



SAN JOAQUIN **DELTA COLLEGE**

**ANNUAL SECURITY REPORT**

**SAN JOAQUIN DELTA COMMUNITY COLLEGE**

**DISTRICT POLICE DEPARTMENT**



**JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICIES & CAMPUS CRIME STATISTICS ACT  
(20 U.S.C. § 1092(F))**

**CLERY CRIME STATISTICS 2015-2017**

Prepared by the San Joaquin Delta Community College District Police Department  
This report contains crimes statistics for the calendar years of 2015, 2016, & 2017  
Lourn Phelps Police Services Bldg. 5151 Pacific Avenue, Stockton, CA 95207

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## TABLE OF CONTENTS

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Topic	Page
The College Mission and Safety on Campus	1
Message from the Superintendent/President	2
Message from the Chief of Police	3
What is the Jeanne Clery Act?	4
Preparation of Annual Security Report	5
Security and Access	6
Law Enforcement and Jurisdiction	7
Authority to Arrest and Relationships	7
Monitoring and Reporting of Criminal Activity	8
Voluntary Confidential Reporting	9
Procedures for Confidential Reporting	10
Reporting Options	12
Timely Warnings	18
Emergency Notifications	20
General Prevention and Awareness Programs	22
Drug, Alcohol, and Substance Abuse	24
Sexual Assault, Domestic and Dating Violence, and Stalking: Prevention	25
Sexual Assault, Domestic and Dating Violence, and Stalking: Response Procedures	29
Sexual Assault, Domestic and Dating Violence, and Stalking: Disciplinary Procedures	34
Other Sex Offense Policy Areas	49
Missing Students	50
Clery Crime Statistics	51
On-Campus Resources	54
Off-Campus Resources	54
Additional Related Information	55
Annual Fire Safety Report	65

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## THE COLLEGE MISSION AND SAFETY ON CAMPUS

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San Joaquin Delta Community College District is committed to excellence in the provision of post-secondary education throughout the college district. This commitment is reflected in comprehensive instructional programs, services to students and the public, professionalism of faculty and staff and campus beauty and utility. The primary mission of the San Joaquin Delta Community College District is to provide rigorous, high-quality degree and certificate curricula in lower division arts and sciences and in vocational, technical, and occupational fields. The college's commitment is to prepare students with the knowledge, skills, and competencies they will need to excel in their educational, professional and personal endeavors. It is equally committed to providing students a general education, which will provide a cultural context for their knowledge and expand their intellectual horizons.

To assist in the fulfillment of the District mission the Board of Trustees of San Joaquin Delta Community College recognizes the fundamental right of employees, students, and the public to a safe environment. Violence or the threat of violent activity shall not be tolerated. The college administration enforces this basic right at all levels per Board Policy, 1700.

The Police Department contributes to the District mission by providing services that assist in maintaining a safe and secure environment. Safety at the college campuses is the primary concern of the District Police Department.

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## MESSAGE FROM THE SUPERINTENDENT / PRESIDENT

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To the San Joaquin Delta College Community—

The San Joaquin Delta Community College District Board of Trustees and I are fully committed to providing a safe and secure campus environment where students can learn, faculty can teach, staff can work, and visitors can visit without worry. We hope that every member of the College community will participate in this commitment as well.

One important way to ensure the safety and security of all of us is for you to review and act on the information in this publication. Make sure that you understand the information about campus safety measures, how and where to report crimes and other safety issues, and how to report and what to do in various kinds of emergencies. Acquaint yourself with the policies and procedures that govern campus safety and security.

The Board and I have the safety and security of each and every member of the College community as our highest priority, but we can only succeed in maintaining a safe and secure environment with the cooperation of each member of this community.

Thank you for your willingness to play your role in making San Joaquin Delta College a safe, secure place to learn, teach, work, and visit. We appreciate your cooperation!

Kathleen A. Hart, Ph.D.

Superintendent/President

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## MESSAGE FROM THE CHIEF OF POLICE

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On behalf of the San Joaquin Delta College District Police Department, I want to thank you for your interest in our annual report. This report is compiled by the San Joaquin Delta College District Police Department in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The report also contains valuable information for our campus community as well as prospective students and visitors. Maintaining the safety and security of the campus should be considered the responsibility of the entire community – students, faculty and staff.

In addition to statistics you will find information about our organization, including descriptions of certain services that we provide. You will become familiar with our strong commitment to supporting victims of crimes. Lastly, you will find important information about district policies and procedures on our campuses, including crime prevention awareness information.

It has always been our goal to provide the highest quality service to the District, and we are committed to making the San Joaquin Delta Community College District a safe place to work, study and visit. Please visit our website often for important information and links: <https://police.deltacollege.edu>.

Thank you and please remember if you “See Something, Say Something.”

Robert Di Piero

Chief of Police

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## WHAT IS THE JEANNE CLERY ACT?

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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 every year by October 1 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 can be found on the website at <http://clerycenter.org/partnership-prevention>.

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## PREPARATION OF THE ANNUAL SECURITY REPORT

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The District Police Department is charged with the preparation and submittal of the annual crime and fire statistics published in this report to the Department of Education. The statistical information gathered by the Department of Education is available to the public through the Department of Education website: <http://www.ed.gov>.

To comply with the federal law, the District police collects crime statistics from reports generated by the District police, the office of the Vice President of Student Services, designated Campus Security Authorities (CSAs) and local police agencies by providing the addresses of non-campus property, either owned or controlled by the District, and of public property within and immediately adjacent to campus and the core campus. Unless otherwise indicated, all policy statements in this Annual Security and Fire Safety Report apply to the following locations:

- San Joaquin Delta College – Stockton Campus
- San Joaquin Delta College – South Campus at Mountain House
- San Joaquin Delta College – Manteca Farm
- San Joaquin Delta College – Galt Center

A copy of this report can be obtained by contacting the District Police Department, 5151 Pacific Ave, Stockton, CA 95207, 209-954-5000 or by accessing the following website: <https://police.deltacollege.edu/statistics.html>.

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## SECURITY AND ACCESS

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All campuses of San Joaquin Delta College are, by law, open to the general public during operational hours. In general, the hours of operation are as follows:

- The Stockton Campus  
6:00 a.m. – 11:00 p.m., Monday - Friday
- South Campus at Mountain House  
6:00 a.m. – 11:00 p.m., Monday –Friday
- Manteca Farm  
6:00 a.m. – 8:00 p.m., Monday – Friday
- Galt Center  
7:00 a.m. – 8:00 p.m., Monday – Friday

Saturday classes and special events are held throughout the year and vary in dates and times. In general, the campuses are not open to the general public during non-operational hours, with exception to scheduled special events or classes.

During non-operational hours, any gates are secured by District police personnel. Stairwells and doors are secured by utility workers at the end of each evening.

The sole residence on the Manteca Farm is secured by the residents of that home.

Students are not permitted to access the campus, or use any facilities during non-operational hours, unless physically supervised by an on-site instructor, or advisor. District personnel working during non-operational hours should inform the District police of their location and approximate duration of stay.

Access to stairwells, offices, restrooms, and classrooms are provided to individuals by individually assigned keys and, if necessary, alarm codes.

The District police provide additional security through the monitoring of parking lots, pathways, and interior areas using surveillance cameras. Additionally, sensitive areas are protected by security alarms, which are monitored by and responded to by the District Police Department.



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## LAW ENFORCEMENT & JURISDICTION

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The San Joaquin Delta Community College District Police Department is certified by the California Commission on Peace Officers Standards and Training and is a full-service, independent law enforcement agency.

The District police is charged with protecting life and property 24 hours per day, 365 days per year. Pursuant to California Penal Code, Section 830.32(a), the department maintains law enforcement jurisdiction on and surrounding all property owned, leased, controlled, and/or operated by the District.

Law enforcement activity is conducted on and around the campuses by means of foot, bicycle, and vehicle patrols.

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## AUTHORITY TO ARREST & RELATIONSHIPS

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The District Police Department employs sworn peace officers, who are armed and vested with full police powers, whose arrest authority may extend to any place within the State of California and maintains primary law enforcement jurisdiction for all crimes occurring on District properties, pursuant to California Penal Code, Section 830.32(a).

The District police focuses enforcement and prevention efforts in our primary jurisdiction to include all property owned, leased, controlled, and/or operated by the District. District police share concurrent law enforcement jurisdiction on all adjacent public streets, areas, and in communities surrounding the District properties and collaborate with all local, state and federal law enforcement agencies.

The District maintains operational agreements/memorandums of understanding that comply with the Kristin Smart Campus Safety Act and Higher Education Opportunity Act, clarifying that the District Police Department is the primary law enforcement agency for all crimes occurring on District properties or facilities.

Our non-sworn Campus Safety Officers and Student Service Officers assist with: patrolling the campuses, working special events, crime prevention and outreach efforts. They each have the same powers of arrest as a private citizen.

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# MONITORING & REPORTING OF CRIMINAL ACTIVITY

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## **Non-Campus Locations**

The District does not recognize or sanction any off-campus (non-campus) fraternity or sorority houses. Likewise, student organization recognition does not extend beyond the District, and student organizations are not recognized to engage in activity off-campus. However, the District does offer certain classes throughout the District's geographical footprint that take place in properties that the District controls, through Memorandum of Understanding (MOU), while classes are in session.

Although the District police does not actively patrol these locations, they do monitor and collect Clery-related crime and statistical information of these locations through their partnerships with our neighboring local police agencies.

## **Reporting**

Students, faculty, staff, and visitors are strongly urged to report all suspicious, criminal, violent, and/or potentially violent activities, on campus, immediately to the District Police Department. Notifications can be made as follows:

- Emergency blue light phones
- 911 (from classroom, or office phones)
- 5000 (from classroom, or office phones)
- (209) 954-5000 from any phone
- Through the TipSoft Crime Reporting App

For off-campus emergencies dial 911 for your local municipal or county law enforcement agency. We encourage students and staff to list the District police phone number (209) 954-5000 as a quick dial feature on their personal cell phones.

For those individuals who wish to report a criminal offense, solely for the purpose of making a timely warning report or for annual statistics disclosure, please contact the District Police Department.

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## VOLUNTARY CONFIDENTIAL REPORTING

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Confidential reports of criminal activity, particularly crimes of sexual violence, may be made allowing the victim, at their request, to remain anonymous. Typically, these reports occur when the victim does not wish to pursue any legal or criminal action, but wants the District police to be aware of the incident for the purpose of making a timely warning report, and for inclusion in the annual statistics disclosure.

Pursuant to California Education Code section 67380(a)(6)(A), Campus Security Authorities (CSA's) who receive reports from employees or students of a Part I violent crime, sexual assault or hate crime that occurred on campus as defined by the Clery Act, may not disclose to the District police or local law enforcement agencies, the names of the victims or the alleged assailant, unless the victim consents to disclosing their name after being informed of their right to have their personally identifying information withheld.

The name of the alleged assailant may be disclosed, however, if all of the following conditions are met:

- The alleged assailant represents a serious or ongoing threat to the safety of students, employees, or the institution; and
- The immediate assistance of the District police or local law enforcement agency is necessary to contact or detain the alleged assailant.

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## PROCEDURES FOR CONFIDENTIAL REPORTING

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The District does not employ pastoral or professional counselors, as defined in the Clery Act. However, the District's Counseling Center provides confidential counseling for all registered students. Consultation with District counselors will not lead to a report of sexual misconduct unless further action, or reporting is requested by the reporter.

Although counselors may be requested not to report an incident, they will provide both verbal and written information on how to file a report and seek assistance, should the victim decide, at a later time, to reach out for help.

Regardless of who the victim reports the incident to, these individuals will assist victims in receiving other necessary protection and support, such as victim advocacy, disability support services, medical/health or mental health services, or legal services, and will advise victims regarding their right to file a Title IX complaint with the District and a separate complaint with local or District police.

If a victim insists on confidentiality, the District may be limited in its ability to provide the victim with:

- District academic support or accommodations;
- Changes to working schedules; or
- Adjustments to course schedules.

A victim who at first requests confidentiality may later decide to file a complaint with the District or report the incident to the police, and thus have the incident fully investigated. Counselors and advocates can provide victims with that assistance if requested. Treating physicians, psychotherapists, professional counselors, and clergy will also explain that Title IX includes protections against retaliation, and that the District will not only take steps to prevent retaliation when it knows or reasonably should know of possible retaliation, but will also take strong responsive action if it occurs.

### **Exceptions to confidentiality**

Under California law, any health practitioner employed in a health facility, clinic, physician's office, or local or state public health department or clinic is required to make a report to local law enforcement if they provide medical services for a physical condition to a patient/victim who they know or reasonably suspects is suffering from:

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## PROCEDURES FOR CONFIDENTIAL REPORTING, CONT.

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- A wound or physical injury inflicted by a firearm;
- Any wound or other physical injury inflicted upon a victim where the injury is the result of assaultive or abusive conduct (including Sexual Misconduct, Domestic and Dating Violence).

This exception does not apply to sexual assault and domestic violence counselors and advocates. Health care practitioners should explain this limited exception to victims, if applicable.

Additionally, under California law, physicians, psychotherapists, professional counselors, licensed clinical social workers, clergy, and sexual assault and domestic violence counselors and advocates are mandatory child abuse and neglect reporters, and are required to report incidents involving victims under 18 years of age to local law enforcement.

These professionals will explain this limited exception to victims, if applicable. Finally, some or all of these professionals may also have reporting obligations under California law to;

- Local law enforcement in cases involving threats of immediate or imminent harm to self or others where disclosure of the information is necessary to prevent the threatened danger;
- To the court if compelled by court order or subpoena in a criminal proceeding related to the sexual violence incident.

If applicable, these professionals will explain this limited exception to victims.

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## REPORTING OPTIONS

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Victims have several reporting options including those with confidentiality, and may pursue one or all of these options at any time. Victims have a right to have a friend, family member, sexual assault victim advocate, or other representative present while reporting the incident. They also have the right to have a sexual assault victim advocate and support person of their choice present with them during a rape examination. The District Title IX Coordinator can assist in notifying the police. Victims may also take any of the actions below.

### **Criminal Report**

Reporting to District and/or local law enforcement is an option at any time. Victims who choose not to report to the police immediately following a Sexual Misconduct, Dating and Domestic Violence, or Stalking incident, can still make the report at a later time. However, with the passage of time, the ability to gather evidence to assist with criminal prosecution may be limited. Depending on the circumstances, the police may be able to obtain a criminal restraining order on the victim's behalf.

### **Reporting to the Police**

As soon after the incident as possible, victims of Sexual Misconduct, Dating and Domestic Violence, or Stalking are strongly encouraged to report the incident to the police. Sexual Misconduct, Dating and Domestic Violence, or Stalking may be reported to the District Police Department by:

- Emergency blue light phones
- 911 (from classroom, or office phones)
- 5000 (from classroom, or office phones)
- (209) 954-5000 from any phone
- Through the TipSoft Crime Reporting App

The District police will support all victims of Sexual Misconduct, Dating and Domestic Violence, or Stalking regardless of their decision to seek criminal prosecution of the offender or not. Victims have the option to report anonymously to the police and the decision to seek criminal prosecution remains with the victim. District police will protect the confidentiality of the victim to the extent permitted by applicable California State law.

If a victim reports to a local police agency or the District police about Sexual Misconduct, Dating and Domestic Violence, or Stalking, the police are required to notify victims that their names will become a matter of public record unless confidentiality is requested.

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## REPORTING OPTIONS, CONT.

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If a victim requests that their identity be kept confidential, their name will not become a matter of public record and the police will not report the victim's identity to anyone else at the District, including the Title IX Coordinator. District police will, however, report the facts of the incident itself, including the identity of the perpetrator if known, to the Title IX Coordinator being sure not to reveal the victim names/identities or compromise their own criminal investigation.

The District is required by the federal Clery Act to report certain types of crimes (including certain sex offenses) in statistical reports. However, while the District will report the type of incident in the annual crime statistics report known as the Annual Security Report, victim names/identities will not be revealed.

In cases of Sexual Misconduct, Dating and Domestic Violence, or Stalking, the preservation of physical evidence is important to facilitate the identity and successful prosecution of the offender. The victim should not change clothes, bathe, douche, or shower following the attack.

Medical personnel are trained to collect, process, and preserve physical evidence of Sexual Misconduct, and are committed in their assistance to the victim. Victims may request a sexual assault exam to preserve forensic evidence without completing a police report. This evidence may be used in the case a victim wishes to report the assault at a later date. Victims are not financially responsible for sexual assault exams and the cost will be the responsibility of the local law enforcement jurisdiction.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection orders related to the incident more difficult. Victims who choose not to make a complaint regarding an incident, nevertheless should consider speaking with District police or other law enforcement to preserve evidence in the event that they change their mind and wish to report the assault at a later date.

A victim has the right to have a confidential advocate present when reporting to law enforcement and during examinations. With the victim's consent, the confidential advocate will assess the victim's immediate needs and provide support and referral as appropriate. This confidential assistance may include: counseling, information concerning rape trauma syndrome; information on the collection of medical evidence and available health services to test for injuries, sexually transmitted diseases, and/or pregnancy. Assistance is also available with access to other resources and services, including assistance in obtaining emergency protection orders and restraining orders.

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## REPORTING OPTIONS, CONT.

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### **Reporting to a CSA**

Any member of the campus community may report incidents of Sexual Misconduct, Dating and Domestic Violence, or Stalking to any Campus Security Authority (CSA's). These District personnel will assist the victim in notifying the appropriate law enforcement agency if the victim requests the assistance of law enforcement. In addition, most campus employees, including CSA's, are required to report incidents of Sexual Misconduct, Dating and Domestic Violence, or Stalking to the Title IX Coordinator. Title IX Coordinator reporting responsibilities are described in detail below.

*NOTE: If the District determines that the perpetrator poses a serious and immediate threat to the campus community, under the Clery Act the campus may be required to issue a timely warning to the community. Any such warning will not include any information that identifies the victim.*

### **Reporting to a Title IX Coordinator or Responsible Employee**

Many resources and options are available on- and off-campus including confidential and privileged communication options. The District has designated a Title IX Coordinator as the primary point of contact to provide victims with assistance and support, and to monitor and oversee overall compliance with laws and policies related to Sexual Misconduct, Dating and Domestic Violence, or Stalking. The District Title IX Coordinator is available to explain and discuss rights to file a criminal complaint and to assist in doing so; the District's relevant complaint process, and rights to receive assistance with that process, including the investigation process; how confidentiality is handled; available resources, both on- and off-campus; and other related matters.

Most District employees have a duty to report Sexual Misconduct, Dating and Domestic Violence, or Stalking incidents when they are on notice of it. When a victim tells the Title IX Coordinator or another non-confidential District employee about a Sexual Misconduct, Dating and Domestic Violence, or Stalking incident, the victim has the right to expect the District to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably. In all cases, the District strongly encourages victims to report Sexual Misconduct, Dating and Domestic Violence, or Stalking directly to the District Title IX Coordinator.

As detailed above, most District employees except treating physicians, licensed counselors, some academic counselors, and clergy must report to the Title IX Coordinator all relevant details about any Sexual Misconduct, Dating and Domestic Violence, or Stalking incidents of which they become aware. The District will need to determine what happened and will need to know the names of the victim(s)



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## REPORTING OPTIONS, CONT.

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and the perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the incident.

To the extent possible, information reported to the Title IX Coordinator or other District employees will be kept private and shared only with individuals responsible for handling the District's response to the incident. The District will protect the privacy of all individuals involved in a Sexual Misconduct, Dating and Domestic Violence, or Stalking incident, except as otherwise required by law or District policy. A Sexual Misconduct, Dating and Domestic Violence, or Stalking report may result in the gathering of extremely sensitive information about individuals in the campus community. While such information is considered confidential, District policy regarding access to public records and disclosure of personal information may require disclosure of certain information concerning a report. In such cases, efforts will be made to redact the records, as appropriate, in order to protect the victim's identity and the privacy of other involved individuals. Except as detailed in the section on Procedures for Confidential Reporting above, no District employee, including the Title IX Coordinator, should disclose the victim's identity to the police without the victim's consent or unless the victim has also reported the incident to the police.

If a victim requests of the Title IX Coordinator or another District employee that their identity remain completely confidential, the Title IX Coordinator will explain that the District cannot always honor that request and guarantee complete confidentiality. If a victim wishes to remain confidential or request that no investigation be conducted or disciplinary action taken, the District must weigh that request against the District's obligation to provide a safe, non-discriminatory environment for all students, employees and third parties, including the victim. Under those circumstances, the Title IX Coordinator will determine whether the victim's request for complete confidentiality and/or no investigation can be honored under the facts and circumstances of the particular case, including whether the District has a legal obligation to report the incident, conduct an investigation or take other appropriate steps. Without information about a victim's identity, the District's ability to meaningfully investigate the incident and pursue disciplinary action against the perpetrator may be severely limited.

The Title IX Coordinator will inform the victim of the initiation of an investigation prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the District's response to the incident. The Title IX Coordinator will remain mindful of the victim's well-being, and will take ongoing steps to protect the victim from retaliation or harm and work with the victim to create a safety plan. Retaliation against the victim, whether by students, employees or third parties, will not be tolerated. The District and Title IX Coordinator will also:

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## REPORTING OPTIONS, CONT.

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- Provide interim remedies requested by the victim, if they are reasonably available, regardless of whether the victim chooses to report to District or local police;
- Assist victims in accessing available victim advocacy, academic support, counseling, disability, medical/health or mental health services, and legal assistance both on- and off-campus;
- Provide security and support, which could include issuing a no-contact order, helping arrange a change of working arrangements or course schedules (including for the perpetrator, pending the outcome of the investigation) or adjustments for assignments, tests, or work duties; and
- Inform victims of their right to report a crime to District or local police – and provide victims with assistance if desired.

The District will not require a victim to participate in any investigation or disciplinary proceeding if the victim does not wish to participate.

The District will not generally notify parents or legal guardians of a Sexual Misconduct, Dating and Domestic Violence, or Stalking report unless the victim is under 18 years old or the victim provides the District with written permission to do so.

Under California law, and pursuant to District policy, many District employees, including the Title IX Coordinator, are mandatory child abuse and neglect reporters and should explain to victims under 18 years of age that they are required to report the incident to the police. However, the identity of the person who reports and the report itself are confidential and disclosed only among appropriate agencies.

Because the District is under a continuing legal obligation to address the issue of Sexual Misconduct, Dating and Domestic Violence, or Stalking campus-wide, reports (including non-identifying reports) may also require the District to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported incident(s) occurred — increased education, training and prevention efforts, including to targeted population groups; climate assessments/victimization surveys; and/or revision of policies and practices.

### **Non-Reporting**

Victims are strongly encouraged to report any incident of Sexual Misconduct, Dating and Domestic Violence, or Stalking to the police and/or District Title IX Coordinator so that steps may be taken to protect them and the rest of the campus community. However, non-reporting is also an option.

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## REPORTING OPTIONS, CONT.

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### **Civil Lawsuits**

Victims may choose to file a civil lawsuit against the perpetrator, whether or not criminal charges have been filed. A civil lawsuit provides the opportunity to recover actual damages, which may include compensation for medical expenses, lost wages, pain, suffering and emotional distress.

### **Restraining Orders**

Victims may also choose to obtain a protective or restraining order (such as a Domestic Violence restraining order or a civil harassment restraining order). Restraining orders must be obtained from a court in the jurisdiction where the incident occurred. Restraining orders can protect victims who have experienced or are reasonably in fear of physical violence, Sexual Misconduct, Dating and Domestic Violence, or Stalking. The District Title IX Coordinator, counselors, and District police can offer assistance with obtaining a protective or restraining order.

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## TIMELY WARNINGS

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In accordance with federal and state law, San Joaquin Delta College has adopted and follows procedures that require the issuance of a timely warning when certain offenses occur on campus, on public property within, or immediately adjacent to, the campus, or in or on non-campus buildings or property owned or controlled by the District, when it is determined that such occurrences represent a serious or continuing threat to the campus community.

The purpose of a timely warning advisory is to alert the campus community about any reported crime that represents a continuing or serious threat to the safety of the campus community and/or to heighten safety awareness of students. The circumstances of any specific situation, coupled with the police department's assessment of the threat potential, will dictate the need and manner of issuance of a Campus Timely Warning. Timely Warning notices are typically issued for the following Uniform Crime Reporting (UCR) Program and National Incident Based Reporting System (NIBRS) crime classifications: criminal homicide, robbery, aggravated assault, burglary, and major incidents of arson and sex offenses on a case-by-case basis, depending on the facts of the case and the information known by the District police.

**Example:** if an assault occurs between two students who have a disagreement, there may be no ongoing threat to other SJDC campus community members and a Timely Warning Notice would not be distributed.

In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a "timely" warning notice to the community.

Sex offenses will be considered on a case-by-case basis, depending on when and where the incident occurred, when it was reported, and the amount of information known by the District police.

With the occurrence of such a crime, a campus official listed in the chart below will make the decision as to whether or not to issue a Timely Warning. This is done on a case-by-case basis, in compliance with the Jeanne Clery Act, and considering the facts surrounding the crime, including factors such as the nature of the crime, continuing danger to the campus community, and the possible risk of compromising law enforcement efforts.

The Chief of Police, or designee, reviews all reports to determine if there is an on-going or serious threat to the campus community and if the distribution of a Timely Warning Notice is necessary. Timely Warning Notices are typically written by the Chief of Police or designee. Timely Warning Notices are distributed as listed in the chart below.

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## TIMELY WARNINGS, CONT.

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Timely Warning Notices will be distributed in a manner intended to reach the entire campus community and will be provided to students and employees in a manner that is timely, that withholds the names of the victims as confidential, and that will aid in the prevention of similar occurrences.

Timely Warnings will contain the following information:

- Description of the incident (type of crime, time, date and location)
- Physical description of the offender
- A composite drawing or photograph of the offender (if available)
- Description of injuries or use of force, if relevant
- Crime Prevention Tips
- Emergency contact information (phone numbers and web sites)
- Date the campus crime alert bulletin was issued

Timely Warnings will be issued as soon as pertinent information is available. The primary system of delivery for issuing a Timely Warning notice is through “TipSoft” and e-mail distribution. Dissemination of Timely Warnings may include, but are not limited to, Campus-wide e-mail, District police web page, social media, local media outlets, and prominent posting of notices on campus buildings, when an offense occurs in or around a particular building.

All persons within the campus community are strongly encouraged to report crimes to the District police or other designated CSAs to trigger timely warnings when appropriate.

<b>System to Use</b>	<b>Primary and Back-up Creator</b>	<b>Approver</b>
<b>Primary</b> - TipSoft	District Police Chief / Police Designee	District Police Chief
<b>Primary</b> - Social Media	District Police Chief / Police Designee	District Police Chief
<b>Secondary</b> – Mass e-mail	District Police Chief / Police Designee	District Police Chief
<b>Secondary</b> – Police Website	District Police Chief / Police Designee	District Police Chief
<b>Secondary</b> – Local Media	District Police Chief / Police Designee	District Police Chief
<b>Secondary</b> – Bulletin Postings	District Police Chief / Police Designee	District Police Chief

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## EMERGENCY NOTIFICATIONS

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Upon confirmation of conditions that present an emergency or dangerous situation posing an immediate threat to the health or safety of some or all members of the SJDC community, the District police will immediately initiate its mass warning policy and activate the campus emergency notification systems.

The District police receives information from various offices and departments on campus including Campus Security Advisors, Office of the President / Superintendent, Office of Facilities Planning and Environmental Compliance and, at times, outside public safety agencies.

The Emergency Plan has a pre-identified matrix to guide emergency planners on best practices for emergency situations that are likely to trigger initiation of the Emergency Notification System (ENS). Some situations will require confirmation from first response personnel prior to ENS activation. The system, described in the next paragraph, is tested repeatedly, throughout the year, through the sending of Timely Warnings.

The District Police Chief and staff will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing notification will, in the judgment emergency response personnel, 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 will use some or all of the various systems available for expedient communication including: emails, emergency text messages (TipSoft), outdoor marquees, local media outlets, and social media (Facebook, Google+, and Twitter).

Furthermore, a large number of first responder vehicles are equipped with Public Address (PA) Systems. These units can be strategically placed throughout the campus to facilitate communication through the PA system. The District posts updates on the campus website and via the above described systems during a critical incident.

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## EMERGENCY NOTIFICATIONS, CONT.

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District Police and other first response departments will respond to, and summon the necessary resources, to mitigate, investigate, and document significant emergencies or dangerous situations. When a significant emergency or dangerous situation is confirmed, the campus community and/or the appropriate segments of the community that may be affected by the situation are notified. The District police maintains a standard log for the use of the emergency notification system that includes the dates, approximate times, incident type, location, and the warning devices used of any ENS issuance, including tests and exercises, and whether the test was announced or unannounced (including routine maintenance).

Emergency notifications will contain the following information:

- The nature and location of the emergency
- Who is responding (e.g. police, fire, medical)
- Instructions (e.g., evacuate, shelter in place, lockdown)
- When and how further updates will be disseminated
- Emergency contact information (phone numbers and web sites)

Students and employees who need information on how to add contact information to be included for emergency notification or to remove information and “opt out” of notifications should visit:

- TipSoft Alerts:  
<https://www.tipsoftonline.com/Push/index2.aspx?ID=1117>
- Facebook TipSoft Page:  
<https://www.facebook.com/sjcddistrictpolice/app/155546687844413/>

The Chief of Police or designee(s) will provide follow-up notifications and information until the emergency is mitigated and no longer poses a threat. If an emergency notification is issued, a timely warning will not be issued to the community for the same incident.

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## GENERAL PREVENTION & AWARENESS PROGRAMS

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The District Police Department is dedicated to providing the safest educational experience possible to the campus community. To emphasize this dedication, the District police provides the following services to all members of the campus community:

- Coffee with a Cop (Held 2 times per year - Stockton and Mountain House campuses)  
Members of the community are able to meet with the police department and share open discussions about safety, crime prevention, and community involvement.
- Crime Prevention Presentations (Both scheduled and requested throughout year)  
Campus community members can request crime prevention and safety presentations throughout the year. During these presentations, police staff discuss personal safety tips, awareness, and prevention techniques.
- New Student / New Employee Presentations  
Generally held at the beginning of each semester, or when a large pool of newly-hired employees start, these presentations inform the participants of safety tips, crime prevention, and awareness.
- Safety Escorts  
Campus community members are encouraged to contact the District police to request safety escorts from police staff. Although the service is generally used during the evening hours, police personnel are available to provide safety escorts 24 hours per day, 7 days per week.
- Whistle Program  
During presentations, or whenever requested, the District police provide safety whistles to any member of the campus community who would like one. The whistles double as small flashlights and have the District police contact phone number clearly printed on them.
- Clery Compliance Team  
To ensure that the campus remains safe, the District Chief of Police chairs the Clery Compliance Team. This team of campus stakeholders meets several times per year to evaluate the safety of the buildings and environment. Additionally, the team provides guidance in the development of the ASR and spreads awareness of the CSA program.



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## GENERAL PREVENTION & AWARENESS PROGRAMS, CONT.

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- Annual Crime Prevention and Safety Fair

Every year, the District police host the Annual Crime Prevention and Safety Fair. This highly attended event was designed to bring personal safety, crime prevention, and awareness to our campus community, in an open and inviting setting. Participants include local law enforcement, crisis resources, family services, community organizations focusing on sexual assault prevention, and safety experts to discuss personal safety.

- Safety Messages

Throughout the year, as holidays or needs arise, the District police put out crime prevention and public safety messages designed to keep the campus community informed of current events or pertinent safety information. These communications are typically delivered through social media. However, depending upon the urgency of the message, delivery may include mass e-mail and TipSoft.

- Don't Cancel Class Program

The District police has instituted this unique program that allows a police member to “substitute” for a professor taking a planned absence. Rather than canceling class, police personnel take roll and provide the class with a thorough safety presentation, highlighting the role of the police department, crime prevention, and personal safety.

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## DRUG, ALCOHOL, AND SUBSTANCE ABUSE

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In accordance with the Drug Free Schools and Communities Act, 20 U.S. Code Section 1145g; 34 C.F.R. Sections 86.1 et seq.; Drug Free Workplace Act of 1988, 41 U.S. Code Section 702, the District shall be free from all drugs and 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 (consistent with local, state, or federal law), 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 and employee the information required by the Drug-Free Schools and Communities Act Amendments of 1989 and complies with other requirements of the Act.

The Department educates the campus community that excessive use of alcohol and other drugs creates a serious health problem. Moreover, alcohol and drug abuse may also contribute to other physical and mental health problems including, but not limited to, unwanted pregnancy, violent behavior, HIV infection and other sexually transmitted diseases and psychological depression.

The use of alcoholic beverages must be in compliance with California state law and is strictly limited to persons 21 years of age or older. Alcoholic beverages may not be consumed in public areas. No alcoholic beverages may be served on the San Joaquin Delta Community College campus or at other college facilities except as authorized by the Board of Trustees for an individual event as provided by.

[\(SJDC BP 3550; Drug Free Campus\)](#)

[\(SJDC AP 3550; Drug Free Environment and Drug Prevention Program\)](#)

[\(SJDC BP 3560; Alcoholic Beverages\)](#)

[\(SJDC AP 3560; Consumption of Food and Drink: Alcoholic Beverages\)](#)

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## SEXUAL ASSAULT, DOMESTIC AND DATING VIOLENCE, AND STALKING: PREVENTION

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San Joaquin Delta College seeks to provide an education environment in which students, faculty, and staff work together in an atmosphere free of Sexual Misconduct, including Sexual Assault, Sexual Harassment, Dating Violence, Domestic Violence, and Stalking. Every member of the campus community shall be aware that Sexual Misconduct, and/or acts of violence of a sexual nature directed toward another person will not be tolerated and are prohibited by federal and state law and District policy. As members of the campus community, students shall comply with District policies and guidelines in addition to federal, state, and local laws whether on or off-campus. The District will discipline persons identified as responsible for Sexual Misconduct, including Sexual Assault, Sexual Harassment, Dating Violence, Domestic Violence, and Stalking as described in this report and District policy.

The District recognizes that awareness is the best tool for avoidance of Sexual Misconduct, including Sexual Assault, Sexual Harassment, Dating Violence, Domestic Violence and Stalking. Seminars, student and employee orientations, announcements, staff meetings, classroom discussions, and other means will be utilized periodically to inform students and staff of this issue.

The District's police will post awareness bulletins, maintain, and make available statistics on reported crimes as part of the federal reporting requirements under the Crime Awareness and Campus Security Act of November 1990. Additionally, the District police has placed flyers on Sexual Misconduct, including Sexual Assault, Sexual Harassment, Dating Violence, Domestic Violence, and Stalking in bathroom stalls, so victims are able to collect information without fear, and in privacy.

The District prohibits the crimes of Sexual Misconduct, including Sexual Assault, Sexual Harassment, Dating Violence, Domestic Violence, and Stalking, as defined, as follows, under the Clery Act:

Dating Violence:

[\(Ca. Penal Code § 273.5\(a\)\)](#)

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.

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## SEXUAL ASSAULT, DOMESTIC AND DATING VIOLENCE, AND STALKING: PREVENTION, CONT.

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### Domestic Violence:

[\(Ca. Penal Code § 273.5\(a\)\)](#)

Any person who willfully inflicts corporal injury resulting in a traumatic condition upon a victim described:

- The offender's spouse or former spouse
- The offender's cohabitant or former cohabitant
- The offender's fiancé or fiancée, or someone with whom the offender has, or previously had, an engagement or dating relationship
- The mother or father of the offender's child

### Stalking:

[\(Ca. Penal Code § 646.9\(a\)\)](#)

Any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family.

### Sexual Assault (Rape):

[\(Ca. Penal Code § 261\(a\)\(1\)\)](#)

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

### Sexual Battery (Forcible Fondling):

[\(Ca. Penal Code § 243.4\(a\)\)](#)

The unlawful touching of an intimate body part, by another person, while the victim is being unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person being touched and it for the purpose of sexual arousal, sexual gratification, or sexual abuse.

### Sexual Harassment:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when submission to or rejection of this conduct affects a student's education, unreasonably interferes with his or her educational performance, or creates an intimidating, hostile, or offensive learning environment. Sexual harassment includes sexual violence may occur in the following situations:

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## SEXUAL ASSAULT, DOMESTIC AND DATING VIOLENCE, AND STALKING: PREVENTION, CONT.

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- Incidents between any members of the District community, including academic personnel, staff, student employees, coaches, interns, students, or non-student or non-employee participants in District programs such as vendors, contractors, or visitors.
- Hierarchical relationships or between peers.
- Between persons of the same sex or different sex.
- Relationships that begin as consensual may evolve into situations that lead to charges of sexual harassment that are subject to the actions set forth in the District's BP/AP 5540.
- Behavior that creates a hostile or intimidating environment for individuals who are not the direct target of the behavior may also constitute sexual harassment.

In determining whether conduct constitutes sexual harassment, consideration shall be given to the record of the conduct as a whole and the totality of circumstances, including the context in which the conduct occurred.

### Consent (Affirmative Consent):

[\(Ca. Education Code § 67386\(a\)\(1\)\)](#)

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

### Gender-based Harassment:

Unwelcome conduct based on a person's actual or perceived gender, including conduct based on gender identity, gender expression, or nonconformity with gender stereotypes.

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## SEXUAL ASSAULT, DOMESTIC AND DATING VIOLENCE, AND STALKING: PREVENTION, CONT.

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### **Bystander Intervention**

Focuses on helping individuals understand and become more sensitive to crimes of Sexual Misconduct, Dating and Domestic Violence, or Stalking by providing prevention and interruption skills.

The bystander role includes interrupting situations that could prevent an assault before it happens. It involves speaking out against social norms that support Sexual Misconduct, Dating and Domestic Violence, or Stalking. The following are bystander strategies that may be utilized:

- Notice and evaluate the situation to determine whether or not it is an emergency.
- Determine if someone needs assistance.
- Assume responsibility. Be ready to intervene even if others do not.
- Speak up if you see someone intentionally getting someone else drunk.
- Speak up if you see a friend leaving with someone he/she knows is drunk.
- Remind friends that sexual contact with an intoxicated person is against the law.
- Attempt to help.
  - This may include helping a person to leave the situation
  - Confront a behavior
  - Diffuse a situation, or
  - Call for other support/police.
- Approach everyone in a respectful manner.
- Avoid using violence.
- Be honest and direct whenever possible.
- Recruit help if necessary.
- Keep yourself safe. Call the police any time that you feel it is necessary.

If you choose to intervene, distractions or diversions may be viable strategies that can stop an aggressor from continuing his/her actions.

[\(SJDC BP 3540: Sexual and Other Assaults on Campus\)](#)

[\(SJDC AP 3540: Sexual and Other Assaults on Campus\)](#)

[\(SJDC BP 3430: Prohibition of Harassment\)](#)

[\(SJDC AP 3430: Prohibition of Harassment\)](#)

[\(SJDC BP 5540: Title IX: Policy Sexual Misconduct\)](#)

[\(SJDC AP 5540: Title IX: Sexual Misconduct and Gender-Based Discrimination\)](#)

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## SEXUAL ASSAULT, DOMESTIC AND DATING VIOLENCE, AND STALKING: RESPONSE PROCEDURES

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Persons who have experienced Sexual Misconduct, Dating and Domestic Violence, or Stalking, are encouraged to seek immediate assistance from police and healthcare providers for their physical safety, emotional support and medical care.

District or local police can escort victims to a safe place and transport them to a hospital for medical treatment, if needed. District police can also provide access to a Sexual Assault Victim Resources. Victims who prefer not to notify the police, are strongly encouraged to seek assistance from the campus Title IX Coordinator and/or a Sexual Assault Victim Resource or counselor who can provide information on options, rights and remedies.

Victims have the right to decide who and when to tell about Sexual Misconduct, Dating and Domestic Violence, or Stalking. However, it is very important that they get medical attention after being assaulted. Following the incident, a victim may be physically injured, may have contracted a sexually transmitted disease, or may become pregnant.

In cases of Sexual Misconduct, Dating and Domestic Violence, or Stalking, the preservation of physical evidence is important to facilitate the identity and successful prosecution of the offender. The victim should not change clothes, bathe, douche, or shower following the attack. Medical personnel are trained to collect, process, and preserve physical evidence of Sexual Misconduct, and are committed in their assistance to the victim. Victims may request a sexual assault exam to preserve forensic evidence without completing a police report. This evidence may be used in the case a victim wishes to report the assault at a later date. Victims are not financially responsible for sexual assault exams and the cost will be the responsibility of the local law enforcement jurisdiction.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection orders related to the incident more difficult. Victims who choose not to make a complaint regarding an incident, nevertheless should consider speaking with District police or other law enforcement to preserve evidence in the event that they change their mind and wishes to report the assault at a later date.

The District's primary concern is the safety and well-being of every member of the campus community. The District understands that students may be reluctant to file complaints of sexual misconduct when alcohol and/or drugs were used. Whenever possible, the District will respond with the intent to educate, rather than punish, when alleged sexual misconduct is related to the use of drugs and/or alcohol so as to promote the reporting of such incidents. However, the

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## SEXUAL ASSAULT, DOMESTIC AND DATING VIOLENCE, AND STALKING: RESPONSE PROCEDURES, CONT.

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District reserves the right to other remedies depending on the circumstances of the particular case.

The District encourages victims of Sexual Misconduct, Dating and Domestic Violence, or Stalking to talk to someone about what happened – so they can get the support they need, and so the District can respond appropriately. Whether – and the extent to which – a District employee may agree to maintain confidentiality (and not disclose information to the Title IX Coordinator) depends on the employee’s position and responsibilities at the District.

The following information is intended to make everyone aware of the various reporting options available to them – so they can make informed choices about where to turn for help. The District strongly encourages victims to talk to someone identified in one or more of these groups.

Although not professional counselors by definition, the District, by policy, has excluded District academic counselors as mandated reporters. This exclusion is intended to provide students with a confidential mechanism to report incidents of sexual misconduct. This section, however, is not intended to negate any other mandatory reporting responsibilities required under the law, such as in California Welfare and Institutions Code Sections 15630 et seq. and California Penal Code Sections 11164 et seq.

Options for reporting Sexual Misconduct, including Sexual Misconduct, Dating and Domestic Violence, or Stalking are available in the “Reporting Options” section of this document.

District Police, the Title IX Coordinator, academic counselors, sexual assault and domestic violence counselors and advocates, and certain other District employees are required to explain to victims their rights and options with respect to confidentiality.



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## SEXUAL ASSAULT, DOMESTIC AND DATING VIOLENCE, AND STALKING: RESPONSE PROCEDURES, CONT.

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### **District Response Procedures**

Upon learning of a rape or sexual assault, it is important to support and protect the victim while following District procedures. In accordance with the Federal Crime Reporting Act, in all cases where the employee has "significant responsibility dealing with student and campus activities," that employee shall maintain and report statistics on sexual assaults where the victim does not want to report the crime, to the police department.

To the extent possible, information reported to the Title IX Coordinator or other District employees will be kept private and shared only with individuals responsible for handling the District's response to the incident. The District will protect the privacy of individuals involved in a Sexual Misconduct, Dating and Domestic Violence, or Stalking incident except as otherwise required by law or District policy. A Sexual Misconduct, Dating and Domestic Violence, or Stalking report may result in the gathering of extremely sensitive information about individuals in the campus community. While such information is considered confidential, District policy regarding access to public records and disclosure of personal information may require disclosure of certain information concerning a report. In such cases, efforts will be made to redact the records, as appropriate, in order to protect the victim's identity and privacy and the privacy of other involved individuals. Except as detailed in the section on Procedures for Confidential Reporting above, no District employee, including the Title IX Coordinator, should disclose the victim's identity to the police without the victim's consent or unless the victim has also reported the incident to the police.

If a victim requests of the Title IX Coordinator or another District employee that their identity remain completely confidential, the Title IX Coordinator will explain that the District cannot always honor that request and guarantee complete confidentiality. If a victim wishes to remain confidential or request that no investigation be conducted or disciplinary action taken, the District must weigh that request against the District's obligation to provide a safe, non-discriminatory environment for all students, employees and third parties, including the victim. Under those circumstances, the Title IX Coordinator will determine whether the victim's request for complete confidentiality and/or no investigation can be honored under the facts and circumstances of the particular case, including whether the District has a legal obligation to report the incident, conduct an investigation or take other appropriate steps. Without information about a victim's identity, the District's ability to meaningfully investigate the incident and pursue disciplinary action against the perpetrator may be severely limited.

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## SEXUAL ASSAULT, DOMESTIC AND DATING VIOLENCE, AND STALKING: RESPONSE PROCEDURES, CONT.

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The Title IX Coordinator will inform the victim of the initiation of an investigation prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the District's response to the incident. The Title IX Coordinator will remain mindful of the victim's well-being, and will take ongoing steps to protect the victim from retaliation or harm and work with the victim to create a safety plan. Retaliation against the victim, whether by students, employees or third parties, will not be tolerated. The District and Title IX Coordinator will also:

- Provide interim remedies requested by the victim, if they are reasonably available, regardless of whether the victim chooses to report to District or local police;
- Assist victims in accessing available victim advocacy, academic support, counseling, disability support services, medical or mental health services, and legal assistance both on- and off-campus;
- Provide security and support, which could include issuing a no-contact order, helping arrange a change of working arrangements or course schedules (including for the perpetrator, pending the outcome of the investigation) or adjustments for assignments, tests, or work duties; and
- Inform victims of their right to report a crime to District or local police – and provide victims with assistance if desired.

The District will not require a victim to participate in any investigation or disciplinary proceeding if the victim does not wish to participate.

The District will not generally notify parents or legal guardians of a Sexual Misconduct, Dating and Domestic Violence, or Stalking report unless the victim is under 18 years old or the victim provides the District with written permission to do so.

Under California law, and pursuant to District policy, many District employees, including the Title IX Coordinator, are mandatory child abuse and neglect reporters and should explain to victims under 18 years of age that they are required to report the incident to the police. However, the identity of the person who reports and the report itself are confidential and disclosed only among appropriate agencies.

Because the District is under a continuing legal obligation to address the issue of Sexual Misconduct, Dating and Domestic Violence, or Stalking campus-wide, reports (including non-identifying reports) may also require the

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## SEXUAL ASSAULT, DOMESTIC AND DATING VIOLENCE, AND STALKING: RESPONSE PROCEDURES, CONT.

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District to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported incident(s) occurred — increased education, training and prevention efforts, including to targeted population groups; climate assessments/victimization surveys; and/or revision of policies and practices.

### **Disciplinary Procedures**

Title IX Coordinator (or designee) is responsible for investigating complaints of Gender and Sex Discrimination, Harassment and Retaliation, as well as Complaints of Sexual Misconduct, Dating and Domestic Violence, or Stalking. In accordance with [Administrative Procedures 5540](#) and [Board Policy 5540](#), the Title IX Coordinator investigates those complaints, determines whether the accused violated the applicable policies, and prepares a report that includes findings of facts and conclusions about whether the applicable policy was violated. Unless the determination is appealed as provided in [Administrative Procedures 5520](#) or [Board Policy 5520](#), it is final and binding in all subsequent proceedings.

Where a complaint is made against a student and the applicable policy is found to have been violated, the Title IX Coordinator shall also notify the Dean of Enrollment Services and Student Development of the investigation outcome, recommend sanctions, and provide a copy of the investigation report so he/she can make a final determination of the sanction(s) to be imposed.

Where a complaint is made against an employee, the Vice President of Human Resources and Risk Management shall be notified and provided a copy of the Title IX investigation report. He/she will impose sanctions in accordance with current collective bargaining agreements and state law.

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## SEXUAL ASSAULT, DOMESTIC AND DATING VIOLENCE, AND STALKING: DISCIPLINARY PROCEDURES

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The San Joaquin Delta Community College District is committed to providing a learning, working, and living environment that promotes personal integrity, civility, and mutual respect that is free of discrimination on the basis of sex and gender as well, which includes all forms of sexual misconduct.

Sex discrimination violates an individual's fundamental rights and personal dignity; therefore, in accordance with its strict prohibition against such misconduct and discrimination, the District will respond promptly to all reports of sexual harassment and sexual violence and take appropriate action to prevent, correct, and if necessary, impose discipline for behavior that violates the District's [Administrative Procedures 5540](#) and [Board Policy 5540](#), Sexual Misconduct and Gender-Based Discrimination.

The District seeks to foster an environment in which all students feel free to report incidents of Sexual Misconduct, Dating and Domestic Violence, or Stalking without fear of retaliation or reprisal. Accordingly, the District also strictly prohibits retaliation against any individual for filing a complaint of sexual misconduct or for participating in an investigation of such a complaint. Retaliation is illegal and constitutes a violation of the District's sexual misconduct policy and procedure. All allegations of retaliation will be swiftly and thoroughly investigated.

This procedure shall be followed to assess a concern and investigate allegations of sexual misconduct, as appropriate, in cases in which the complainant is a student (or was a student at the time of the incident). In all student-related instances in which sexual misconduct is found to have occurred under this policy, the District's Title IX Coordinator will take appropriate steps to end such conduct, prevent its recurrence and redress its effects. This procedure applies regardless of a person's gender, gender identity, gender expression, sexual orientation, age, race, nationality, class status, disability, religion, or other protected status. Federal civil rights laws other than Title IX may also be relevant to the District's responsibility to investigate and address incidents of sexual misconduct involving students with disabilities. Students with intellectual disabilities may need additional support in learning about sexual misconduct, including the District's sexual misconduct education and prevention programs, what constitutes sexual misconduct, and how students can report incidents of sexual misconduct. The District recognizes and is committed to providing students with disabilities who experience sexual misconduct with additional services and support, including psychological and counseling services, as required and appropriate.

The District's sexual misconduct procedure defines the types of behavior that constitute sexual misconduct and the process for reporting, investigating, and resolving complaints of sexual

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## SEXUAL ASSAULT, DOMESTIC AND DATING VIOLENCE, AND STALKING: DISCIPLINARY PROCEDURES, CONT.

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misconduct when the complainant and respondent(s) are District students, an employee of the District, or is a third party. The District will also investigate reports of sexual misconduct allegedly committed by students against District employees, or students against non-students, according to applicable policies and procedures. This procedure shall apply to all conduct in any academic, educational, extracurricular, athletic, or other District program and/or District-sponsored activity, whether those programs and activities occur on District property or at an off-campus location. Accordingly, the District shall investigate all complaints regardless of where or how the alleged misconduct occurs, including electronic activity, such as e-mail, texting, telephone contact, social media, when the District determines that the conduct affects, disrupts, or interferes with the educational mission of the College. Should the District become aware that any contractor, vendor, partner, or other affiliate or third party engages in sexual misconduct, it will take appropriate action up to, and including, termination of the business relationship or partnership. The following District personnel have been designated to handle inquiries regarding the Title IX Sexual Misconduct policy and procedure:

Title IX Coordinator

Human Resources Manager

Title IX Co-Coordinators

Vice President of Human Resources and Risk Management

Athletic Director

### **General Definitions**

**Complaint:**

A written communication that alleges discrimination, harassment, or retaliation against San Joaquin Community College District, one of its employees, another student, or a third party.

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## SEXUAL ASSAULT, DOMESTIC AND DATING VIOLENCE, AND STALKING: DISCIPLINARY PROCEDURES, CONT.

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### Complainant:

A person alleging that he or she is the victim of sexual misconduct by another person subject to the District's policy on sexual misconduct. The District shall also be considered a complainant if it elects to investigate reports of potential violation of its sexual misconduct policy and procedure.

### District:

Refers to San Joaquin Delta College Community College District.

### District Community:

Means any employee, contractor, student, member of the public, or invitee present on District property, or on property being used by the District. For purposes of this definition, a student is deemed a member of the District Community while enrolled in, or in the process of applying for, enrollment as a student at any of the District campus.

### Employee:

Any person employed by the District, including administrators, managers, deans, faculty, classified personnel, student workers, temporary workers, tutors, and teaching aids.

### Investigation:

In the context of this procedure, means the entire investigative process, excluding any appeals, to resolve a complaint of Sexual Misconduct, Dating and Domestic Violence, or Stalking. "Investigation" includes:

- the fact-finding investigation to determine whether the alleged sexual misconduct occurred and created a hostile environment;
- the determination of what actions the District will take to eliminate the hostile environment and prevent its recurrence, including the imposition of sanctions against the perpetrator; and,
- providing remedies for the complainant and school community as appropriate.

### Investigator:

The Title IX Coordinator's designated person(s) responsible for the investigation of complaints of sexual misconduct under Title IX and other applicable laws and regulations.

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## SEXUAL ASSAULT, DOMESTIC AND DATING VIOLENCE, AND STALKING: DISCIPLINARY PROCEDURES, CONT.

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### Party/Parties:

Means either the complainant or the respondent, involved in the alleged violation of [Administrative Procedures 5540](#) and [Board Policy 5540](#). The term “parties” means both the complainant and the respondent collectively.

### Preponderance of The Evidence:

Means the greater weight of the evidence, such that the evidence on one side outweighs, preponderates over, or is more than the evidence on the other side. The preponderance of the evidence is the applicable standard for demonstrating facts in an investigation conducted pursuant to this procedure.

### Reporter:

Any person, other than the complainant, who reports a potential violation of the District’s [Administrative Procedures 5540](#) and [Board Policy 5540](#).

### Respondent:

A District employee, another student, or a third party against whom an allegation of discrimination, harassment or retaliation has been made pursuant to the District’s [Administrative Procedures 5540](#) and [Board Policy 5540](#).

### Student:

Applicants, enrolled students, students between academic terms, graduates awaiting degrees, and students who withdraw from school while a disciplinary matter is pending. (See [Administrative Procedures 5520](#), Student Discipline and Disciplinary Appeals)

### Title IX Coordinator:

The person(s) responsible for oversight and implementation of Title IX compliance at the San Joaquin Delta Community College District, for the effective oversight of the District’s BP/AP 5540, and for the responsibilities outlined herein. As used in this procedure, Title IX Coordinator also includes his or her designee.

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## SEXUAL ASSAULT, DOMESTIC AND DATING VIOLENCE, AND STALKING: DISCIPLINARY PROCEDURES, CONT.

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### Third Party:

An individual or entity other than San Joaquin Delta Community College District, a District student, or a District employee. Examples include auxiliary organizations (as defined by Section 42406, Title 5 of the California Code of Regulations), independent contractors at the campus, campus vendors and their employees, and campus visitors.

### **Complainant and Respondent Rights**

The District will provide a written explanation of available rights and options to a student, including procedures to follow, when it receives a report that he or she has been the victim of Sexual Misconduct, Dating and Domestic Violence, or Stalking, whether the offense occurred on District property or at an off-campus location or in connection with any District sponsored program or activity. The written information will include:

- To whom the alleged offense should be reported.
- Options for reporting the incident to law enforcement and campus authorities, including the option to notify the local or District law enforcement authorities; the right to be assisted by campus authorities in notifying law enforcement authorities if the complainant so chooses; and, the right to decline to notify such authorities.
- The rights of complainants regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by criminal or civil courts and the District's responsibilities regarding such orders.
- The importance of preserving evidence as may be necessary to prove Sexual Misconduct, Dating and Domestic Violence, or Stalking, or to obtain a protection order.
- Existing District and community services available for victims including counseling, mental health, victim advocacy, legal assistance, and other services including established ongoing partnerships the District has with the following organizations available to assist victims:
  - San Joaquin County District Attorney's Office
  - 211 San Joaquin
  - Stockton Trauma Recovery Center
  - The Women's Center Youth and Family Services
  - San Joaquin Pride Center
- Options and available assistance to modify academic, transportation, and work schedules, if requested by the complainant and if reasonably available, regardless of whether the victim chooses to report the crime to District police or local law enforcement.
- Any applicable District procedures for disciplinary action.



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## SEXUAL ASSAULT, DOMESTIC AND DATING VIOLENCE, AND STALKING: DISCIPLINARY PROCEDURES, CONT.

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### **Timeframe to Complete Investigation of Sexual Misconduct Complaints**

The District will use reasonable, diligent efforts to resolve every report of sexual misconduct within approximately sixty (60) calendar days of receiving the initial report, excluding any appeals. The time frames may vary depending on the complexity of the investigation and details of the alleged misconduct. Generally, timeline will be as follows:

- Investigative process begins within five (5) calendar days after the date of the initial report.
- Fact-finding investigation is completed within thirty (30) calendar days after the investigative process begins.
- Notice of sanction(s), if applicable, and remedies issued within twenty-five (25) calendar days after the completion of fact-finding investigation.
- Notice of appeals filed by either or both complainant and respondent shall be in accordance with the District's procedures for employee and student complainants/respondents. (See [Administrative Procedure 3435](#), Unlawful Discrimination and Harassment Complaint Procedure and Investigative Process; [Administrative Procedure 5520](#), Student Discipline and Disciplinary Appeals Procedure)

When alleged violations occur near, during, or after District holidays, breaks, or the end of an academic term, time frames may vary. The District may extend any time frame for good cause, with a written explanation to the complainant and respondent.

### **Parallel Proceedings**

Sexual misconduct proceedings under this procedure and student discipline proceedings are independent from court or other administrative proceedings. Discipline may be instituted against a respondent also charged in civil or criminal courts based on the same facts that constitutes the alleged violation of:

- [Board Policy 3410](#) and [Administrative Procedure 3410](#), Nondiscrimination Policy;
- [Board Policy 3430](#) and [Administrative Procedure 3430](#), Prohibition of Harassment;
- [Administrative Procedure 3435](#), Unlawful Discrimination and Harassment;
- [Board Policy 5500](#) and [Administrative Procedure 5500](#), Standards of Student Conduct;
- [Board Policy 5520](#) and [Administrative Policy 5520](#), Student Discipline and Disciplinary Appeals), or other applicable District policy and procedures; or
- Collective bargaining agreements

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## SEXUAL ASSAULT, DOMESTIC AND DATING VIOLENCE, AND STALKING: DISCIPLINARY PROCEDURES, CONT.

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If the alleged conduct is also the subject of a criminal investigation, the District will not wait for the conclusion of the criminal investigation to begin its own investigation pursuant to this procedure. However, the District may need to coordinate its fact-finding efforts with the police investigation. Once notified that the law enforcement agency has completed its gathering of evidence (not the ultimate outcome of the investigation or the filing of any criminal charges), the District must promptly resume and complete its fact-finding for the sexual misconduct investigation.

### **Administrative Process**

#### **Notice:**

As soon as possible after an incident is reported, the Title IX Coordinator will give the complainant and respondent, respectively, a written explanation of their rights and obligations. Specifically, the notice will provide, at a minimum the following:

- A description of the alleged violation(s);
- A description of the applicable policies;
- A statement of the potential sanctions/responsive actions that could result; and,
- A required date, time, and location for a review, an interview, or proceeding.

#### **Interim Accommodations and Sanctions:**

Once the Title IX Coordinator has received a complaint of sexual misconduct, the District will make an interim assessment to determine if any immediate remedies are warranted, while an investigation or discipline action is pending. The District will work with students affected by the sexual misconduct report to ensure their safety and promote their well-being. Sometimes this assistance will take the form of immediate interim actions or accommodations to support and protect the involved students in the aftermath of an incident and while awaiting final resolution of a complaint.

The Title IX Coordinator may assign a victim's advisor to the complainant or the complainant may choose his or her own. In addition, the Title IX Coordinator or District Discipline Officer may institute other remedies, such as, but not limited to, accommodations related to modified academic schedules, use of Public Safety escort services, placing restrictions on the alleged respondent, and other remedies to promote the well-being, safety, and restoration of the complainant.

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## SEXUAL ASSAULT, DOMESTIC AND DATING VIOLENCE, AND STALKING: DISCIPLINARY PROCEDURES, CONT.

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When the respondent is a student, he or she may be subject to interim disciplinary actions, in accordance with the District's student discipline policy and procedure pending investigation of a complaint. The Title IX Coordinator may impose interim sanctions deemed reasonably necessary to protect the student, or the District community. The student will be notified of any interim action in accordance with the District's student discipline and appeals policy and procedure. ([Board Policy 5520](#) and [Administrative Policy 5520](#), Student Discipline and Disciplinary Appeals)

Upon notice of an interim suspension by the Title IX Coordinator or District Discipline Officer, the student has three (3) calendar days, from the date of the notice, to submit reasons for a Request to Stay to the Assistant Superintendent/Vice President of Student Services, or his or her designee. The Assistant Superintendent/Vice President of Student Services will render a decision on providing a stay, with or without modifications to the student's request. The Vice President of Student Services will provide the student with a decision within one (1) business day of the received Request for Stay. The interim suspension remains in effect until the Assistant Superintendent/Vice President of Student Services renders a decision.

When the respondent is a District employee, interim disciplinary actions shall be in accordance with applicable provisions of the Education Code, District Policies and Procedures, collective bargaining agreements, and other governing authority.

The Title IX Coordinator will ensure that the parties are notified simultaneously of the imposition of interim sanctions.

### Declining to Participate:

A complainant and/or respondent may decline to participate in the investigative or disciplinary process. Nonetheless, the District has an obligation to investigate a complaint to the extent of the information then available and known. If during the investigation the investigator finds corroborating information, the District may continue the process without the complainant's or respondent's participation. The complainant will be notified of any actions by the District, together with a letter noting the complainant's choice not to participate in the investigation and/or disciplinary process.

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## SEXUAL ASSAULT, DOMESTIC AND DATING VIOLENCE, AND STALKING: DISCIPLINARY PROCEDURES, CONT.

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### **The Investigation**

#### **Title IX Investigator Qualifications:**

The District, through the Title IX Coordinator or trained investigator, will investigate all reports of alleged sexual misconduct. The individuals conducting the investigation must be trained and experienced in conducting investigations, and have received a certificate verifying completion of a Title IX training course that provides foundational knowledge and skills to conduct campus investigations. The investigator must also be familiar with District's [Administrative Procedures 5540](#) and [Board Policy 5540](#) specific to students, staff, faculty, academic appointees, and visitors.

Each person assigned to conduct investigations of sexual misconduct must show proof that he or she is participating in annual Title IX training updates regarding sexual assault and sexual harassment, and best practices for conducting investigations. For cases involving allegations of sexual violence, the individuals conducting the investigation must receive annual training on issues related to sexual violence. Such training must include methods for conducting an investigation that protect the safety of complainants and promote accountability of parties found responsible for sexual misconduct.

#### **General Investigative Guidelines:**

The Title IX investigation is completely independent of any potential law enforcement investigation and generally will include interviews with the parties if available, interviews with other witnesses, as needed, and a review of relevant documents, as appropriate. Disclosure of facts to parties and witnesses shall be limited to what is reasonably necessary to conduct a fair and thorough investigation. The investigator must admonish participants in an investigation that confidentiality is essential to the integrity of the process.

Upon request, the complainant and the respondent may each have a representative present when he or she is interviewed, and at any subsequent proceeding or related meeting. Other witnesses may have a representative present at the discretion of the investigator or as required by applicable District Policy and Procedure or collective bargaining agreements.

At any time during the investigation, the investigator may recommend that interim protections or remedies for the parties or witnesses be provided by appropriate District officials. These protections or remedies may include, for example, separating the parties, placing limitations on contact between the parties, or making alternative class schedules. Failure to comply with the terms of interim protections may be considered a separate violation of this procedure.

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## SEXUAL ASSAULT, DOMESTIC AND DATING VIOLENCE, AND STALKING: DISCIPLINARY PROCEDURES, CONT.

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Additionally, in conducting the investigation, the investigator will follow current best practices and adhere to the following protocols:

- **Preserving Evidence.** The investigator will direct the complainant, respondent, witnesses, and other interested individuals to preserve any relevant evidence.
- **Character Witnesses.** The investigator will not interview witnesses whose sole purpose is to provide character information.
- **Romantic or Sexual History in Sexual Assault Cases.** The investigator will not consider information concerning the romantic or sexual history of either the complainant or the respondent, except from either the complainant or respondent regarding their shared sexual history. If either offers such information, the other will have the right to respond.
- **Prior Conduct Violations.** The investigator will not consider the respondent's prior conduct violations, unless:
  - the respondent was previously found to be responsible; and,
  - the previous incident was substantially similar to the present allegations and/or the information indicates a pattern of behavior by the respondent.
- **Use of Recording Devices.** At the request of the complainant, and to minimize victim reticence, to encourage the reporting of sexual misconduct offenses, and to encourage participation in investigations, the investigator will not use during the fact-finding investigation audio or video recording devices including, but not limited to, cell phones and other devices.

### **Informal Resolution Options**

A complainant and respondent may agree to resolve certain gender-based misconduct cases through an informal process. (For example, a complainant and respondent may agree with the Title IX Coordinator that education and training for the respondent are an appropriate and sufficient response in a particular case). This type of informal resolution can take place during the fact-finding investigation or after its conclusion. Under no circumstance will a complainant be required to use an informal resolution process to address prohibited behaviors. It is not appropriate for a complainant to be required to "work out the problem" directly or mediate with the respondent. Informal resolution, including mediation cannot be used, even on a voluntary basis, to resolve complaints of Sexual Misconduct, Dating and Domestic Violence, or Stalking. In other matters, where voluntary mediation is requested, no meeting between the complainant and the respondent should occur without involvement by appropriate District administrators, including the Title IX Coordinator.

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## SEXUAL ASSAULT, DOMESTIC AND DATING VIOLENCE, AND STALKING: DISCIPLINARY PROCEDURES, CONT.

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If both the complainant and respondent are satisfied with a proposed resolution and the Title IX Coordinator believes the resolution satisfies the District's obligation to provide a safe and non-discriminatory environment for all students, the resolution will be implemented, the disciplinary process will be concluded and the matter will be closed. If these efforts are unsuccessful, the disciplinary process will continue. Before starting these discussions, the Title IX Coordinator must notify the complainant and respondent that each has the right to end the informal process at any time.

### **Determination of Findings**

#### **Investigative Report**

Once the fact-finding investigation is completed, the Title IX Coordinator and/or investigator(s) will make a determination based on the preponderance of the evidence whether the respondent is or is not responsible for the alleged Sexual Misconduct, Dating and Domestic Violence, or Stalking.

#### **Responsible**

If after the conclusion of an investigation, the preponderance of the evidence indicates that it is more likely than not that the respondent violated the District's sexual misconduct policy and/or procedure, the respondent will be found responsible for the violation.

#### **Not Responsible**

If after the conclusion of an investigation, the preponderance of the evidence does not support that it is more likely than not that the respondent violated the District's [Administrative Procedures 5540](#) and [Board Policy 5540](#), the respondent will be found not responsible for the violation.

The investigator(s) shall prepare a written report that includes, at a minimum, a statement of the allegations and issues, the positions of the parties, a summary of the evidence, findings of fact, and a determination by the investigator whether the District's [Administrative Procedures 5540](#) and [Board Policy 5540](#), has been violated. The report shall detail relevant content from the interviews and the documentation gathered and the investigator's assessment of individual credibility. The report may also contain a recommendation for actions to resolve the complaint, including preventive educational programs, remedies for the complainant, and a referral to disciplinary procedures, as appropriate.

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## SEXUAL ASSAULT, DOMESTIC AND DATING VIOLENCE, AND STALKING: DISCIPLINARY PROCEDURES, CONT.

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### Outcome Letter

The Title IX Coordinator will issue concurrently to each party an Outcome Letter that includes a summary of the investigative findings, and notice of the right to appeal. (See Section VII of District's [Administrative Procedures 5540](#) and [Board Policy 5540](#), Appeal of the Investigative Process and Sanctions) If applicable, the letter to the complainant will specify any individual remedies offered or provided to the complainant and other measures taken to eliminate the hostile environment, if found to exist, and to prevent its recurrence. The respondent should not be notified of the individual remedies offered or provided to the complainant. The Outcome Letter will also describe whether any systemic remedies are being considered or implemented for the benefit or safety of the District community. The Outcome Letter provided to each of the parties may be modified subject to the limitations of the Family Educational Rights and Privacy Act (FERPA) and other relevant federal or state privacy laws.

### Parties' Right to Review of Investigative Report

The respondent and complainant will each have the opportunity to review a copy of the investigative report and any other information that will be used during the disciplinary proceedings, if any. The names and other identifying information of other students will be redacted from such materials in accordance with the Family Educational Rights and Privacy Act (FERPA), except to the extent that doing so would interfere with the purpose of Title IX to eliminate sex-based discrimination. The Title IX Coordinator will supervise this review and ensure that reasonable time is afforded for review prior to any subsequent proceedings.

### Sanctions

If the respondent is a student, in accordance with student disciplinary procedures, the District may impose sanctions such as verbal reprimands, voluntary enrollment in seminars pertaining to Sexual Misconduct, Dating and Domestic Violence, or Stalking issues, written reprimands, dismissal from class and/or other District activities, or expulsion from the District. In addition, cases involving serious misconduct may be referred to the local Office of the District Attorney for possible criminal prosecution. (See [Board Policy 5520](#) and [Administrative Procedure 5520](#), Student Discipline Procedure and Appeal Procedure) If the respondent is a District employee, in accordance with District policies and procedures, including those prohibiting unlawful discrimination and harassment, applicable bargained agreements, and the Education Code, the District may impose sanctions such as verbal reprimands, voluntary enrollment in seminars pertaining Sexual Misconduct, Dating and Domestic Violence, or Stalking issues, written reprimands, demotions, suspensions without pay, and dismissal from

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## SEXUAL ASSAULT, DOMESTIC AND DATING VIOLENCE, AND STALKING: DISCIPLINARY PROCEDURES, CONT.

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employment. In addition, cases involving serious misconduct may be referred to the local Office of the District Attorney for possible criminal prosecution. (See [Board Policy 3430](#) and [Administrative Procedure 3430](#); Prohibition of Harassment and [Administrative Procedure 3435](#), Unlawful Discrimination and Harassment Complaint Procedure and Investigative Process)

The Title IX Coordinator will ensure that the complainant is notified simultaneously with the respondent of the imposed sanctions, to the extent that the sanctions relate directly to the complainant, subject to the requirements of any other applicable law. The notification must also inform the complainant of his or her right to appeal.

Sanctions issued shall be:

- fair and appropriate given the facts of the particular case;
- consistent with the District's handling of similar cases;
- adequate to protect the safety of the District community; and
- reflective of the seriousness of the sexual misconduct.

The relevant factors that are considered, as applicable to the specifics of each type of sexual misconduct, when imposing sanctions are the:

- specific sexual misconduct at issue (such as penetration, touching, unauthorized recording);
- circumstances accompanying the lack of consent (such as force, threat, coercion, incapacitation);
- respondent's state of mind (intentional, knowing, bias-motivated, reckless);
- impact of the offense on the complainant;
- respondent's disciplinary history;
- safety of the District community; and,
- respondent's conduct during the disciplinary process.

### Disclosure of Results of Disciplinary Proceedings

Upon request, the District will disclose the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of any crime of violence or non-forcible sex offense (incest or statutory rape) to the alleged victims, or next of kin if the victim is deceased.



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## SEXUAL ASSAULT, DOMESTIC AND DATING VIOLENCE, AND STALKING: DISCIPLINARY PROCEDURES, CONT.

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### **Ongoing Accommodations for Complainants and Safety Measures**

Whatever the outcome of the informal resolution or investigation, a complainant may request ongoing or additional accommodations. In consultation with other campus departments, the Title IX Coordinator will determine whether such measures are appropriate. Potential ongoing accommodations include:

- providing an escort by District police;
- implementing no contact directives;
- modifying the complainant's academic schedule;
- adjusting the complainants on campus job/work schedule;
- allowing the complainant to withdraw from or retake a class without penalty;
- providing access to tutoring or other academic support, such as extra time to complete or re-take a class; and,
- providing counseling and medical support.

### **Appeals of the Investigation Process and Sanctions**

After receiving the Outcome Letter, either the respondent or complainant, or both, have the right to submit an appeal for review of the investigative process and determination of findings. The respondent and complainant each have the right, as well, to appeal the imposed sanctions.

#### **Grounds for Appeal**

The appeal shall be based on one or more of the following:

- A procedural error affecting the determination or sanction;
- New information that was not available at the time of the investigation or hearing and that may change the determination or sanction; or
- Excessiveness or insufficiency of the sanction

Disagreement with the determination of findings or sanctions is not, by itself, a ground for appeals. Moreover, the purpose of an appeal is not to initiate a review of substantive issues of fact.

#### **Submission of Appeal**

Either the complainant or respondent, or both, may appeal the determination of findings and/or sanctions in accordance with the appropriate District procedures:

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## SEXUAL ASSAULT, DOMESTIC AND DATING VIOLENCE, AND STALKING: DISCIPLINARY PROCEDURES, CONT.

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- Appeals by student complainants or respondents: [Administrative Procedure 5520](#), Student Discipline and Disciplinary Appeals Procedure;
- Appeals by employee respondents: [Administrative Procedure 3435](#), Unlawful Discrimination and Harassment Complaint Procedure and Investigative Process.

### Issues and Evidence on Appeal

The issues and evidence raised on appeal shall be limited to those raised and identified during the investigation, unless new evidence becomes available after completion of the fact-finding investigation and is made part of the appeal by the appealing party.

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## OTHER SEX OFFENSE POLICY AREAS

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### **Registered Sex Offenders**

Effective October 28, 2002, Penal Code 290.1 was expanded and requires sexual offenders to register with the District Police Department (Stockton Campus). Convicted sexual offenders are required to register under Section 290 if they are residing on campus; enrolled as a student; employed by the District, either part-time or full-time (includes paid employees or volunteers); or working or carrying on a vocation at the campus for more than 14 days or for an aggregate period exceeding 30 days in a calendar year (including paid workers as well as volunteers).

Persons listed above must register with the District police within five working days of commencing enrollment or employment with the District. Registrants are also required to notify the District police within five working days of ceasing to be enrolled or employed, or ceasing to carry on a vocation within the District.

Public information regarding sex offenders in California may be obtained by viewing the Department of Justice online Megan's Law web site at <http://www.meganslaw.ca.gov>.

Persons desiring information regarding sex offenders within San Joaquin County may contact:

- San Joaquin County Sheriff's Department: (209) 468-4400;
- Stockton Police Department: (209) 937-8377;
- Tracy Police Department: (209) 831-6550;
- Manteca Police Department: (209) 239-8401;
- Ripon Police Department: (209) 599-2102; or
- Lodi Police Department: (209) 333-6728

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## MISSING STUDENTS

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Delta College encourages its on-campus residents of the Manteca Farm to be observant about activity within its community, including watching out for their neighbors. It also provides campus personnel with a framework for inter-office cooperation in the event that a student residing in the on-campus housing community is reported missing.

Any report of a missing student, regardless of source, should be immediately reported to the District police. The reporter should be prepared to provide any information known on the student's last location and/or contact.

The District police, or farm manager shall notify the confidential contact within twenty-four (24) hours of the student being deemed missing if the student has designated confidential contact on file with the institution. A student's confidential contact shall be the emergency contact(s) designated by the student on the housing license agreement and shall only be accessible to authorized campus officials, and will not be disclosed except to law enforcement personnel in furtherance of a missing person investigation.

For non-residential students, the individual reported as the confidential contact through the District website shall be the emergency contact.

### Custodial Parent or Guardian

The District police, or farm manager shall notify the custodial parent or guardian of a student under the age of eighteen (18) who is not emancipated within twenty-four (24) hours of the student being deemed missing.

### Local Law Enforcement

The District police shall notify the local law enforcement agency with jurisdiction of the area within twenty-four (24) hours of the student being deemed missing regardless of the student's age and/or designated confidential contact/custodial parent or guardian.

# CLERY CRIME STATISTICS

## Stockton Campus

### Criminal Offenses

	On-Campus Property			Public Property			Non-Campus Property		
	2015	2016	2017	2015	2016	2017	2015	2016	2017
Murder / Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
<b>Sexual Offenses</b>									
Rape	0	0	0	1	0	0	0	0	0
Forcible Fondling	1	3	2	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	4	4	1	1	0	0	0	0	0
Aggravated Assault	0	2	3	0	0	0	0	0	0
Burglary	2	1	3	0	0	0	0	0	1
Motor Vehicle Theft	8	4	3	0	0	0	0	0	2
Arson	0	0	1	0	0	0	0	0	0

### VAWA Offenses

Domestic Violence	1	3	3	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	1	0	0	0	0	0	0

### Special Category Arrests

Liquor Law	3	0	3	0	0	0	0	0	0
Drug Violations	12	2	4	1	0	0	0	0	0
Weapons Violations	3	2	3	0	0	0	0	0	0

### Disciplinary Action / Judicial Referrals

Liquor Law	0	0	3	0	0	0	0	0	0
Drug Violations	1	0	4	0	0	0	0	0	0
Weapons Violations	0	0	3	0	0	0	0	0	0

### Hate Crimes:

<b>2015:</b>	There were no crimes reported based upon bias (race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, or disability) during this reporting year.
<b>2016:</b>	There were no crimes reported based upon bias (race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, or disability) during this reporting year.
<b>2017:</b>	There were no crimes reported based upon bias (race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, or disability) during this reporting year.

### Unfounded Crimes:

<b>2015:</b>	There were no unfounded crime(s) reported during this reporting period
<b>2016:</b>	There was one (1) unfounded crime(s) reported during this reporting period
<b>2017:</b>	There were no unfounded crime(s) reported during this reporting period

**NOTE:** The local police agencies of jurisdiction provided statistics for Clery qualifying crimes that occurred during this time period adjacent to our non-campus locations.

**Residential Facilities:** The Stockton campus does not have any residential facilities to report.

## CLERY CRIME STATISTICS, CONT.

<b>Manteca Farm</b> Criminal Offenses	On-Campus Property			Public Property			Residence Halls			Non-Campus Property		
	2015	2016	2017	2015	2016	2017	2015	2016	2017	2015	2016	2017
<b>Murder / Non-Negligent Manslaughter</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Manslaughter by Negligence</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Sexual Offenses</b>												
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Forcible Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
<b>Robbery</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Aggravated Assault</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Burglary</b>	1	0	0	0	0	0	1	0	0	1	0	0
<b>Motor Vehicle Theft</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Arson</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>VAWA Offenses</b>												
<b>Domestic Violence</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Dating Violence</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Stalking</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Special Category Arrests</b>												
<b>Liquor Law</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Drug Violations</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Weapons Violations</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Disciplinary Action / Judicial Referrals</b>												
<b>Liquor Law</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Drug Violations</b>	1	0	0	0	0	0	0	0	0	0	0	0
<b>Weapons Violations</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Hate Crimes:</b>												
<b>2015:</b>	There were no crimes reported based upon bias (race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, or disability) during this reporting year.											
<b>2016:</b>	There were no crimes reported based upon bias (race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, or disability) during this reporting year.											
<b>2017:</b>	There were no crimes reported based upon bias (race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, or disability) during this reporting year.											
<b>Unfounded Crimes:</b>												
<b>2015:</b>	There were no unfounded crime(s) reported during this reporting period											
<b>2016:</b>	There were no unfounded crime(s) reported during this reporting period											
<b>2017:</b>	There were no unfounded crime(s) reported during this reporting period											

**NOTE:** Public property crimes reflect reports taken by District Police. The local police department has not provided statistics as of this publishing.

## CLERY CRIME STATISTICS, CONT.

<b>Mountain House Campus</b> Criminal Offenses	On-Campus Property			Public Property			Non-Campus Property		
	2015	2016	2017	2015	2016	2017	2015	2016	2017
<b>Murder / Non-Negligent Manslaughter</b>	0	0	0	0	0	0	0	0	0
<b>Manslaughter by Negligence</b>	0	0	0	0	0	0	0	0	0
<b>Sexual Offenses</b>									
Rape	0	0	0	0	0	0	0	0	0
Forcible Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
<b>Robbery</b>	0	0	0	0	0	0	0	0	0
<b>Aggravated Assault</b>	0	0	0	0	0	0	0	0	0
<b>Burglary</b>	0	0	0	0	0	0	0	0	0
<b>Motor Vehicle Theft</b>	0	0	1	0	0	0	0	0	0
<b>Arson</b>	0	0	0	0	0	0	0	0	0
<b>VAWA Offenses</b>									
<b>Domestic Violence</b>	0	0	0	0	0	0	0	0	0
<b>Dating Violence</b>	0	0	0	0	0	0	0	0	0
<b>Stalking</b>	0	0	0	0	0	0	0	0	0
<b>Special Category Arrests</b>									
<b>Liquor Law</b>	0	0	0	0	0	0	0	0	0
<b>Drug Violations</b>	0	0	0	0	0	0	0	0	0
<b>Weapons Violations</b>	0	0	0	0	0	0	0	0	0
<b>Disciplinary Action / Judicial Referrals</b>									
<b>Liquor Law</b>	0	0	0	0	0	0	0	0	0
<b>Drug Violations</b>	0	0	0	0	0	0	0	0	0
<b>Weapons Violations</b>	0	0	0	0	0	0	0	0	0
<b>Hate Crimes:</b>									
<b>2015:</b>	There were no crimes reported based upon bias (race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, or disability) during this reporting year.								
<b>2016:</b>	There were no crimes reported based upon bias (race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, or disability) during this reporting year.								
<b>2017:</b>	There were no crimes reported based upon bias (race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, or disability) during this reporting year.								
<b>Unfounded Crimes:</b>									
<b>2015:</b>	There were no unfounded crime(s) reported during this reporting period								
<b>2016:</b>	There were no unfounded crime(s) reported during this reporting period								
<b>2017:</b>	There were no unfounded crime(s) reported during this reporting period								

**NOTE:** The local police agency of jurisdiction reported that there were no Clery qualifying crimes that occurred during this time period adjacent to our non-campus locations.

**Residential Facilities:** The Mountain House campus does not have any residential facilities to report.

## CLERY CRIME STATISTICS, CONT.

<b>Galt Learning Center</b> Criminal Offenses	On-Campus Property			Public Property			Non-Campus Property		
	2015	2016	2017	2015	2016	2017	2015	2016	2017
<b>Murder / Non-Negligent Manslaughter</b>	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0
<b>Manslaughter by Negligence</b>	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0
<b>Sexual Offenses</b>									
Rape	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0
Forcible Fondling	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0
Incest	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0
Statutory Rape	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0
<b>Robbery</b>	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0
<b>Aggravated Assault</b>	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0
<b>Burglary</b>	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0
<b>Motor Vehicle Theft</b>	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0
<b>Arson</b>	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0
<b>VAWA Offenses</b>									
<b>Domestic Violence</b>	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0
<b>Dating Violence</b>	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0
<b>Stalking</b>	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0
<b>Special Category Arrests</b>									
<b>Liquor Law</b>	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0
<b>Drug Violations</b>	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0
<b>Weapons Violations</b>	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0
<b>Disciplinary Action / Judicial Referrals</b>									
<b>Liquor Law</b>	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0
<b>Drug Violations</b>	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0
<b>Weapons Violations</b>	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0
<b>Hate Crimes:</b>									
<b>2015:</b>	There were no crimes reported based upon bias (race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, or disability) during this reporting year.								
<b>2016:</b>	There were no crimes reported based upon bias (race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, or disability) during this reporting year.								
<b>2017:</b>	There were no crimes reported based upon bias (race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, or disability) during this reporting year.								
<b>Unfounded Crimes:</b>									
<b>2015:</b>	There were no unfounded crime(s) reported during this reporting period								
<b>2016:</b>	There were no unfounded crime(s) reported during this reporting period								
<b>2017:</b>	There were no unfounded crime(s) reported during this reporting period								

**NOTE:** The local police agency of jurisdiction reported that there were no Clery qualifying crimes that occurred during this time period adjacent to our non-campus locations.

**Residential Facilities:** The Galt Learning Center does not have any residential facilities to report.



## ON-CAMPUS RESOURCE LIST

Resource	Phone Number	Website
District Police Department (24 hours emergency)	(209) 954-5000	<a href="https://police.deltacollege.edu">https://police.deltacollege.edu</a>
Health Unit	(209) 954-5077	<a href="https://www.deltacollege.edu/dept/dsps">https://www.deltacollege.edu/dept/dsps</a>
Guidance and Counseling	(209) 954-5151 ext. 6279 and 6277	<a href="https://www.deltacollege.edu/dept/guidance">https://www.deltacollege.edu/dept/guidance</a>
Delta College Pride Center	(209) 954-5260	<a href="https://www.deltacollege.edu/dept/stuactivities/sjdcpridecenter.html">https://www.deltacollege.edu/dept/stuactivities/sjdcpridecenter.html</a>

## OFF-CAMPUS RESOURCE LIST

Resource	Phone Number	Website
211 San Joaquin	211	<a href="http://www.211sj.org">http://www.211sj.org</a>
San Joaquin County Victim/Witness	(209) 468-2500	<a href="http://vcgcb.ca.gov/victims/counties/sanjoaquin.aspx">http://vcgcb.ca.gov/victims/counties/sanjoaquin.aspx</a>
San Joaquin General Hospital	(209) 468-6000	<a href="http://www.sjgeneral.org/">http://www.sjgeneral.org/</a>
San Joaquin Substance Abuse Services	(209) 468-3800	<a href="http://www.co.san-joaquin.ca.us/osa/">http://www.co.san-joaquin.ca.us/osa/</a>
Women Center of San Joaquin County Sexual Assault	(Stockton) (209) 465-4997 (24 hr. hotline)	<a href="http://www.womenscenteryfs.org/">http://www.womenscenteryfs.org/</a>
	(Lodi) (209) 368-3406	
	(Tracy) (209) 833-0300	
South County Crisis Center	(Manteca) (209) 824-0586	--
Calaveras Crisis Center	(San Andreas) (209) 736-4011 (24 hr. hotline)	<a href="http://www.trcac.org/programs/crisis-center">http://www.trcac.org/programs/crisis-center</a>
Women Center of San Joaquin County Domestic Violence	(Stockton) (209) 465-4878 (24 hr. hotline)	<a href="http://www.womenscenteryfs.org/">http://www.womenscenteryfs.org/</a>
Deaf Women's Legal Project	(510) 538-0152 (TTY)	--
National Domestic Violence Hotline	(800) 799-SAFE (24 hr. hotline)	<a href="http://www.thehotline.org/">http://www.thehotline.org/</a>

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## ADDITIONAL RELATED INFORMATION

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### Definitions

The Clery Act crime definitions are as follows (in hierarchical order):

Murder/Non-Negligent Manslaughter:

The willful killing of one human being by another.

Manslaughter by Negligence:

The killing of another person through gross negligence.

Sexual Assault:

Any sexual act directed against another person, without consent of the victim, including instances 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, including when the victim is incapable of giving consent. This offense includes the rape of both males and females.

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

Robbery: The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accomplished by the use of weapons or by means likely to produce death or great bodily harm.

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## ADDITIONAL RELATED INFORMATION, CONT.

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**Burglary:** The unlawful entry of a structure to commit a felony or a theft. An incident must meet three conditions to be classified as a burglary:

- There must be evidence of unlawful entry (trespass).
- The unlawful entry must occur within a structure, which is defined as having four walls, a roof, and a door.
- The structure was unlawfully entered to commit a felony or theft. If the intent was not to commit a felony or theft, the incident is not a burglary.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle.

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

**Weapons: Carrying, Possessing, Etc., 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. This classification encompasses weapons offenses that are regulatory in nature.

**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.

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## ADDITIONAL RELATED INFORMATION, CONT.

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### The Violence Against Women Reauthorization Act of 2014 (VAWA) definitions are as follows:

**Domestic Violence:** The term “domestic violence” is defined as a felony or misdemeanor crime of violence committed;

- by a current or former spouse or intimate partner of the victim,
- by a person with whom the victim shares a child in common,
- by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner,
- by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or
- by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Dating Violence:** The term “dating violence” is defined as 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 such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

**Stalking:** The term “stalking” is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- fear for the person's safety or the safety of others; or
- suffer substantial emotional distress.

“Course of conduct” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.

” Reasonable person” means a reasonable person under similar circumstances and with similar identities to the victim.

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## ADDITIONAL RELATED INFORMATION, CONT.

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” Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

The Hate Crime definitions are as follows:

Hate Crime: A hate crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim. For Clery Act purposes, Hate Crimes include any of the following offenses that are motivated by bias:

- Murder and Non-Negligent Manslaughter
- Sexual Assault
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Larceny-Theft: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.
- Simple Assault: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
- Intimidation: To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- Destruction/Damage/Vandalism of Property: To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or person having custody or control of it.

There are eight categories of bias under the Clery Act:

- Race: A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, blacks or African Americans, whites.

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## ADDITIONAL RELATED INFORMATION, CONT.

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- Religion: A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.
- Sexual Orientation: A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation.
- Gender: A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.
- Gender Identity: A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals.
- Ethnicity: A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry.
- National Origin: A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.
- Disability: A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

### Other Definitions

#### Awareness Programs:

Community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

#### Bystander Intervention:

Safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

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## ADDITIONAL RELATED INFORMATION, CONT.

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### On-Campus:

Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and

- Any building or property that is within or reasonably contiguous to the area identified in this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

### Federal Bureau of Investigation's ("FBI") Uniform Crime Reporting ("UCR") Program:

Nationwide, cooperative statistical effort in which city, university and college, county, State, Tribal, and federal law enforcement agencies voluntarily report data on crimes brought to their attention. The UCR program also serves as the basis for the definitions of crimes in the Clery Act and the requirements for classifying Clery Act crimes.

### Non-campus Buildings or Property:

Any building or property owned or controlled by a student organization that is officially recognized by the institution; or

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

*Note: The District does not operate any non-campus buildings or properties*

### Public Property:

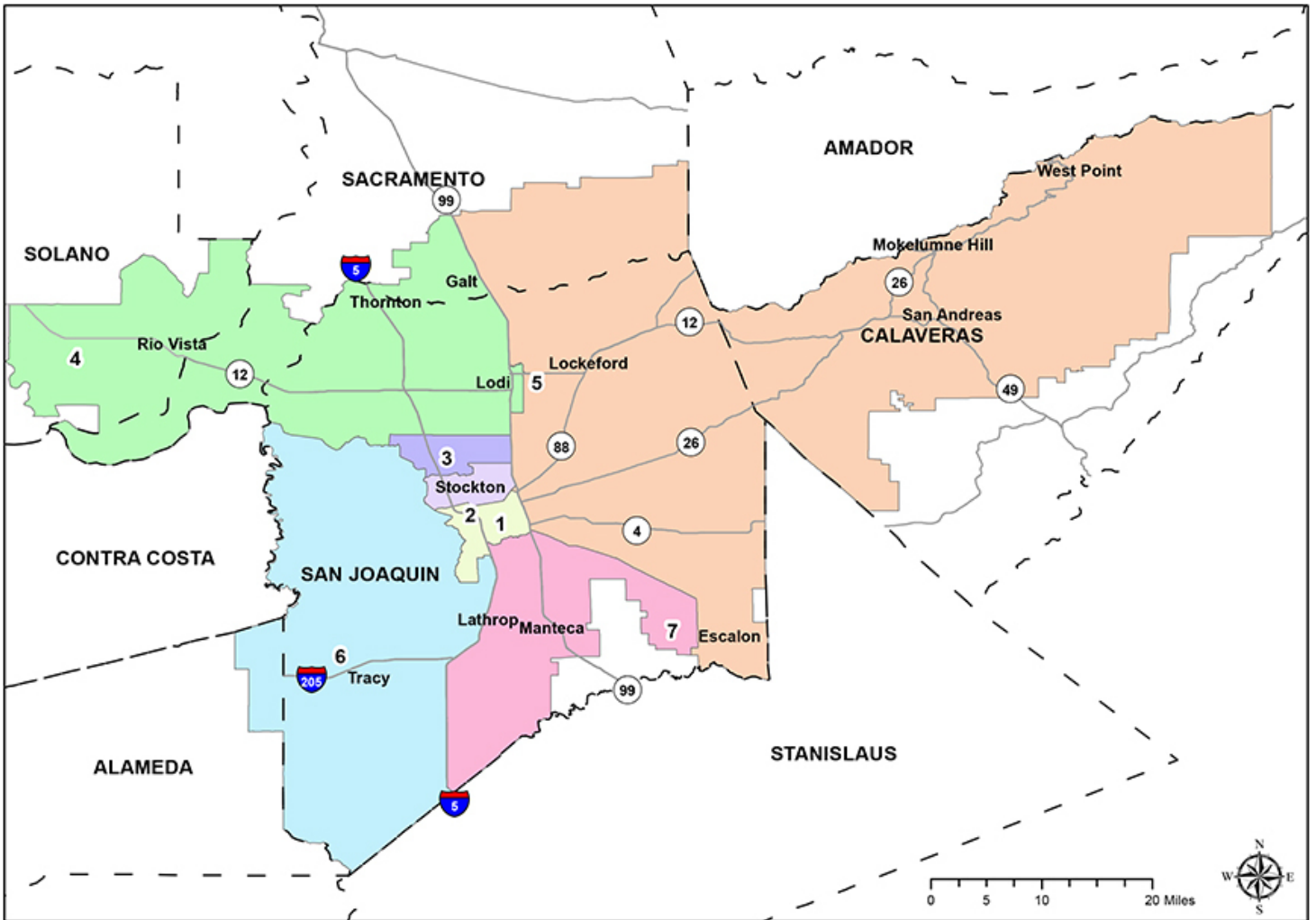
All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

### Business Day:

Monday through Friday, excluding any holiday or day that the institution is closed.

ADDITIONAL RELATED INFORMATION, CONT.

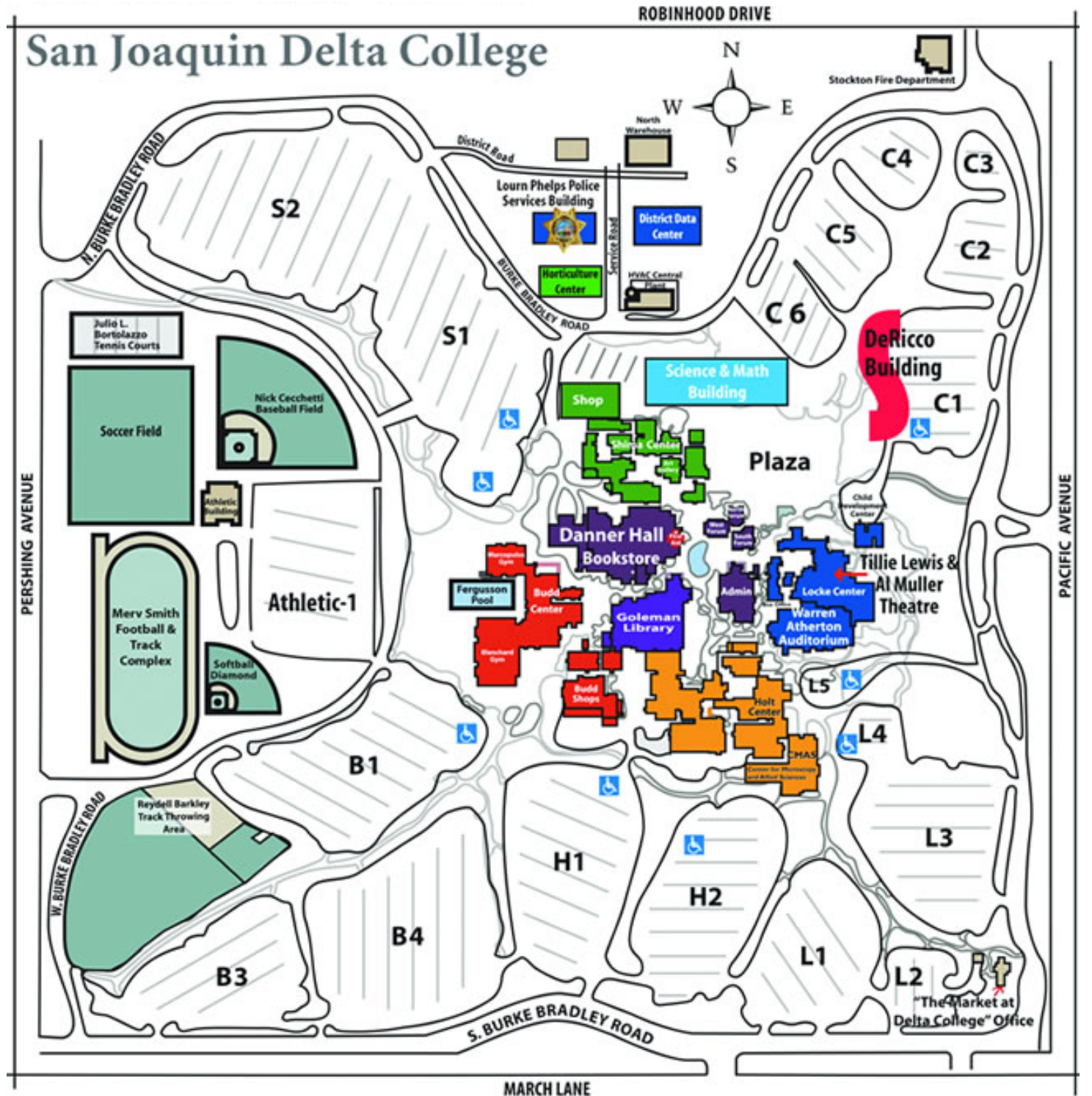
**District Boundary Map**





ADDITIONAL RELATED INFORMATION, CONT.

Stockton Campus Map – 5151 Pacific Avenue, Stockton, CA 95207



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ADDITIONAL RELATED INFORMATION, CONT.

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**Manteca Farm Center** – 5298 Brunswick Road, Manteca, CA 95336



## ADDITIONAL RELATED INFORMATION, CONT.

**South Campus at Mountain House – 2073 S. Central Parkway, Mountain House, CA 95391**

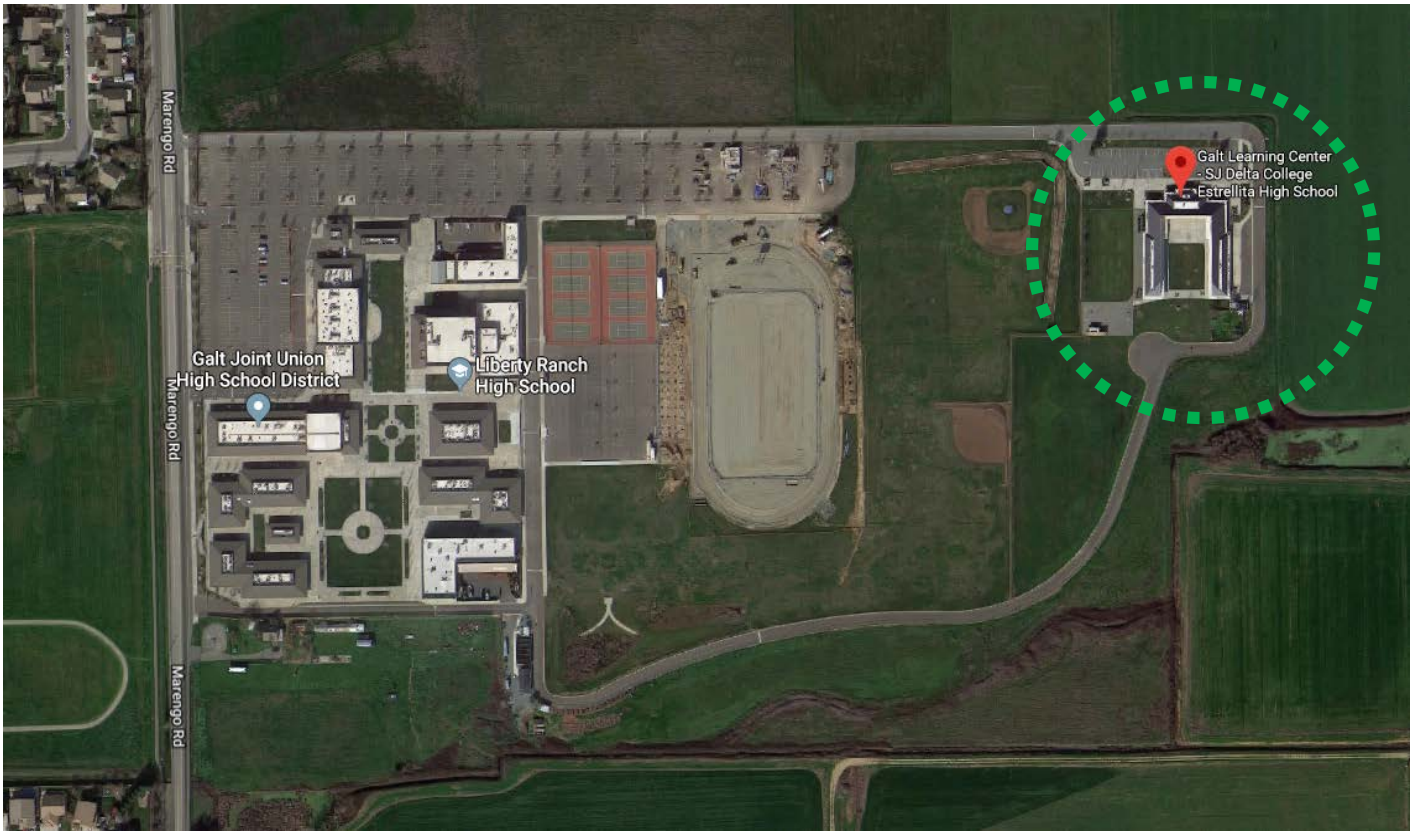


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## ADDITIONAL RELATED INFORMATION, CONT.

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**Galt Learning Center – 12935 Marengo Road, Galt, CA 95632**







**ANNUAL FIRE SAFETY REPORT**

**SAN JOAQUIN DELTA COMMUNITY COLLEGE**

**DISTRICT POLICE DEPARTMENT**



JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICIES & CAMPUS CRIME STATISTICS ACT  
(20 U.S.C. § 1092(F))

2015-2017

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# TABLE OF CONTENTS

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Topic	Page
Introduction	67
Summary of Reporting Requirements	68
Definition of Terms	70
Policies	72
Fire Statistics	74
Fire Log	75
Disclosure of Information	76

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## INTRODUCTION

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Fire Safety is an essential tool in protecting a campus community from injuries, deaths, business interruption, and property damage resulting from fires and related perils. Fire Safety includes education, training, and policies designed to ensure all students, staff and faculty of these institutions are aware of, and understand, the elements that help to ensure the safety of us all.

In an effort to standardize the information that an institution publishes in regards to their own fire safety, the Department of Education developed the Higher Education Opportunity Act (HEOA). HEOA is intended to ensure a reasonable and consistent notification of fire related incidents on San Joaquin Delta Community College administered housing units, located solely on the Manteca Farm campus.

In August of 2008, the Department of Education passed a law (Public Law 110-315) stating that all Title IV eligible institutions that participate in any Title IV program, and that maintain on-campus student housing facilities, publish an annual fire safety report, maintain a fire log, and report fire statistics to the Secretary of Education. Beginning in October 2010, the report must be publicly disclosed.

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## SUMMARY OF REPORTING REQUIREMENTS

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The Higher Education Opportunity Act (HEOA, Code Reference DOE 34 CRF 600, 668, 675 Final Rule) requires that certain information pertaining to the Fire Safety in District administered housing units of current or prospective students and employees for the previous calendar year be reported, and readily available for viewing, by any interested party. This document will address the following:

### Definition of Terms [Code of Federal Regulations §668.49(a)]

- Cause of Fire
- Fire
- Fire Drill
- Fire-related Injury
- Fire-related Death
- Fire Safety Systems
- Value of Property Damage
- Residential /Student Housing Facility

### Policies [Code of Federal Regulations §668.49(b)]

- Safety Policies [Code of Federal Regulations §668.49(b)(4)]
  - Use of Electrical Appliances
  - Smoking
  - Open Flames
- Fire Evacuation Procedures [Code of Federal Regulations §668.49(b)(5)]
- Fire Safety Education and Training [Code of Federal Regulations §668.49(b)(6)]

### Fire Drills [Code of Federal Regulations §668.49(b)(3)]

- Number of Fire Drills held during the previous year

### Future Improvements [Code of Federal Regulations §668.49(b)(8)]

- Fire Safety Systems



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## SUMMARY OF REPORTING REQUIREMENTS, CONT.

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### Fire Statistics [Code of Federal Regulations §668.49(c)]

- Number of fires
- Cause of each fire
- Number of injuries
- Number of deaths
- Value of property damage

### Fire Log [Code of Federal Regulations §668.49(d)]

- Must be for the most recent 60-day period
- Open to the public
- Contain the following
  - Date and Time the fire was reported
  - Nature of the fire
  - General location of the fire

### Disclosure of Information

- Fire Log [Code of Federal Regulations §668.49(d)]
- Annual Safety Report
- Access to annual security report

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## DEFINITION OF TERMS

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### Cause of Fire:

The factor or factors that give rise to a fire. The causal factor may be, but is not limited to, the result of an intentional or unintentional action, mechanical failure, or act of nature.

### Fire:

Any instance of open flame or other burning in a place not intended to contain the burning, or in an uncontrolled manner.

### Fire Drill:

A supervised practice of a mandatory evacuation of a building for a fire.

### Fire-related injury:

Any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of the fire. The term person may include students, faculty, staff, visitors, firefighters, or any other individuals.

### Fire-related death:

Any instance in which a person

- Is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire; or
- Dies within one year of injuries sustained as a result of the fire.

### Fire Safety System:

Any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire. This system may include sprinkler systems or other fire extinguishing systems, fire detection devices, devices that alert one to the presence of a fire, such as horns, bells, or strobe lights, smoke control and reduction mechanisms, and fire doors and walls that reduce the spread of a fire.

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## DEFINITION OF TERMS, CONT.

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### Value of Property Damage:

The estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quantity. This estimate should include contents damaged by fire, and related damages caused by smoke, water and overhaul; however, it does not include indirect loss, such as business interruption.

### Residential/Student Housing Facility

Regulatory Language [Code of Federal Regulations §668.46(b)]: The institution maintains an on-campus student housing facility.

The HEOA applies to all residential facilities owned or controlled by an institution within the same reasonably contiguous geographic area, including privately operated residential housing, provided the building is owned by the District or on a District owned or controlled campus.

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## POLICIES

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The San Joaquin Delta Community College District has established and published regulations addressing the fire and life safety issues identified in HEOA. Excerpts from the Housing regulations appear below the HEOA reporting category.

### Safety Policies [Code of Federal Regulations §668.49(b)(4)]

#### Use of Electrical Appliances

The District currently does not have policies in place regarding the use of appliances such as:

- Electric heating / cooling appliance
  - Coffee makers
  - Hot pots / plates
  - Toasters
  - Toaster ovens
  - Immersible heating coils
  - Microwave ovens
  - Refrigerators
  - Portable air conditioning units
  - Portable heating appliances
  - Multiple electrical adapters
  - Ungrounded electrical appliances

#### Smoking

The District, in its entirety has been codified as a non-smoking campus ([Administrative Procedure 3570](#), Smoking on Campus).

Smoking, or the use of tobacco-related products is prohibited in the following areas:

- All indoor spaces owned, leased, licensed, or otherwise controlled by the District, including, but not limited to:
  - Classrooms
  - Offices
  - Labs
  - Restrooms
  - Workspaces

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## POLICIES, CONT.

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- All outdoor spaces owned, leased, licensed, or otherwise controlled by the District, including, but not limited to:
  - Quad
  - Pathways, walkways, and sidewalks
  - Parking lots
  - Grass areas
  - Bus stops

### Open Flames

The District currently does not have policies in place regarding the use of open flames within residences. such as:

- Candles and incense
- Combustible decorations and chemicals

### Fire Evacuation Procedures [Code of Federal Regulations §668.49(b)(5)]

Students are required to evacuate any On-Campus Housing facility immediately upon the sound of an alarm and may not reenter until authorized by District personnel. Room doors, fire doors, hallways and stairwells may not be obstructed. Activating false fire alarms or misusing or tampering with fire or safety equipment is strictly prohibited. Maps are located with the residence

### Fire Safety Education and Training [Code of Federal Regulations §668.49(b)(6)]

The District police ensures that the living and use conditions are acceptable in order to create the safest possible environment on campus. Each year the District police distributes and installs a “Flip Chart” that outlines multiple emergencies and their associated responses

All residences are equipped with portable fire extinguishers and smoke detectors.

### Fire Drills [Code of Federal Regulations §668.49(b)(3)]

Due to the limited occupancy of the single family residence, fire drills are not regularly scheduled, or conducted during the year.

### Future Improvements [Code of Federal Regulations §668.49(b)(8)]

The facilities and police departments work together to identify aging fire alarm and strives to provide reliable and nuisance-free systems. At this time, there are no improvements sought.

## FIRE STATISTICS

The annual fire safety statistics reported below contain on-campus student housing facility (Manteca Farm Center campus) fire statistics compiled from the 2016 calendar year and the two previous calendar years.

The Manteca Farm residence is a single-family, one-story, three-bedroom home constructed in 1939. The occupant rooms are equipped with smoke detectors. Additional smoke detectors are located in the hallway and dining room and a fire extinguisher is placed that is maintained and serviced by the District, yearly.

The residence does not contain a sprinkler system and is not equipped with a fire monitoring system.

Manteca Farm - Residence	Fires	Related Injuries	Related Deaths	Value of Loss	Case #	Causes of Fires		
						Unintentional	Intentional	Undetermined
2015	0	0	0	0.00	N/A			
2016	0	0	0	0.00	N/A			
2017	0	0	0	0.00	N/A			

Note: Only those injuries that resulted in treatment at a medical facility or on-campus health center are listed.

Causes:

- # 1. Cooking
- # 2. Smoking
- # 3. Open flame
- # 4. Electrical
- # 5. Hazardous products
- # 6. Machinery/Industrial
- # 7. Natural
- # 8. Other

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## FIRE LOG

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The following must be logged for any fire that occurred in an on-campus student housing facility:

- Date and time the fire was reported
- Nature of the fire
- General location of the fire

The District police maintains a combined Daily Crime and Fire Log. This document contains a record of all crimes and fires reported to the District police that have occurred on the Clery Act reportable geography of the campus. The District Police Daily Crime and Fire Log will include all crime and fire incidents from the most recent 60-day period, and it is available for public inspection, online, at <https://sjdc.crimegraphics.com/2013/default.aspx>.

Additionally, the Daily Crime and Fire Log can be viewed, in person, between the hours of 7:00 a.m. – 7:00 p.m., Monday – Friday, at the Lourn Phelps Police Services Building, located on the Stockton campus of San Joaquin Delta College.

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## DISCLOSURE OF INFORMATION

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### Fire Log [Code of Federal Regulations §668.49(d)]

- Must maintain a written, easily understood fire log.
- Must make an entry or an addition to an entry within two business days of receipt of information.
- Must make the fire log for the most recent 60-day period open to public inspection during normal business hours, and older logs available within two business days of request.
- Must be reported to the campus community on an annual basis through the annual fire safety report statistics log.

### Annual Fire Safety Report [(Code of Federal Regulations §668.41)]

- Must be distributed to enrolled students through appropriate publications and mailings or internet or intranet web sites.
- Must be distributed in brief form to current employees through notice of exact electronic address for internet or intranet web sites with a statement that paper copies of full report are available upon request.
- Must provide a notice to prospective students or prospective employees of the availability of the report, a description of the report contents and an opportunity to request a copy. The notice must also include the exact electronic address if the report is posted on an internet web site, and also include a statement that paper copies of full report are available upon request.

### Access to Annual Security Report [Code of Federal Regulations §668.41(6)]

San Joaquin Delta College publishes the Annual Fire Safety report and Annual Security Report simultaneously as one document, and it is maintained at the Delta College Police Department.



