

ADMINISTRATIVE PROCEDURE 3540 SEXUAL AND OTHER ASSAULTS ON CAMPUS

- A. Peralta Police Services shall make available sexual assault awareness information to students and employees.
- B. 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, occurring on District property, in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District's facilities or at another location, or on an off-campus site or facility maintained by the District, or on grounds or facilities maintained by a student organization, is a violation of District policies and regulations, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures.
- C. "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.
- D. "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.
- E. "Domestic violence" includes felony or misdemeanor crimes of violence committed by:
- (1) a current or former spouse of the victim;
 - (2) a person with whom the victim shares a child in common;
 - (3) a person who is cohabitating with or has cohabitated with the victim as a spouse;
 - (4) a person similarly situated to a spouse of the victim under California law; or
 - (5) any other person against an adult or youth victim who is protected from that person's acts under California law.
- F. "Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or to suffer substantial emotional distress.
- G. It is the responsibility of each person involved in sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.
- "Affirmative consent" means affirmative, conscious, and voluntary agreement to engage in sexual activity.
- H. These written procedures and protocols are designed to ensure victims of domestic violence, dating violence, sexual assault, or stalking receive treatment and information.
- I. All students, faculty members or staff members who allege they are the victims of domestic violence, dating violence, sexual assault, or stalking on District property shall be provided with information regarding options and assistance available to them. Information shall be available from the Peralta Police Services, which shall maintain the identity and other information about alleged sexual assault victims as confidential unless and until Peralta Police Services is authorized to release such information.

J. Peralta Police Services shall provide all alleged victims of domestic violence, dating violence, sexual assault, or stalking with a copy of the District's policy and administrative procedure regarding domestic violence, dating violence, sexual assault, or stalking upon request, and the importance of preserving evidence and the identification and location of witnesses.

References:

Education Code Sections 67385 and 67386
20 U.S. Code Section 1092 (f)
34 Code of Federal Regulations Section 668.48 (b) (11)

Approved by the Chancellor: January 30, 2013

Revised and approved by the Chancellor: January 21, 2014

Revised and approved by the Chancellor: June 15, 2015