unwelcome and harassing. In the event that such relationships do occur, the District has the authority to transfer any involved employee to eliminate or attenuate the supervisory authority of one over the other, or of a teacher over a student. Such action by the District is a proactive and preventive measure to avoid possible charges of harassment and does not constitute discipline against any affected employee.

#### Academic Freedom

To the extent the harassment policies and procedures are in conflict with the District's policy on academic freedom, the harassment policies and procedures shall prevail. If the faculty member wishes to use sexually explicit materials in the classroom as a teaching technique, the faculty member must review that use with an administrator to determine whether or not this violates the sexual harassment policy.

Office of Primary Responsibility: Human Resources.

Date Approved: November 6, 2008

## BP 3500 EMERGENCY PREPAREDNESS

Reference: Education Code Section 67380(a)(4)

The Board of Trustees is committed to a safe and secure District work and learning environment. To that end, the Superintendent/President shall establish a District Safety Plan with minimum disruption to the educational program and ensure that it is posted or otherwise

made available to students. The District Safety Plan shall include availability and location of security personnel, methods for summoning assistance of District Police, any special safeguards that have been established, any actions taken in the preceding 18 months to increase safety, and any changes in safety precautions to be made during the next 24 months.

The Superintendent/President and/or designee is authorized to close District facilities, including the campuses, delay the opening of the campuses, or dismiss classes early for emergency reasons and to protect the health and safety of the campus community.

The Superintendent/President shall develop procedures for responding to District emergencies and shall ensure that:

- o District employees maintain a standard of care for supervision, control and protection of students commensurate with assigned duties and responsibilities.
- o District employees immediately report to the Superintendent/President or designee an accident or a safety hazard.
- o Students are not required to perform work or services which may be detrimental to their health.

## AP 3500 CAMPUS SAFETY

References: Education Code Section 212, 67380, and 87014; Penal Code Section 245 and 422.55; 20 U.S. Code Sections 1232(g) and 1292(f); 34 Code of Federal Regulations Section 668.46; 34 Code of Federal Regulations Sections 99.31(a)(13) and (14); Campus Security Act of 1990

A District Safety Plan shall be developed and is provided to students and District employees via publications and the District's website.

The District Police Department prepares and annually updates a report of all occurrences reported to campus police of and arrests for crimes that are committed on campus and that involve violence, hate violence, theft or destruction of property, illegal drugs, or alcohol intoxication, and of all occurrences of non-criminal acts of hate violence reported to campus authorities. Upon request, a written report will be submitted to the Board of Trustees.

Written records of non-criminal acts of hate violence shall include at least a description of the act of hate violence, the victim characteristics, and offender characteristics, if known.

For purposes of reporting under the Clery Act, "hate crimes" include domestic violence, dating violence, and stalking.

### Definitions

Prevention activities increase awareness and minimize the potential for crisis in the workplace. Training is essential for all staff to learn how to recognize early warning signs, so that appropriate intervention can be provided for identified areas of conflict in the workplace.

Crisis or conflict constitutes any inappropriate or unreasonable disruption that interferes with the normal functioning of your work.

Acts of violence include any physical action, whether intentional or reckless, that harms or threatens the safety of self, another individual, or property.

A threat of violence includes any behavior that by its very nature could be interpreted by a reasonable person as intent to cause physical harm to self, another individual, or property.

Workplace includes off-campus locations as well as District-sponsored activities where faculty, staff, or student employees are engaged in District business or locations where incidents occur as a result of the person's relationship to the District community.

Education Code Section 67380 defines "hate violence" as: "any act of intimidation or physical harassment, physical force or physical violence, or the threat of physical force or physical violence, that is directed against any person or group of persons or the property of any person or group of persons because of ethnicity, race, national origin, sex, sexual orientation, gender identity, gender expression, disability, or political or religious beliefs of that person or group." Section 67380 requires reporting of both occurrences to Campus Police of, and arrests for, crimes that involve hate violence (Section 67380(a)(1)(A) and of "non-criminal acts of hate violence" (Education Code Section 67380(a)(1)(B)).

#### Crisis and Conflict Intervention

Any employee experiencing an unsafe work condition should immediately contact his/her supervisor or the Human Resources Office. The supervisor shall immediately notify the Human Resources Office about any acts or threats of violence or intimidation. The employee will be provided consultation regarding resources available to resolve the unsafe work condition.

It is the responsibility of all employees to immediately report threats, acts of violence, intimidation, or any other behavior which deliberately hurts or harms another person in the District to their immediate supervisor and District Police Department. Such reports will be promptly and thoroughly investigated.

#### Crisis Intervention Team

The Crisis Intervention Team is established to provide regular training and advice to individuals and departments. Training activities may include, but not be limited to, skill development in conflict resolution, communication, anger management, and early identification of any threat to personal safety.

Team advising activities may include individual consultations, peer mediation, conflict resolution services, and referral to outside sources.

Immediately upon notification of an act of violence or threat of violence or intimidation involving an employee, the team member notified will initiate Crisis Intervention Team procedures as stated below.

In the event of an act or threat of violence or intimidation, the team will investigate the incident and forward the results of the completed investigation to the Human Resources Office for consideration. Law enforcement will take appropriate action if the incident involves injuries or criminal activity.

The team will coordinate available resources to provide intervention, consultation, or referral which may include arranging for counselors to work with victims and observers of the incident.

#### Restraining Orders/Court Orders

An employee shall notify law enforcement of any restraining orders/court orders when named as a plaintiff and provide a copy of the order to District Police Department. In the event the supervisor is informed by an employee of a restraining order, the supervisor will contact District

Police Department to ensure they are aware of it and that they have a copy of the restraining order on file.

Office of Primary Responsibility: College Operations

## BP 3505 EMERGENCY OPERATIONS PLAN

References: Education Code Sections 32280 et seq. and 71095; Government Code Sections 3100 and 8607(a); 19 California Code of Regulations (CCR) Sections 2400-2450; National Fire Protection Association 1600; Homeland Security Act of 2002; Homeland Security Presidential Directive-5; Executive Order S-2-05; 34 Code of Federal Regulations Part 668.46(g)

The District shall have emergency response and evacuation procedures for notifying the campus community in the event of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.

The Superintendent/President shall establish procedures that ensure that the District implements a plan to be activated in the event of an emergency, or the occurrence of a natural disaster or hazardous condition. This plan must comply with the National Incident Management System (NIMS), the Standardized Emergency Management System (SEMS) and should incorporate the functions and principles of the Incident Command System (ICS), the Master Mutual Aid Agreement (MMAA) and any other relevant programs. The plan must incorporate NIMS and SEMS to facilitate the coordination between and among agencies in the event of an emergency or natural disaster.

Compliance with NIMS and SEMS mandates include but are not limited to:

- Establishing disaster preparedness procedures or a plan and
- Completion of training sessions by college personnel in compliance with NIMS and SEMS guidelines
  - Training requirements vary based on job titles or assigned roles within the emergency management plan

District 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.

The Superintendent/ President should ensure that a team is created to carry out compliance with NIMS and SEMS mandates. The responses to emergencies or natural disasters are organized by SEMS into five categories: field response, local government, operational areas, regions, and state.

The plan should contain information regarding activation and chain of command responsibilities. Compliance with NIMS mandates requires planning and incorporation for all phases of emergency management including mitigation and prevention, preparedness, response, and recovery. The District must ensure that its disaster plan is updated regularly and must comply with NIMS and SEMS to receive state or federal funding.

## AP 3505 EMERGENCY OPERATIONS PLAN

References: Education Code Sections 32280 et seq. and 71095; Government Code Sections 3100 et seq., 8558, 8559, 8600, 8605, and 8607(a); Homeland Security Act of 2002; National Fire Protection Association 1600; Homeland Security Presidential Directive-5; Executive Order S-2-05; 19 California Code of Regulations (CCR) Sections 2400-2450; 34 Code of Federal Regulations Part 668.46(b)(13) and (g)

### EMERGENCY RESPONSE AND EVACUATION PROCEDURES

General information about the emergency response and evacuation procedures for the District are publicized each year as part of the District's Clery Act compliance efforts and that information is available on the District web site via the Police Department link.

All members of the campus community are notified on an annual basis that they are required to notify the District Police Department of any incident on campus that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of students and employees on campus. District Police Department has the responsibility of responding to, and summoning the necessary resources, to mitigate, investigate, and document any situation that may cause a significant emergency or dangerous situation. In addition, District Police Department has a responsibility to respond to such incidents to determine if the situation does in fact, pose a threat to the community. If so, federal law requires that the institution immediately notify the campus community or the appropriate segments of the community that may be affected by the situation.

Upon confirmation or verification by the District that a legitimate emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus, the District will determine the content of the message and will use some or all of the systems described below to communicate the threat to the campus community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population. The District will, without delay, take into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: the District Police Department, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

In the event of a serious incident that poses an immediate threat to members of the campus community, the District has various systems in place for communicating information quickly. Some or all of these methods of communication may be activated in the event of an immediate threat to the campus community. These methods of communication include network emails, emergency text messages that can be sent to a cell phone (individuals can sign up for this service on the District web site), public address system in specific buildings, District website. The District will post updates during a critical incident on the District web site at [www.marin.edu](http://www.marin.edu). Individuals can call the District's recorded information telephone line at 415-457-8811 for updates.

The District's Public Information Officer will be responsible for the dissemination of emergency information to the larger community through cell phone alerts to parents/guardians, radio, TV alerts.

### TESTING EMERGENCY RESPONSE AND EVACUATION PROCEDURES

An evacuation drill is coordinated by the District Police Department once per year for campus facilities. Students learn the locations of the emergency exits in the buildings and are provided

guidance about the direction they should travel when exiting each facility for a short-term building evacuation. The District Police Department has established primary evacuation locations in advance. However, these locations may be subject to change due to time of day, location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. The District Police Department and District staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes.

Evacuation drills are monitored by the District Police Department and District administration to evaluate egress and behavioral patterns. Reports are prepared by participating departments which identify deficient equipment so that repairs can be made immediately. Recommendations for improvements are also submitted to the appropriate departments and offices for consideration.

The District conducts numerous announced and unannounced drills and exercises each year and conducts follow-through activities designed for assessment and evaluation of emergency plans and capabilities. District Police Department and District administration coordinate announced and unannounced evacuation drills once per year, as described above, to test the emergency response and evacuation procedures, and to assess and evaluate the emergency evacuation plans and capabilities. For each test conducted, District Chief of Police or Designee will document a description of the exercise, the date, time, and whether it was announced or unannounced. The District will publish a summary of its emergency response and evacuation procedures in conjunction with at least one drill or exercise each calendar year.

In the event of an emergency, natural disaster or the occurrence of a hazardous condition the District must ensure the activation of a plan or procedures to protect and govern employees, students, visitors and children in childcare programs on its campuses and facilities. The District should implement a campus emergency management team to aid in creation and implementation of its emergency procedures or plan.

The District's Emergency Operations Plan should adopt California's Standardized Management System (SEMS) and the National Incident Management System (NIMS). The purpose of SEMS is to provide a standardized response to emergencies involving multiple jurisdictions or multiple agencies. Compliance with requirements includes the use of the basic principles and components of emergency management which include the Incident Command System (ICS), multi-agency or inter-agency coordination, the operational area concept and established mutual aid systems. SEMS and NIMS both utilize ICS. ICS is the combination of facilities, equipment, personnel, procedures, and communications operating within a common organizational structure that is responsible for the management of resources to effectively accomplish the District's stated objectives in response to an incident.

For major incidents NIMS provides a consistent nationwide template to ensure that local, state, and federal agencies work together to prepare for, prevent, respond to, and recover from incidents. The following are criteria and areas that should be included in the District's Emergency Response Plan.

Compliant emergency response plans provide information on preparedness, prevention, response, recovery, and mitigation policies and procedures.

Compliant emergency response plans also provide information on coordinating with the appropriate local, state, and federal government authorities, and nongovernmental entities on comprehensive emergency management and preparedness activities.

## SEMS

Below is information that specifically relates to SEMS and compliance with SEMS. State agencies are required by law to use SEMS. There are five designated levels in the SEMS organization: field response, local government, operational areas, regions, and state. Each level is activated as needed.

- "Field response level" commands emergency response personnel and resources to carry out tactical decisions and activities in direct response to an incident or threat.
- "Local government level" manages and coordinates the overall emergency response and recovery activities within their jurisdiction.
- "Operational area level" manages and/or coordinates information, resources, and priorities among local governments within the operational area and serves as the coordination and communication link between the local government level and the regional level.
- "Regional level" manages and coordinates information and resources among operational areas within the mutual aid region designated pursuant to Government Code Section 8600 and between the operational areas and the state level. This level along with the state level coordinates overall state agency support for emergency response activities.
- "State level" manages state resources in response to the emergency needs of the other levels, manages and coordinates mutual aid among the mutual aid regions and between the regional level and state level, and serves as the coordination and communication link with the federal disaster response system.

The local government level, operational area level, regional level, and the state level shall include the following functions:

- Management,
- Operations,
- Planning/intelligence,
- Logistics, and
- Finance/Administration.

## Training

The District shall determine the appropriate level(s) of SEMS training for each of its employees. This determination is dependent upon the employee's potential assignment during an emergency response situation. The District should ensure that its emergency response personnel can demonstrate and maintain, the minimum SEMS performance objectives, at the appropriate level, is required by the District's training programs.

## Compliance with SEMS

To be compliant with SEMS requirements the District must include the five essential SEMS functions in its Emergency Response Plan. To be in compliance with SEMS, the Emergency Response Plan must at minimum, address the following functions:

- Management,

- Operations,
- Logistics,
- Planning/Intelligence, and
- Finance/Administration.

Local government must use SEMS in order to be eligible for state funding for response-related personnel costs which occur in response to an incident. The District shall use SEMS to coordinate multiple jurisdiction or multiple agency emergency and disaster operations.

In the event that a local emergency occurs and the Governor declares a state of emergency, if the District responds to said emergency, the District shall complete and transmit an after action report to the California Office of Emergency Services (OES) within 90 days of the close of the incident period. The after action report shall at a minimum include a review of the response actions taken, the application of SEMS, the identified training needs, suggested modifications to SEMS, necessary modifications to the SEMS plans and procedures and an up to date recall of the recovery actions.

### NIMS

The District must also be in compliance with the federal requirements for emergency preparedness or NIMS.

The components of NIMS are:

- Command and Management including ICS,
- Preparedness,
- Resource Management,
- Communications and Information Management,
- Supporting Technologies, and
- NIMS Management and Maintenance.

### Compliance with NIMS

To comply with NIMS requirements, the District must ensure that its employees receive the appropriate NIMS training. NIMS compliance is measured by a performance-based "metrics" system. In addition to the training requirements, the District must also comply with state and federal preparedness laws for public institutions.

The District can work with the Disaster Resistant California Community Colleges (DRCCC) program to ensure it's in compliance with state and federal requirements.

### Definitions

The following definitions may be relevant to the implementation of the Emergency Response Plan:

**Emergency:** a condition of disaster or of extreme peril to the safety of persons and property caused by such conditions as air pollution, fire, flood, hazardous material incident, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestations or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake or other conditions, other than conditions resulting from a labor controversy.

Incident: an occurrence or event, either human-caused or by natural phenomena, that requires action by emergency response personnel to prevent or minimize loss of life or damage to property and/or natural resources.

Incident Command System (ICS): the nationally used standardized on-scene emergency management concept specifically designed to allow its user(s) to adopt an integrated organizational structure equal to the complexity and demands of single or multiple incidents without being hindered by jurisdictional boundaries. ICS is the combination of facilities, equipment, personnel, procedures, and communications operating within a common organizational structure, with responsibility for the management of resources to effectively accomplish stated objectives pertinent to an incident.

Office of Primary Responsibility: College Operations

## BP 5500 STANDARDS OF CONDUCT

References: ACCJC Accreditation Standard II.A.7.b; Education Code Sections 48900(q), 66300, 66301, 66450, 67361, 67362, 76033, 76120, 78907, 81600, and 87708; Government Code Sections 995 et seq.; Business and Professions Code Section 4240; Health and Safety Code Sections 11014.5 and 11053; Penal Code Sections 415, 502, and 626.2

The Standards of Conduct governing students shall be implemented in accordance with the requirements for due process of the federal and state law and regulations.

The Standards of Conduct shall identify potential disciplinary actions that may be taken for violations of the standards of conduct described in this policy, including but not limited to the removal, suspension or expulsion of a student.

The Board of Trustees shall consider any recommendation from the Superintendent/President for expulsion. The Board shall consider an expulsion recommendation in closed session unless the student requests that the matter be considered in a public meeting. Final action by the Board on the expulsion shall be taken at a public meeting.

Information on inappropriate student conduct and disciplinary actions shall be made widely available to students through the District catalog and other relevant District publications.

When a student is suspended or expelled for disrupting the orderly operations of a District campus or facility, or both, the student shall be denied access to the campus or facility, or both, for a period of one year or the term of the suspension, whichever is shorter. Sanctions imposed as a result of violations of the student standards of conduct are intended to maintain order within the District.

The Administrative Dean who authorized the sanctions shall give written notice to the student's instructor(s) of the sanctions within 15 days of imposing the sanctions.

The following conduct shall constitute good cause for discipline, including but not limited to removal, suspension or expulsion of a student when the conduct relates to college activity or college attendance.

1. Assault, battery, or attempted assault or battery, or any threat of force or violence upon a student or District personnel.
2. Possession, sale or otherwise furnishing any firearm, dirk, dagger, ice pick, knife, explosive or other dangerous object, including but not limited to any facsimile of the foregoing objects, unless, in the case of possession of any object of this type, the student has obtained written

permission to possess the item from the Chief of Police who has the concurrence of the Superintendent/ President. Possession of a knife does not violate this provision if possession is at the direction of an academic employee for use in a District-sponsored activity or class, for a lawful purpose within the scope of the student's employment with the District, or for lawful use in food preparation or consumption. Also see BP/AP 3530 titled Weapons on Campus

3. Unlawful possession, use, sale, offering to sell, or furnishing, or being under the influence of, any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind; or any poison defined in Business and Professions Code Section 4240, or unlawful possession of, or offering, arranging or negotiating the sale of any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.

4. Committing, or attempting, or being an accomplice to 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 knowingly receiving stolen private property on campus.

7. Willful or persistent smoking in any area where smoking has been prohibited by law or regulation of 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 ethnic group identification, national origin, religion, age, sex or gender, race, color, medical condition, ancestry, sexual orientation, marital status, physical or mental disability, genetic information, or on the basis of one or more of these perceived characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

10. Willful misconduct which results or has the potential to result in injury or death to a student or to District personnel or which results in cutting, defacing, or other damage to any real or personal property owned by the District or on campus. The District may require students who cause damage to replace property or pay the cost of damages.

11. Continued disruptive behavior, continued willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent interruption or abuse of, District personnel.

12. Cheating, plagiarism (including plagiarism in a student publication), or knowingly engaging in other forms of academic dishonesty, including, but not limited to:

a. Copying, in part or whole, from someone else's quiz, examination, or work. For purpose of this item, "examination" includes quizzes, tests, and other graded or evaluated exercise.

b. Submitting work presented previously in another course, if contrary to the rules of either course.

c. Altering or interfering with grading.

d. Using or consulting any sources or materials, including electronic devices, not authorized by the professor during an examination.

e. Committing other acts which defraud or misrepresent one's own academic work.

- f. Incorporating sentences, paragraphs, or parts of another person's writing, without giving appropriate credit, and representing the product as one's own work.
- g. Representing another's artistic/scholarly works (such as musical compositions, computer programs, photographs, paintings, drawings, or sculptures) as one's own.
- h. Submitting an academic assignment purchased from a research/term paper service, or written by another individual; or work obtained electronically (e.g. via the internet) and representing it as own work.
- i. Purposefully allowing another student to copy from your paper during an examination.
- j. Giving your homework, term paper, or other academic work to another student to plagiarize.
- k. Having another person fraudulently submit any work in your name.
- l. Lying to an instructor or District official to improve your grade.
- m. Allowing other persons to misrepresent themselves as the student for any purpose, including interacting with any District employees, submission of work, attendance, or taking examinations.
- n. Misrepresenting circumstances in an effort to improve a grade.
- o. Altering graded work after it has been returned and then submitting the work for regarding without the instructor's permission.
- p. Removing tests or examinations from the classroom or other area without the approval of the instructor.
- q. Stealing or being an accomplice to stealing tests or examinations.
- r. Forging signatures on drop/add slips or altering other District documents.
- 13. Dishonesty; forgery; alteration or misuse of District documents, records or identification; or knowingly furnishing false information to the District.
- 14. Unauthorized possession, duplication, or use of keys to any District premises or unauthorized entry upon or use of District facilities.
- 15. Engaging in expression which is, libelous or slanderous; or which so incites others as to create a clear and present danger of the commission of unlawful acts on District premises or at District sponsored or supervised functions, or the violation of lawful District administrative procedures, or the substantial disruption of the orderly operation of the District.
- 16. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.
- 17. Unauthorized preparation, giving, selling, transferring, distributing, or publishing 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.
- 18. The use by a student of any electronic listening or recording device in any classroom without the prior consent of the instructor, except as necessary to provide reasonable auxiliary aids and academic adjustments or accommodations to a student with a disability.
- 19. Violation of BP/AP 3720 titled Information Technology Use or any conduct that constitutes a computer-related crime pursuant to Penal Code Section 502.

20. The offering of any inducement or item of value to influence the awarding of any grade or to alter any official District record.

21. Solicitation or acceptance of money or other item of value as an inducement, encouragement, or reward for intercollegiate participation in violation of Education Code Section 67361 or false declarations regarding eligibility for participation in intercollegiate athletics under Education Code Section 67362.

22. Accessing and/or disclosing confidential District information, including student records, without authorization. Also see BP/AP 3300 titled Public Records, BP/AP 4231 titled Grade Changes, and BP/AP 5040 titled Student Records.

23. Failure to obey federal, state, and local laws in connection with District attendance or activity.

24. Tampering with the election of any student organization recognized by the District.

25. Hazing defined as a "method of initiation or pre-initiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this subdivision, 'hazing' does not include athletic events or school-sanctioned events." (Education Code Section 48900(q))

26. Abuse of the Student Conduct System, including but not limited to:

- a. Failure to obey the summons of the Student Conduct Hearing Committee or District official.
- b. Falsification, distortion, or misrepresentation of information.
- c. Disruption or interference with the orderly conduct of a judicial proceeding or Student Conduct Hearing Committee.
- d. Attempting to discourage an individual's proper participation in, or use of, the District judicial system.
- e. Attempting to influence the impartiality of a member of a judicial body prior to, and/or during the course of, the judicial proceeding or Student Conduct Hearing Committee.
- f. Failure to comply with the sanctions imposed under the Standards of Conduct and/or Education Code.
- g. Influencing or attempting to influence another person to commit an abuse of the judicial system.

27. Operating bicycles or motorized bicycles, skateboards, roller skates, roller blades, scooters, and other similar devices on any property owned, maintained, or controlled by the District in violation of AP 6850 titled Bicycles, Skateboards, Roller Skates, Roller Blades, Scooters and Other Similar Devices on Campus.

Students who engage in any of the above conduct are subject to the procedures outlined in AP 5520 titled Student Discipline Procedures.

Also see BP/AP 6850 titled Bicycles, Skateboards, Roller Skates, Roller Blades, Scooters and Other Similar Devices on Campus, AP 6520 titled Security for District Property, BP/AP 3410 titled Nondiscrimination, and BP/AP 3900 titled Speech: Time, Place, and Manner

Date Adopted: May 17, 2011

(Replaces College of Marin Policies 4.0020, 4.0022, and 4.0025)

## AP 5520 STUDENT DISCIPLINE AND DUE PROCESS

References: Education Code Sections 66017, 66300, 72122, 76030, 76032 and 76120 et seq.; Penal Code Section 626.4

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

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

### A. Definitions:

1. Class: Any scheduled instructional period held on any day of the week.
2. Day: A day that the District is in session and regular classes are held, excluding Saturdays and Sundays.
3. District: The Marin Community College District.
4. DSAA: The Director of Student Activities & Advocacy or a designee acting in the place of the DSAA.
5. Expulsion: Permanent exclusion of the Student by the Board of Trustees from the District and all District programs.
6. Instructor: Any academic employee of the District in whose class a student subject to discipline is enrolled, or any counselor or librarian who is providing or has provided services to the student, or any other academic employee who has responsibility for the student's educational program.
7. Long-term Suspension: Exclusion of the Student by the VPSL/SS for good cause from one or more classes for 11 or more Days, for the remainder of the school term, or from all classes and activities of the District for one or more terms.
8. Notice: Written notice to the Student from the DSAA of the Student's alleged conduct that is purported to have violated the District's Standards of Student Conduct (BP 5500).
9. President: The Superintendent/President of the Marin Community College District.
10. Removal from class: Exclusion of the Student by an Instructor from his or her class for the day of the removal and the next class meeting.
11. Short-term Suspension: Exclusion of the Student for good cause by the VPSL/SS from one or more classes for a period of up to 10 consecutive Days.
12. Student: The individual currently enrolled as a student in any program offered by the District who is subject to discipline under these procedures.
13. VPSL/SS: Vice President of Student Learning & Student Services.

14. Withdrawal of Consent to Remain on Campus: Withdrawal of consent by the President or the District Chief of Police for any person to remain on campus in accordance with California Penal Code Section 626.4 when the President or the District Chief of Police has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.

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

B. Short-term Suspensions, Long-term Suspensions, and Expulsions: Before any disciplinary action to suspend or expel is taken against a student, the following procedures will apply:

1. Notice: The DSAA will provide the Student with Notice of the alleged misconduct warranting discipline. The District will serve the Notice on the Student by personal delivery or sending copies by certified mail and by email to the Student's postal and email addresses on file. The Notice will include the following:

- a) The specific section(s) of the Standards of Student Conduct that the Student is alleged to have violated;
- b) The alleged Student misconduct that purportedly violated one or more of the Standards of Student Conduct;
- c) The right of the Student to meet with the DSAA or designee to discuss the alleged misconduct, or to respond in writing; and
- d) The nature of the discipline that is being considered.

2. Time limits: The Notice must be provided to the Student within 15 Days of either (1) the date on which the alleged conduct took place or (2) the date on which the District became aware of the alleged conduct. In the case of continuous, repeated, or ongoing conduct, the Notice must be provided within 15 Days of the date on which the conduct occurred that led to the decision to take disciplinary action.

3. Meeting: If the Student chooses to meet with the DSAA, the meeting must occur no sooner than 5 Days after the District sends the Notice to the Student in order to provide the Student with time to prepare for the meeting, unless the Student requests to meet sooner. At the meeting, the Student must again be told the allegations of fact(s) about the Student's conduct alleged to constitute violation(s) of the Standards of Student Conduct, and the Student must be given an opportunity to respond verbally or in writing to the allegations. The DSAA may adjourn the meeting to investigate alleged facts or issues raised by the Student and reconvene the meeting following the investigation.

4. DSAA's Recommendation: Upon completion of the investigation, and after the Student has been given the opportunity to respond to the allegations, if the DSAA finds that the Student violated the District's Standards of Student Conduct, the DSAA may recommend that the VPSL/SS impose disciplinary sanction(s) against the student. The DSAA shall prepare a written recommendation that includes findings of fact as to each allegation against the Student and determination(s) regarding the specific section(s) of the Standards of Student Conduct that the Student was found to have violated. The DSAA shall submit his or her recommendation to the VPSL/SS within 5 Days after the meeting described above is concluded.

5. VPSL/SS's Decision: Within 5 Days of receiving the DSAA's recommendation, the VPSL/SS will make a determination and the District will serve a notice with the VPSL/SS's decision on the Student by (1) personal delivery or (2) sending copies by certified mail and by email to the Student's postal and email addresses on file. VPSL/SS decisions may include those that follow:

a) Short-term Suspension: If the DSAA recommends a short-term suspension, the VPSL/SS may decide whether to impose a short-term suspension, whether to impose some lesser disciplinary action and/or educational sanctions, or whether to dismiss the charges. The District will send written notice of the VPSL/SS's decision to the Student. The notice will include the length of time of any suspension or the nature of the lesser disciplinary action. The VPSL/SS's decision on a short-term suspension or lesser sanction shall be final.

b) Long-term Suspension: If the DSAA recommends a long-term suspension, the VPSL/SS may decide to impose a long-term suspension, a short-term suspension, some lesser disciplinary action, or to dismiss the charges. The VPSL/SS's decision to impose a short-term suspension or lesser sanction shall be final. If the VPSL/SS decides to impose a long-term suspension, the District will send written notice of the VPSL/SS's decision to the Student. The notice will advise the Student of his or her right to request a formal hearing before a long-term suspension is imposed. With the notice, the District must send a copy of this AP 5520 describing the procedures for formal hearings.

c) Expulsion: If the DSAA recommends expulsion, the VPSL/SS may (1) recommend expulsion to the President, (2) impose some lesser disciplinary action, or (3) dismiss the charges. The District shall provide the Student with written notice of the VPSL/SS's recommendation to the President or the VPSL/SS's decision regarding lesser discipline or dismissal.

If the VPSL/SS recommends expulsion or imposes a Long-Term Suspension, the notice shall include information advising the Student of his or her right to request a formal hearing before Expulsion or a Long-Term Suspension is imposed and shall include a copy of this AP 5520 describing the procedures for a hearing.

If the Student does not request a hearing, or if a hearing is held and the hearing panel recommends expulsion to the President, the President may recommend expulsion to the Board of Trustees, impose a lesser disciplinary sanction against the Student, or dismiss the

If the President imposes a lesser disciplinary sanction or dismisses the charges, the President's decision shall be final. Only the District's Board of Trustees holds the authority to expel a Student.

## 6. Hearing Procedures

a) Request for a Hearing: Within 5 Days after the District sends the student notice of the VPSL/SS's decision to impose a long-term suspension or to recommend expulsion to the President, the Student may request a formal hearing. The Student's request must be made in writing and submitted to the VPSL/SS or designee by 5:00 p.m. on the 5th Day after the District sends the VPSL/SS's decision to the Student. If the Student fails to submit a timely request for a formal hearing, the Student shall be deemed to have waived his or her right to have a hearing.

b) Scheduling the Hearing: The District will convene a formal hearing within 10 Days after receipt of a timely Student request for a formal hearing. For good cause, the President may extend this period as he or she deems necessary.

c) Hearing Panel: Except as otherwise specified, the hearing panel for any disciplinary action shall be composed of one administrator, one faculty member, and one student. If the

disciplinary matter involves allegation(s) of sexual violence, the alleged victim and the accused shall each independently have the right, upon submission of a written request submitted to the VPSL/SS at least three Days before the date scheduled for the hearing, to have the student on the panel replaced with an administrator who shall be appointed by the President.

The President, the president of the Academic Senate, and the president of the Associated Students shall each, at the beginning of the academic year, establish a list of at least five people who will serve on student disciplinary hearing panels. The President shall appoint administrators, the president of the Academic Senate shall appoint faculty members, and the president of the Associated Students shall appoint students.

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

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

## 7. Conduct of the Hearing

a) The members of the hearing panel shall be provided, before the hearing begins, with a copy of the allegations of fact(s) about the Student's conduct alleged to constitute violation(s) of the Standards of Student Conduct and any written response provided by the Student.

b) Evidence of the Student's alleged misconduct shall be presented by a college representative who shall be the DSAA or designee.

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

d) Formal rules of evidence shall not apply. Any relevant evidence shall be admitted. The Chair may exclude irrelevant, immaterial, and unduly repetitious evidence. Evidence not directly related to the alleged violation(s) including, but not limited to, personal character references, is not admissible.

e) Unless the hearing panel elects to proceed otherwise, the college representative and the Student shall each be permitted to make an opening statement. Thereafter, the college representative shall make the first presentation, followed by the Student. The college representative may present rebuttal evidence after the Student completes his or her presentation of evidence. The burden shall be on the college representative to prove by a preponderance of the evidence (more likely than not) that the facts alleged are true.

f) The Student may represent himself/herself, and he or she has the right to be represented by a person of his/her choice, except that the Student shall not be represented by an attorney unless, in the judgment of the hearing panel, complex legal issues are involved. If the Student wishes to be represented by an attorney, the Student must submit a written request to the VPSL/SS not less than 3 Days prior to the date of the hearing. If the hearing panel permits the Student to be represented by an attorney, the college representative may request legal assistance. In all cases, the hearing panel may request legal assistance; any legal advisor provided to the panel may sit with it in an advisory capacity to provide legal counsel but shall not be a member of the panel nor vote with it.

g) The hearings shall be closed and confidential unless the Student requests that it be open to the public. Any such request must be made submitted in writing to the VPSL/SS no less than 3 Days prior to the date of the hearing. The panel may deny the request in order to protect the privacy interests of other parties, such as an alleged victim of the Student's alleged misconduct.

h) Witnesses, except the Student, shall not be present at the hearing when not testifying unless all parties and the panel agree to the contrary.

i) The hearing shall be recorded by the District either by tape recording (or similar recording technology) or stenographic recording. No other recording shall be permitted. No witness who refuses to be recorded may be permitted to give testimony. The hearing panel chair shall, at the beginning of the hearing, ask each person present to identify himself/herself by name, and thereafter shall ask witnesses to identify themselves by name. The audio recording of the hearing shall remain in the custody of the District at all times, unless released to a professional transcribing service. The Student may request a copy of the recording.

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

k) Within 10 Days following the close of the hearing, the hearing panel shall prepare and send a written recommendation to the VPSL/SS. The recommendation shall include specific factual findings regarding each allegation of misconduct and specific conclusions regarding whether the Student violated any specific section(s) of the Standards of Student Conduct. The hearing panel shall also provide a specific recommendation regarding disciplinary action(s), if any, to be imposed. The recommendation shall be based only on the record of the hearing and not on any matter outside of that record. The record consists of the original allegations of misconduct and alleged violations of Standards of Student Conduct, the Student's written response, if any, and the oral and written evidence produced at the hearing.

#### 8. Decision Following a Hearing:

a) Timeline for VPSL/SS's Decision or Recommendation: Within 10 Days following receipt of the hearing panel's recommended decision, the VPSL/SS shall (1) render a final written decision imposing a Long-Term Suspension, a lesser disciplinary sanction, or dismissing the charges; or (2) make a recommendation to the President to recommend expulsion to the Board of Trustees. The VPSL/SS may accept, modify, or reject the findings, decisions, and recommendations of the hearing panel. If the VPSL/SS modifies or rejects the hearing panel's decision, the VPSL/SS shall review the record of the hearing and shall prepare a written decision containing specific factual findings and conclusions.

b) Long-term suspension: If the VPSL/SS decides to impose a Long-Term suspension, or other sanction less severe than expulsion, the decision of the VPSL/SS shall be final.

c) Expulsion Recommendation: If the VPSL/SS decides to accept the findings and recommendations of the hearing panel, the VPSL/SS may incorporate them by reference into his or her letter to the President recommending expulsion.

If the VPSL/SS decides that it is appropriate to expel the Student beyond the recommendations of the hearing panel, the VPSL/SS shall send his or her written recommendation to expel the Student to the President along with a written decision containing specific factual findings and conclusions.

The President may either recommend expulsion to the Board of Trustees or refer the matter back to the VPSL/SS directing him or her to impose a lesser disciplinary sanction or dismiss the charges. If the President recommends expulsion, he or she shall render and send the recommendation in writing to the Board.

d) Board of Trustees Decision on Expulsion Recommendation

(1) The Board of Trustees shall consider any recommendation from the President for expulsion at the next regularly scheduled meeting of the Board after receipt of the recommended decision.

(2) The Board shall consider an expulsion recommendation in closed session, unless the Student has requested that the matter be considered in a public meeting in accordance with these procedures (Education Code Section 72122).

(3) The Student shall be served with notice of the date, time, and place of the Board's meeting by registered or certified mail or by personal service, at least three days prior to the meeting.

(4) The Student may, within forty-eight hours after service of the notice, request that the hearing be held as a public meeting by submitting a written request to the President.

(5) Even if the Student has requested that the Board consider an expulsion recommendation in a public meeting, the Board will hold any discussion that might be in conflict with the right to privacy of any other student or an employee in closed session. Following consideration of an expulsion recommendation in a public meeting, the Board shall deliberate in closed session.

(6) The Board may accept the findings, decisions, and recommendations of the President or reject the President's recommendation and refer the matter back to the President for further action, if any. The decision of the Board whether to expel the Student shall be final. If the Board refers the matter back to the President, he or she may impose a lesser disciplinary sanction or dismiss the charges.

(7) The final action of the Board on an expulsion recommendation shall be taken at a public meeting, and the result of the action shall be a public record of the District.

9. Service of Notices: Except as otherwise specified in these procedures, written notices shall be served by (1) personal delivery or (2) certified mail and by email to the Student's postal and email addresses on file. It is the Student's responsibility to ensure that the District has the Student's current postal and email addresses on file. Notice shall be deemed served two days after deposit in the mail with postage prepaid, upon personal delivery, upon receipt of a Student's reply to an email notification, or a Student's verbal confirmation that he or she received the notice. Service by mail on the President, VPSL/SS, or the DSAA shall be at 835 College Avenue, Kentfield, CA 94904.

10. Time Limits: Any times specified in these procedures may be shortened or lengthened if there is mutual agreement by all parties.

C. Immediate Interim Suspension (Education Code Section 66017): The President may order immediate suspension of a student when he/she concludes that immediate suspension is required to protect lives or property and to ensure the maintenance of order. In cases in which an interim suspension has been ordered, the time limits contained in these procedures shall not apply, and all hearing rights, including the right to a formal hearing when a long-term suspension or expulsion is recommended, will be afforded to the Student within 10 calendar days.

D. Removal from Class (Education Code Section 76032): Any Instructor may remove a student from his/her class for the day of the removal and the next class meeting. The Instructor shall immediately report the removal to the President, the VPSL/SS, and the DSAA via a COM Cares electronic report or other reasonable means. The VPSL/SS or designee shall arrange for a conference between the Student and the Instructor regarding the removal. If the Instructor or the Student so requests, the VPSL/SS or designee shall attend the conference. The Student shall not be returned to the class during the period of the removal without the concurrence of the

Instructor. Nothing herein will prevent the VPSL/SS from recommending further disciplinary sanctions in accordance with these procedures based on the facts that led to the removal.

#### E. Withdrawal of Consent to Remain on Campus

1. When there is a reasonable belief that a person has willfully disrupted the orderly operation of the campus, the College President or the District Chief of Police may notify the person that consent to remain on campus has been withdrawn. If the person is on campus at the time, he/she must promptly leave or be escorted off campus.

2. If consent is withdrawn by the Chief of Police, he or she shall submit a written report to the President as soon as possible including (1) a description of the person from whom consent was withdrawn and (2) a statement of facts giving rise to the withdrawal of consent. If the President (or designee in the President's absence), upon reviewing the report, finds that there was reasonable cause to believe that the person willfully disrupted the orderly operation of the campus or facility, he or she may enter written confirmation on the report of the action taken by the Chief of Police. If the President (or designee in the President's absence) does not confirm the action of the Chief of Police within 24 hours after the time that consent was withdrawn, the action of the Chief of Police shall be deemed void and of no force or effect, except that any arrest made during such period shall not for this reason be deemed not to have been made for probable cause.

3. The person from whom consent has been withdrawn may submit a written request to the President for a hearing on the withdrawal within the period of the withdrawal. The request shall be granted not later than 7 calendar days from the date of receipt of the request. The hearing will be conducted in accordance with the Hearing Procedures set forth herein.

4. In no case shall consent be withdrawn for longer than 14 calendar days from the date upon which consent was initially withdrawn.

5. Any person from whom consent to remain on campus has been withdrawn who knowingly reenters the campus during the period in which consent has been withdrawn, except to attend a meeting or hearing by invitation of a District official, is subject to arrest (Penal Code Section 626.4).

See also: Board Policy 5500 Standards of Conduct

Office of Primary Responsibility: Student Learning/Student Services

Date Approved: January 17, 2012

(Replaces part of College of Marin Procedures 4.0003 DP.10 and 4.0022 DP.1)

Revised: April 16, 2013

Revised: September 15, 2015 BOT



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Police Department**  
835 College Ave.  
P.O. Box 521  
Kentfield, CA 94914-0521

**Kentfield Campus**  
835 College Ave.  
Kentfield, CA 94904

**Indian Valley Campus**  
1800 Ignacio Blvd.  
Novato, CA 94949