



SAN JOAQUIN **DELTA COLLEGE**

2022 ANNUAL SECURITY AND CLERY FIRE SAFETY REPORT



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

STOCKTON, MOUNTAIN HOUSE, AND MANTECA FARM CAMPUSES

Crime Statistics for 2019-2021

Policies for the Current Academic Year

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COLLEGE MISSION AND OUR COMMITMENT TO SAFETY

San Joaquin Delta Community College District (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 (employees) and campus beauty and utility. The primary mission of the 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 is unacceptable. The college administration enforces this basic right at all levels per [Administrative Procedures, §3510](#)¹.

The District police department contributes to the District's 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

To comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, the District police department prepares the Annual Security & Fire Safety Report (ASR), and works with several District offices and public agencies - such as Risk Management, Student Services, the Title IX Coordinator, and local law enforcement to gather the information herein.

The purpose of this report is to provide vital safety information, such as crime statistics and fire and safety data, to the campus community and to inform current students and employees, prospective students and their families, and prospective employees of the many ways in which Delta College strives to keep this community safe.

This report is provided on an annual basis by October 1st each year.

¹ <https://sanjoaquindeltacollege.box.com/s/k8noipenbsbb53ndqtnlg3dkix3xy76>

A MESSAGE FROM THE CHIEF OF POLICE

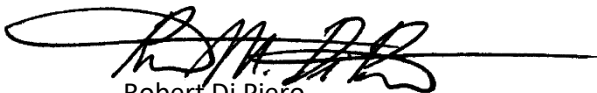


On behalf of the San Joaquin Delta College District Police Department, I want to thank you for your interest in our annual report. This report is compiled by the San Joaquin Delta College District Police Department in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics 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 and employees.

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 the [District Police website](https://www.deltacollege.edu/departments/district-police-department)² often for important information and links.

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


Robert Di Piero
Chief of Police

² <https://www.deltacollege.edu/departments/district-police-department>

ABOUT THE JEANNE CLERY ACT

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

The Clery Act requires colleges and universities to publish an annual report 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 [here](#)³.

³ <https://www.gpo.gov/fdsys/pkg/FR-2014-10-20/pdf/2014-24284.pdf#page=33>

PREPARATION OF THE ANNUAL SECURITY REPORT

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](#)⁴.

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(ies), either owned or controlled by the District, and of public property within and immediately adjacent to campuses 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

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 [District police website](#)⁵.

⁴ <https://ope.ed.gov/campussafety/#/>

⁵ <https://police.deltacollege.edu>

CAMPUS LAW ENFORCEMENT AUTHORITY

Pursuant to [California Education Code §72330\(a\)](#)⁶, the District has established the District police department to provide for the protection of life and property throughout the District 24 hours per day, 365 days per year. The District police department maintains primary law enforcement jurisdiction for all crimes and incidents occurring on District properties.

District police staff value the mission of the District and seek to assist our students in achieving their educational goals by providing an environment that is safe and conducive to effective learning, with an emphasis on equity, equality, dignity, respect, and transparency.

Sworn Police Officers

Pursuant to [California Penal Code §830.32\(a\)](#)⁷, the District employs sworn peace officers, who are armed and vested with full police powers, whose authority extends to any place within the State of California. District police officers provide primary law enforcement response, enforcement and prevention efforts on all properties owned, leased, controlled, and/or operated by the District. District police officers patrol the campuses and adjacent streets to ensure high visual presence and reduce crime on the District properties.

Campus Safety and Student Service Officers (CSO and SSO)

To assist in crime prevention measures, the District employs campus safety officers and student service officers. CSO and SSO employees are not police officers. They wear distinctive uniforms for easy identification and assist with: patrolling the campuses, working special events, crime prevention measures, and outreach efforts. As non-sworn personnel, CSO and SSO employees strictly patrol District properties. They have no jurisdictional authority and have the same arrest powers as a private citizen.

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

Local Law Enforcement

The District maintains operational agreements/memorandums of understanding that comply with [California Education Code §67381\(a\)](#); the “[Kristin Smart Campus Safety Act and Higher Education Opportunity Act](#)”⁸, clarifying that the District police department is the primary law enforcement agency for all crimes occurring on District properties or facilities and designating which law enforcement agency shall have operational responsibility for specific crimes.

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.

⁶ https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC§ionNum=72330.

⁷ https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=830.32.

⁸ https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC§ionNum=67381.

CAMPUS FACILITIES: SECURITY AND ACCESS

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:

- **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

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.

MONITORING OF STUDENT OFF-CAMPUS CRIMINAL ACTIVITY

Non-Campus Locations

The District does not recognize or sanction any 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.

In the event of criminal activity involving a student, the District has a [Memorandums of Understanding](#)⁹ in place to assist in police investigations between the District police and our neighboring police agencies.

Off-Campus Locations

Due to the District maintaining a large number of classes that require the use of off-campus labs, clinics, and classrooms, there are off-campus properties within the District's geographical footprint that are used to improve the educational goals of our students.

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 partnerships and memorandums of understanding with our neighboring police agencies of respective jurisdiction.

⁹ <https://sanjoaquindeltacollege.box.com/s/ghpp13gbdi9f3h7behw5jj5l3jivetak>

CAMPUS SECURITY AUTHORITIES (CSAs)

While the District prefers that community members promptly report all crimes and other emergencies to the District police department. However, we recognize that some may prefer to report to other individuals or District offices.

The Clery Act recognizes certain District officials and offices as Campus Security Authorities (CSAs). These individuals are “officials of an institution who have significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings.” CSAs are required to report all crimes to the District police department as soon as reasonably possible. While the District has identified a number of CSAs, we officially designate the following community members to whom crimes may be reported.

Director of Fiscal Services	(209) 954-5694
Director of Student Activities	(209) 954-5100
Director of POST Academies	(209) 954-5258
Director of Marketing, Communications, and Outreach	(209) 954-5131
Director of Strategic Enrollment Management	(209) 954-5367
Director of Information Technology and Data Center Services	(209) 954-5309
Director of Facilities Planning and Management	(209) 954-5835
Assistant Director of System Development	(209) 954-5300
Associate Dean of Mountain House Campus	(209) 954-5151, ext: 7900
Dean of Institutional Effectiveness, Equity, and Achievement	(209) 954-5039
Division Dean of Arts and Communications	(209) 954-5209
Division Dean of Languages, Library, and Learning Resources	(209) 954-5252
Division Dean of Social Science, Education, and Public Services	(209) 954-5262
Manager of Human Resources	(209) 954-5048
Manager of Maintenance and Operations	(209) 954-5063
Manager for Delta Pride Center and Empowerment Resource Programs	(209) 954-5836
Athletics Director	(209) 954-5176

These individuals and others throughout the District are required to report Clery Act crimes disclosed to them to the District police department for statistical purposes and inclusion in the Annual Security and Fire Safety Report. If confidentiality is requested, these individuals may report Clery Act crimes without disclosing identifying information of the parties involved. All CSAs receive annual training.

DAILY CRIME AND FIRE LOGS

The District police department maintains a Daily Crime and Fire Log. The combined log is normally updated each business day and contains all crimes and alleged crimes reported to the District police department. This log is available online on our [Citizen RIMS website](#)¹⁰, with hard copies available upon request at the District police department office. Logs are kept on file for seven years.

Additionally, the daily Media Bulletin reflects crimes and major incidents that occurred during the previous 24-hour period. Criminal acts reported to District police or additions to existing entries in the Daily Crime and Fire Log will be entered within two business days unless that disclosure is prohibited by law or would jeopardize the confidentiality of the victim

¹⁰ <https://sjdc.crimegraphics.com/2013/default.aspx>

PROCEDURES FOR REPORTING CRIME OR EMERGENCIES

Delta College students, employees, and guests are encouraged to report all campus crimes and safety-related incidents and emergencies to District police in a timely manner regardless of whether they want to pursue a formal investigation, to assure the District can assess security concerns and inform the college community if there is an ongoing threat. A police dispatcher is available 24 hours per day, 7 days a week.

Reporting Crimes and Other Emergencies on Campus

Students, employees, 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 [Mobile Guardian App](#)¹¹

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

Voluntary, Confidential Reporting

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 §67380\(a\)\(6\)\(A\)](#)¹², Campus Security Authorities (CSAs) 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.

Anonymous Reporting

Reporting "anonymously" means that the reporting party reports to the District without identifying themselves, and want someone in the District to be aware of the experience, but do not want to be involved in an administrative investigation.

If you would like to report a crime or related concern but do not wish to reveal your identity, San Joaquin Delta College offers an anonymous reporting option. Through the Rave Mobile Guardian App, individuals can anonymously and confidentially report activities that may involve illegal, unethical, or other conduct that violates District policy. When using

¹¹ <https://www.deltacollege.edu/district-police/mustangalert>

¹² https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC§ionNum=67380.

PROCEDURES FOR REPORTING CRIME OR EMERGENCIES

Rave Mobile Guardian, the user can elect to “Go Anonymous” before starting a chat session. No information related to identity, IP addresses, or location are visible or stored. While Rave Mobile Guardian is constantly monitored by police dispatch personnel, it should NOT be used for emergency purposes.

Additionally, the District offers the ability for students and employees to report incidents anonymously, if you choose, through an online web form, here; [Incident Report Form](#)¹³. These reports will be made available only to specific individuals within the District who are charged with evaluating the type of violation and location of the incident.

An anonymous report of alleged discrimination, harassment, sexual misconduct, and retaliation is forwarded to the HR manager, ordinarily within 24 hours, for follow-up. The District may be limited in its ability to investigate or respond to anonymous reports if it does not have sufficient information from which to follow up on such a report.

Confidential Resources

Student Resources

Confidential resources are available for students and employees and should be accessed when an individual would like to talk to someone in confidence without having that person share the information with anyone else.

Students may seek assistance through District Health and Wellness Services, which include personal counseling and crisis support. Counseling services are available at the Counseling Center on the 2nd floor of the DeRicco Building, room 234. Appointments for counseling services can be made in person or by calling (209) 954-5151, ext: 6276 or ext: 6279.

Additionally, faculty and staff are encouraged to refer students in need of counseling services with the [Confidential Counseling Referral Form](#)¹⁴.

Delta College Health Center

The [Delta College Health Center](#)¹⁵ is open to all Delta College students and their dependent children. The Health Center provides primary care, behavioral health, and women’s health and reproductive health services. The Health Center is operated by Community Medical Centers and is focused on serving students, regardless of their ability to pay.

Delta College Health Center hours are:

Monday: 8:00 a.m. – 1:00 p.m.
Tues & Thurs: Closed
Wed & Fri: 8:00 a.m. – 5:00 p.m. (Closed 12:00 – 1:00 p.m. for lunch)

Vaccinations are available on Mondays from 9:00 a.m. – 1:00 p.m. (appointments and walk-ins welcome)

¹³ https://cm.maxient.com/reportingform.php?SJDeltaCollege&layout_id=0

¹⁴ https://cm.maxient.com/reportingform.php?SJDeltaCollege&layout_id=1

¹⁵ <https://www.deltacollege.edu/healthcenter>

PROCEDURES FOR REPORTING CRIME OR EMERGENCIES

Employee Resources

Employee Assistance Program (EAP) benefits are available to assist District employees. San Joaquin Delta College's EAP benefits are provided by a third-party administrator, and can be accessed at (877) 397-1032 or by visiting the [Employee Assistance Website](#)¹⁶. Service is available 7 days a week, 24 hours a day.

Additionally, the District's Human Resources department makes the following resources available on the [Employee Wellness Resources website](#)¹⁷;

- Safety resources
- Crisis resources
- Community wellness resources
- Employee benefits, and
- Diverse population resources

Pastoral Counselors and Professional Counselors

Campus pastoral counselors and professional counselors are not required to report crimes for inclusion in the annual disclosure of crime statistics. As a matter of policy, they are encouraged to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion in the annual crime statistics. Professional counselors and pastoral counselors are also strongly encouraged to voluntarily report incidents of crimes without personally identifiable information for inclusion in the annual crime statistics.

¹⁶ <https://www.cvtrust.org/products/employee-assistance>

¹⁷ <https://www.deltacollege.edu/student-life/health-and-wellness/employee-wellness-resources>

TIMELY WARNINGS

Timely warnings must be reported for incidents that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community. Timely warnings are issued on a case-by-case basis for Clery Act crimes or other serious incidents reported to the District police department, campus security authorities or local police agencies that pose “serious and ongoing threats” to students and employees on campus or in the immediate campus community.

In deciding whether to issue a timely warning, the District considers all of the facts surrounding the incident such as the nature of the crime, the continuing danger to the campus community, and the possible risk of compromising law enforcement efforts. Incidents that may result in issuing a timely warning include the following Clery Act crimes:

- Murder
- Non-Negligent Manslaughter
- Manslaughter by Negligence
- Sexual Assault
- Robbery
- Aggravated Assault
- Burglary (not including auto burglary)
- Motor Vehicle Theft
- Arson
- Hate crimes

The intent of a timely warning is to enable members of the campus community to protect themselves. A timely warning will include information that promotes safety and aids in the prevention of similar crimes. Such information may include:

- A brief statement of the incident
- Possible connection to other incidents, if applicable
- Physical description of the suspect, if available
- Composite drawing of the suspect, if available
- Date and time of the incident
- Other relevant information

The District police department will issue a timely warning as soon as it determines there is a serious and ongoing threat to students or employees on campus and/or in the immediate campus community. The determination will be made based on the information available to the District police department at the time. The chief of police or their designee is responsible for preparing and distributing timely warnings. In most instances, the timely warning will be issued through the “Mustang Alert!” system to all students and employees.

Anyone with information about a Clery Act crime or other serious incidents should report the circumstances to the District police department at (209) 954-5000 or in person at the District police department, located on the north side of campus, across from the Shima 1 parking lot.

To report a crime or an emergency off campus, dial 911.

EMERGENCY RESPONSE AND EVACUATION TESTING

Emergency Notifications (Mustang Alert!)

The District police department is responsible for the District's emergency notification system, "Mustang Alert!". It is activated as needed for significant emergencies, dangerous situations, or other conditions that present an imminent risk or immediate threat to the health and safety of students, employees, or visitors to the campus(es).

The District police will, without delay and considering the safety of the community, determine the content of the notification and initiate the "Mustang Alert!", unless issuing notification will, in the judgment of 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 "Mustang Alert".

Additionally, a "Mustang Alert!" may also be activated for conditions that present an imminent risk to District property or the environment, or as required by the Higher Education Act, state law, or other applicable procedure. Delta College first responders and other campus officials may be dispatched by the District police department as necessary, to any reported or suspected crisis first. The District police and other campus officials may initiate confirmation and verification of the existence of a crisis before a "Mustang Alert!" is activated (e.g., suspicious packages may require both a bomb squad assessment and evacuation order before a "Mustang Alert!" is initiated).

Notifying the Community

Dissemination of a "Mustang Alert!" may include, but is not limited to, text messages, the Rave Mobile Guardian app, District-owned computer takeover, e-mail, social media, electronic billboards, website notification, audible alerts, local media outlets, and prominent posting of notices on campus buildings, when an offense occurs in or around a particular building.

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.

In deciding which segment of the campus population to issue an emergency message through a "Mustang Alert!" to, the District considers all of the facts surrounding the incident such as the location, day, time and nature of the crime, the continuing danger to the campus community, and the possible risk of compromising law enforcement efforts.

Emergency notifications will be brief and 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/or web sites)

Students and employees who need information on the current safety status of Delta College, how to sign-up for or add contact information to be included for emergency notification, or to remove information and "opt out" of notifications should visit:

- [Delta College Campus Status Page](https://www.deltacollege.edu/district-police/campus-emergency-status)¹⁸
- [Delta College Mustang Alert Page](https://www.deltacollege.edu/district-police/mustangalert)¹⁹

¹⁸ <https://www.deltacollege.edu/district-police/campus-emergency-status>

¹⁹ <https://www.deltacollege.edu/district-police/mustangalert>

EMERGENCY RESPONSE AND EVACUATION TESTING

Emergency response and evacuation tests are conducted at least once per calendar year. These tests are designed to assess the readiness and capabilities of students, employees, and first responders. These tests and exercises are conducted in conjunction with a test of the “Mustang Alert!” system. In addition, the “Mustang Alert!” system is tested several times throughout the year.

- Emergency response and evacuation tests may be announced or unannounced.
 - For announced tests, a reminder is sent to subscribers at least 24 hours prior to the test.
- The “Mustang Alert!” system is exercised or used in conjunction with scheduled exercises to maintain awareness of the system by students and employees.
- The District publicizes its emergency response and evacuation procedures in conjunction with at least one system-wide test or exercise per calendar year.
 - In addition, the District posts an Emergency Procedures flip chart in all classrooms, offices, and academic facilities District-wide.
- The District police maintains documentation that records the use of the emergency notification system. Data includes the date, approximate time(s), incident type, location, and the warning devices used of any issuance, to include system tests and exercises, and whether the test was announced or unannounced (routine maintenance).
- The District Police Department maintains and coordinates activation response status to ensure redundancy of personnel needed to activate campus warning systems.

CRIME AWARENESS AND PREVENTION PROGRAMS

The San Joaquin Delta College Police Department provides primary protection services to the Stockton, Mountain House, and Manteca Farm campuses. While the police department and its personnel are responsible for ensuring that the campus remains as safe as possible, the primary responsibility for crime prevention and personal safety rests with each individual.

As with other colleges and universities, property crimes account for the majority of all crimes within the District. The most common types of crime are theft of unattended property such as book bags, laptop computers, purses and briefcases, and theft or burglary from cars. In an effort to reduce the frequency of crimes, the District offers the following crime awareness and prevention programs.

General 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 the Rave Mobile Guardian App.

Presentations to Students

- **Crime Prevention Presentations**

Throughout the year, representatives from the District police speak to students at student orientations and dedicated presentations about crime prevention and personal safety tips, drug and alcohol abuse prevention, student code of conduct, as well as descriptions of the services and programs provided by the District police department. In addition, the District Police Department also reinforce the messaging of personal accountability for one's safety and the safety of others.

- **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.

- **Coffee with a Cop**

Twice per year, the District police move out to the quad at both the Stockton and Mountain House campuses for several hours to meet and have conversations with our students, staff, and faculty. These conversations are designed to increase awareness, and focus on the needs of the students. Topics range, based upon individual student needs, but commonly address safety on campus and the outlining of services provided by the police department.

- **New Student / New Employee Orientation**

Generally held at the beginning of each semester, or when a large pool of newly-hired employees starts, these presentations inform the participants of safety tips, crime prevention, and awareness.

- **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.

CRIME AWARENESS AND PREVENTION PROGRAMS

- **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.

- **Safety Escorts**

Uniformed police personnel provide escorts between campus parking areas and campus buildings to members of the campus community on the Stockton and Mountain House campuses. To request an escort, call the District Police Department at (209)954-5000, activate the nearest emergency blue light phone, or by selecting “Chat with District Police” inside the Rave Mobile Guardian app.

Escorts may be provided by vehicle or on foot, as available.

Presentations to Employees

- **De-Escalation: Customer Service in a Post-Pandemic World**

Held once a month to ensure all District employees have the ability to access it, this training is designed to assist employees in defining the behaviors, triggers, and remedies during an interaction that will help lead to a successful experience and contribute to student success. It focuses on identifying stressful encounters early and provides practical solutions to de-escalate a potentially volatile situation.

- **Active Assailant/Emergency Evacuations: When Seconds Matter**

The threat of an active shooter or mass casualty event is very real. While they are rare, the occurrences have increased each year. Employees, at all levels, should feel empowered and authorized to make their own life-saving choices. However, to do this, they must be prepared. Preparation starts with this training, which will provide insight into how to respond to an active shooter incident, engage with law enforcement, and assist you and your students by increasing your chances of survival. This training is held once a month to ensure all District employees have the ability to access it.

- **C.E.R.T. Campus Evacuation Response Team: When an Emergency Strikes**

When an emergency or evacuation event occurs, members of C.E.R.T. will be there to assist in ensuring the buildings are evacuated safely and efficiently. Additionally, they may be called upon to assist with traffic control and medical response.

This training is designed to provide training to those who have either been designated or have volunteered as building managers and floor captains and will include the duties and expectations of the various roles within the C.E.R.T. structure. This training is held once a month to ensure all District employees have the ability to access it.

DRUG ABUSE AND ALCOHOL PREVENTION PROGRAMS AND POLICIES (DAAPP)

Drug-Free Policy

San Joaquin Delta Community College is committed to providing a safe, healthy, and supportive learning and working environment for students and employees. The District takes seriously and understands its obligation to inform the campus community of available resources and support, as well as the educational, disciplinary, health, and legal consequences of abuse of alcohol and illegal drug use, for the benefit of our community, and in compliance with relevant federal and state law. The District's Drug and Alcohol Abuse Prevention Program (DAAPP) is intended to support student and employee health, safety and security by increasing awareness, preventing abuse, and decreasing potential drug and alcohol related crime.

In accordance with the [Drug Free Schools and Communities Act, 20 U.S. Code §1145g²⁰](#); [34 C.F.R. §86.1 et seq.²¹](#); [Drug Free Workplace Act of 1988, 41 U.S. Code §702²²](#), 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, dispensation, possession, and/or use of controlled substances or the unlawful possession, use, or distribution of alcohol is prohibited on the campuses of San Joaquin Delta College, in the workplace, or as part of any of the District's activities.

Related Policies

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. Policies for keeping our campus community and worksites free from the illegal use, possession, or distribution of alcohol and other drugs are posted online. Violating the District's policies may be grounds for discipline or corrective action, which may include required participation in a treatment program, with a maximum penalty of dismissal.

District Policies and Sanctions Relating to Drug and Alcohol Use

- **District Guidance on use and possession of marijuana on District property**
The District prohibits the use, possession and sale of marijuana in any form on all District property, including District-owned and leased buildings, housing and parking lots. Marijuana is also not permitted at District events or while conducting District business.
- **District Policy Against Substance Abuse**
The District recognizes dependency on alcohol and other drugs as a treatable condition and offers resources, programs and services for District employees and students with substance dependency problems.
- **District Smoke and Tobacco Free Environment Policy**
The District shall provide and maintain a workplace and learning environment that is smoke and tobacco-free to promote the safety and health of students, employees, and the public.

²⁰ <https://law.justia.com/codes/us/1995/title20/chap27/subchapxii/sec1145g>

²¹ <https://www.ecfr.gov/current/title-34/subtitle-A/part-86>

²² <https://www.govinfo.gov/content/pkg/USCODE-2009-title41/html/USCODE-2009-title41-chap10-sec702.htm>

DRUG ABUSE AND ALCOHOL PREVENTION PROGRAMS AND POLICIES (DAAPP)

- District Smoke and Tobacco Free Policy

There shall be no smoking, use or sale of tobacco-related products on District property including all indoor and outdoor spaces owned, leased, licensed, or otherwise controlled by the District.

- District Alcohol Sales & Service Procedures

Alcoholic beverage shall not be sold or served on District properties without authorization from the Superintendent/President.

District Policies for Students Only

Delta College Student Handbook: Standards of Student Conduct

- [AP 5500\(2\)\(n\)](#)²³: Use, possession, manufacture, distribution of illegal drugs or related paraphernalia.
- [AP 5500\(2\)\(o\)](#)²⁴: Use, possession, manufacture, distribution of alcoholic beverages, or public intoxication.
- [AP 5500\(2\)\(p\)](#)²⁵: Smoking, use of tobacco-related products.
- [AP 5520](#)²⁶: Student discipline and appeal procedures.

Federal, State and Local Laws Related to Drug and Alcohol Use

Under federal law, the manufacture, sale, or distribution of all Schedule I and II illicit drugs or "counterfeit" substances (for example, cocaine, methamphetamines, heroin, PCP, LSD, fentanyl, and all mixtures containing such substances, as well as "counterfeit" substances purported to be Schedule I or II illicit drugs) is a felony with penalties for first offenses ranging from five years to life (20 years to life if death or serious injury is involved) and fines of up to \$4 million for offenses by individuals (\$10 million for other than individuals). Federal law also prohibits trafficking in marijuana, hashish, and mixtures containing such substances. For first offenses, maximum penalties range from five years to life (20 years to life if death or serious injury are involved) and fines of up to \$4 million for offenses by individuals (\$10 million for other than individuals). Penalties vary, depending upon the quantity of drugs involved. For second offenses, penalties range from 10 years to life (not less than life if death or serious injury involved), and fines of up to \$8 million for individuals (\$20 million for other than individuals). For illegal trafficking in medically useful drugs (for example, prescription and over-the-counter drugs) maximum prison sentences for first offenses range up to five years, and ten years for second offenses. Anabolic steroids are controlled substances, and distribution or possession with intent to distribute carries a sentence of up to six years and a \$250,000 fine.

Federal law also prohibits illegal possession of controlled substances, with prison sentences up to one year and fines up to \$ 1 00,000 for first offenses, and imprisonment up to two years and fines up to \$250,000 for second offenses. Special sentencing provisions apply for possession of crack cocaine, including imprisonment of five to twenty years and fines up to \$250,000 for first offenses, depending upon the amount possessed.

Persons convicted of possession or distribution of controlled substances can be barred from receiving benefits from any and all federal programs (except long-term drug treatment programs), including contracts, professional and commercial licenses, and student grants and loans. Health care providers are barred from receiving federal insurance payments upon conviction of a criminal offense involving distributing or dispensing controlled substances. Property,

²³ <https://go.boarddocs.com/ca/delta/Board.nsf/goto?open&id=BZL3E405C40C>

²⁴ <https://go.boarddocs.com/ca/delta/Board.nsf/goto?open&id=BZL3E405C40C>

²⁵ <https://go.boarddocs.com/ca/delta/Board.nsf/goto?open&id=BZL3E405C40C>

²⁶ <https://go.boarddocs.com/ca/delta/Board.nsf/goto?open&id=BZL3E405C40C>

DRUG ABUSE AND ALCOHOL PREVENTION PROGRAMS AND POLICIES (DAAPP)

including vehicles, vessels, aircraft, money, securities, or other things of value used in, intended for use in, or traceable to transactions that involve controlled substances in violation of federal law are subject to forfeiture to the government. Finally, noncitizens convicted of violating any state, federal, or foreign law or regulation are subject to deportation and exclusion from entry to the United States.

State Laws

No person may sell, furnish, give, or cause to be sold, furnished, or given away, any alcoholic beverage to a person under age 21 or to any obviously intoxicated person. No person under age 21 may purchase alcoholic beverages or possess alcoholic beverages on any street or highway or in any place open to public view. It is illegal to sell alcohol without a valid liquor license or permit. It is unlawful for any person to drink while driving, to have an open container of alcohol in a moving vehicle, or to drive under the influence of alcohol (intoxication is presumed at blood alcohol levels of .08 percent or higher but may be found with levels under .08 percent). It is also illegal to operate a bicycle while intoxicated. Penalties for a first drunk driving offense include attending an alcohol drug program, fines up to \$1000, up to six months in jail, and driver's license suspension up to six months. Second offenses are punishable by fines up to \$ 1 000, imprisonment up to one year, driver's license suspension up to 18 months, and/or a required drug/alcohol program of up to 30 months. Third and fourth offenses carry similar sanctions, plus three- and four-year revocations of driver's license, respectively. Driving privileges are suspended for one year or revoked for two to three years for refusing to submit to a blood alcohol test, for two years if there is a prior offense within seven years, and for three years with three or more offenses within seven years.

Under California law, first offenses involving the sale or possession for sale of amphetamines, barbiturates, codeine, cocaine, Demerol, heroin, LSD, mescaline, methadone, methamphetamine, morphine, PCP, peyote, Quaalude, psilocybin, and marijuana are felonies carrying prison terms of seven years or more. Manufacture of illegal drugs may result in prison terms of 20 years or more. Penalties are more severe for offenses involving manufacture or distribution of illegal drugs by convicted felons and for distribution within 1,000 feet of a school or university, within 100 feet of a recreational facility, to anyone in prison or jail, to anyone under 18 by anyone over 18, or to a pregnant woman. Personal property may be seized if it contains drugs or was used in a drug transaction. The illegal possession of most of these drugs is also a felony (marijuana may be a felony or misdemeanor depending upon the amount involved), carrying maximum prison sentences of up to seven years.

Drug-Free Workplace

The following policy applies to all San Joaquin Delta College employees ([BP 3550](#)²⁷/[AP 3550](#)²⁸):

- 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, or criminal prosecution.

²⁷ <http://go.boarddocs.com/ca/delta/Board.nsf/goto?open&id=BZ859U0F35F6>

²⁸ <http://go.boarddocs.com/ca/delta/Board.nsf/goto?open&id=BZBUA47B0F7C>

DRUG ABUSE AND ALCOHOL PREVENTION PROGRAMS AND POLICIES (DAAPP)

- 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.
- As a condition of employment, employees must notify the District within five days of any conviction for violating a criminal drug statute while in the workplace. The District is required to inform any agencies that require this drug-free policy within ten days after receiving notice of a workplace drug conviction.

Enforcement/Sanctions

San Joaquin Delta College enforces policy and applies sanctions consistently.

Human Resources and Vice President of Instruction and Planning

Human Resources (HR) and Vice President of Instruction and Planning (VPIP) reported no alcohol related incidents in 2020 and 2021. When staff or faculty is reported to be under the influence, the two offices may coordinate or partner with relevant administrators or the police department to determine next steps, which may include community-based treatment resources and/or the Employee Assistance Program (EAP). Faculty, non-senate faculty, and other academic appointees, as well as all other staff found in violation of policy are subject to corrective action up to and including dismissal.

District Discipline Officer

In the event that a student is charged with both alcohol and drug violations in the same case, the case statistics will be included under the drugs category. Also, as a student can receive multiple sanctions for a single rule violation, the case statistic will be reported under the highest sanction in the resolution package.

Club and Student Organization Life

When the Director of Student Activities receives a report of an alcohol or drug violation from within any student club or organization, it will be immediately forwarded to the District Discipline Officer for student follow-up. Disciplinary sanctions, administrative actions, or legal actions may be imposed separately or in combination.

Potential sanctions include, but are not limited to:

- Censure or warning
- Exclusion from areas of campus or official District functions
- Disciplinary probation
- Loss of privileges and exclusion from activities
- Restitution
- Special assignments
- Loss of District recognition

Annual Notification for Distributing Programs and Policies

A District-wide notification is sent each fall, and made accessible online throughout the year, to inform students and employees about drug and alcohol policies and programs that detail potential consequences of the use and abuse of drugs.

DRUG ABUSE AND ALCOHOL PREVENTION PROGRAMS AND POLICIES (DAAPP)

Education, Intervention, Prevention, Treatment, and Recovery Programs

The District educates students about alcohol and substance abuse through programs, publications, presentations, and other services offered by the District police, Delta College Health Center, Delta College Health and Wellness Services, community partners, and community and national resources.

Drugs

Substance abuse can cause extremely serious health and behavioral problems, including short- and long-term effects upon the body and mind. The physiological and psychological responses differ according to the chemical ingested, and although chronic health problems are associated with long-term substance abuse, acute and traumatic reactions can occur from one-time and moderate use.

The health risks associated with each of five major classifications of controlled/illegal substances are summarized below. In general, however, alcohol and drugs are toxic to the body's systems. In addition, contaminant poisonings often occur with illegal drug use, and mixing drugs, or using "counterfeit" substances, can also be lethal. Human immunodeficiency Virus (HIV or AIDS), other sexually transmitted infections, rape, unwanted pregnancies, injuries, accidents, and violence can result from alcohol abuse or drug use. In addition, substance abuse impairs learning ability and performance.

Acute health problems may include heart attack, stroke, and sudden death, which, in the case of drugs such as cocaine, can be triggered by first-time use. Long lasting health effects of drugs and alcohol may include disruption of normal heart rhythm, high blood pressure, blood vessel leaks in the brain, destruction of brain cells and permanent memory loss, infertility, impotence, immune system impairment, kidney failure, cirrhosis of the liver, and pulmonary (lung) damage. Drug use during pregnancy may result in miscarriage, fetal damage and birth defects causing hyperactivity, neurological abnormalities, developmental difficulties, and infant death.

Alcohol

As many as 360,000 of the nation's 12 million undergraduates will ultimately die from alcohol-related causes while in school. This is more than the number who will get MAs and PhDs combined. Nearly half of all college students binge drink (binge drinking is defined as five or more drinks at a time for men, four or more drinks for women). On campuses where binge drinking is rampant (where more than 70 percent of the student body binge drinks), the vast majority of college students have experienced one or more problems as a result of their peers' binge drinking. These problems include physical assault, sexual harassment, and impaired sleep and study time. Alcohol on college campuses is a factor in 40 percent of all academic problems and 28 percent of all dropouts.

Long-term abuse of alcohol results in ulcers, gastritis, pancreatitis, liver disease, hepatitis, and cirrhosis and is associated with cancers of the digestive tract. Chronic heavy consumption can lead to stroke, heart disease, hypertension, anemia, susceptibility to tuberculosis, gastrointestinal bleeding, impotence and fertility loss. Episodic binge drinking can cause toxic reactions leading to death when large amounts are consumed or when alcohol is combined with other drugs. The most common negative health consequences from occasional drinking are trauma-related (accidents and violence), and involve both the drinker and nondrinking victims.

Sources: Wechsler, Henry, et al. 'Health and Behavioral Consequences of Binge Drinking in College.' Journal of American Medical Association, Vol 272, Number 21 1994, p 1672-1677; Eigan, Lewis, 'Alcohol Practices, Policies and Potentials of American Colleges and Universities,' An OSAP White Paper, office for Substance Abuse Prevention, Rockville, MD, February 1991; Anderson, David, 'Breaking the Tradition on College Campuses: Reducing Drug and Alcohol Misuse,' George Mason University, Fairfax, VA 1994.

DRUG ABUSE AND ALCOHOL PREVENTION PROGRAMS AND POLICIES (DAAPP)

Other Depressants

These drugs include narcotics (for example, opium, heroin, morphine, codeine, and synthetic opiates) and sedative-hypnotics and antianxiety medications (for example, Nembutal, Seconal, Quaalude, Miltown, Equanil). All are central nervous depressants that slow down physical and psychological responses. The most serious risk is toxic reaction, or overdose, which causes death when respiratory, cardiac, and circulatory systems slow down and cease to function. Sedatives and antianxiety drugs can cause temporary psychosis, hallucinations, paranoid delusions, interference with short-term memory, impaired judgment and motor performance.

Stimulants

These drugs include amphetamines, methamphetamines, and cocaine (crack). Stimulant drugs are exceedingly dangerous to both physical and mental health. Physical complications include heart attack, stroke, permanent brain damage, fatal heart rhythm abnormalities, convulsions, and physical exhaustion. Psychological complications include psychosis, paranoia anxiety, violent behavior, and depression that may lead to suicide. Injection of these drugs may lead to serious infections, including AIDS.

Hallucinogens

These drugs include mescaline, psilocybin, LSD, MDMA (ecstasy), and various mushrooms. They involve health risks such as panic reactions, flashbacks, toxic reactions (overdose), hallucinations, and death. Psychological states induced can include paranoia and Psychosis. Misidentification of mushrooms can lead to serious or fatal illness.

PCP

PCP users often become violent and oblivious to pain, leading to serious injuries to themselves and others.

Marijuana

This drug simultaneously creates physical symptoms akin to both depressants (relaxation, sleepiness) and stimulants (increased respiratory and heart rates). Chronic marijuana smoking results in respiratory difficulties, bronchitis, and probably both emphysema and lung cancer. Episodic use can cause panic reactions, flashbacks, and depression. Psychosis may occur in susceptible individuals, and severe toxic reactions may result from ingestion of large quantities. Some of the most serious consequences of marijuana use result when decreased judgment, impaired perceptions and motor functions, and inability to carry out multistep tasks lead to motor vehicle crashes and other trauma.

It continues to be illegal to smoke marijuana in public and at locations where tobacco use is outlawed, such as restaurants, and within 1000 feet of a school, daycare or youth center when children are present. It is also illegal for motorists to smoke marijuana while driving.

Despite the change in state law regarding marijuana, San Joaquin Delta College's policy remains unchanged: use and possession of marijuana on campus or in association with any District-sponsored or affiliated activity or program is prohibited. The policy complies with the federal Drug-Free Schools and Communities Act. Under this federal law, as a condition of receiving federal funds, an institution of higher education such as San Joaquin Delta College must certify that it has adopted and implemented a program to prevent the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees on campus and as part of its activities and programs. At the federal level, this law includes any amount of marijuana.

California Proposition 215, passed in 1996, allows for the use of marijuana for medical purposes. Students who qualify under Proposition 215 to use marijuana for medical purposes are not permitted to possess, store, provide, or use the marijuana on District-owned or controlled property (including, but not limited to, residences, academic buildings, athletic facilities, and parking lots), or during a District-sanctioned activity, regardless of the location. Propositions 215 and 64 create a conflict between state and federal laws. When state and federal laws are in conflict, federal law takes precedence. If San Joaquin Delta College does not comply with federal law and regulations on marijuana possession

DRUG ABUSE AND ALCOHOL PREVENTION PROGRAMS AND POLICIES (DAAPP)

and use on campus and in District programs and activities, it risks losing federal funds for student financial aid, faculty research and other important programs and services. Thus, San Joaquin Delta Community College must continue to abide by federal laws and regulations and District policy barring the use and possession of any amount of marijuana on campus or in association with any District-sponsored or affiliated activity or program. Students who fail to follow this policy are in violation of the Student Conduct Code and are subject to disciplinary action.

Education, Intervention, Prevention, Treatment, and Recovery Programs

The District educates students about alcohol and substance use through programs, publications, presentation, and other services offered by the District police, the Delta College Health Center, Delta College Health and Wellness Services, community partners, and community and national resources.

- [District Health and Wellness Services²⁹](#): Students can seek assistance and intervention through the District Health and Wellness Services, which include personal counseling and crisis support.
- [CampusWell³⁰](#): An online portal that allows students to connect and learn about a wide range of personal topics. There is a comprehensive section dedicated to providing preventative and awareness information on alcohol and drug use and abuse.
- [SAMHSA³¹](#): SAMHSA is a national helpline that is a free and confidential treatment referral and information service. Their website contains numerous current educational and preventative resources regarding alcohol and substance abuse.
- [New Directions Alcohol and Drug Awareness Program³²](#): New Directions provides residential treatment for those who are suffering through alcohol and substance abuse. The program provides treatment, education, prevention strategies, and counseling.
- [Alcoholics Anonymous³³](#): (209) 464-1594
- [Al-Anon / Alateen³⁴](#): (209) 547-3086
- [Narcotics Anonymous³⁵](#): (209) 464-9262
- [2-1-1 San Joaquin³⁶](#): 2-1-1 San Joaquin is a service, offered 24/7/365, connecting millions of people to help every year. Resources and alcohol on our campuses and affiliated properties, as well as prevention and treatment resources.

Programs for Delta Students

- [New Student/Employee Orientation](#): Generally held at the beginning of each semester, or when a large pool of newly-hired employees starts, these presentations inform the participants of safety tips, crime prevention, and awareness.

²⁹ <https://deltacollege.edu/department/health-wellness>

³⁰ <https://deltacollege.campuswell.com/>

³¹ <https://www.samhsa.gov/find-help/national-helpline>

³² <http://www.newdirectionsstockton.org/Facility/Treatment>

³³ <http://www.aadelta.org/>

³⁴ <https://northerncaliforniaal-anon.org/>

³⁵ <http://www.centralvalleynorthna.org/>

³⁶ <https://211sj.org/>

DRUG ABUSE AND ALCOHOL PREVENTION PROGRAMS AND POLICIES (DAAPP)

- Crime Prevention and Safety Presentations: The district police department hosts 45-60-minute presentations discussing general safety on campus, as well as the dangers of drug and alcohol abuse. These presentations are designed to increase student's knowledge of general safety, alcohol, marijuana and illicit drug use, laws, potency, and effects. Student groups and faculty can request a presentation throughout the year.
- Annual Crime Prevention and Safety Fair: Every year, the District police hosts the Annual Crime Prevention and Safety Fair. This highly attended event is designed to bring personal safety, crime prevention, and awareness to our campus community in an open and inviting setting. Every year, we provide demonstrations and education pertaining to the effects of drug and alcohol impairment. Participants include local law enforcement, drug and alcohol counselors and resources, crisis resources, family services and community organizations.
- Don't Cancel Class Program: The District police department has instituted this unique program that allows a police employee to "substitute" for a professor taking a planned absence. Rather than canceling a class, police personnel take roll and provide the class with a crime prevention and safety presentation that is designed to increase student's knowledge of general safety, alcohol, marijuana and illicit drug use, laws, potency, and effects.

Programs for District Employees

- New Employee Orientation: Generally held when a large pool of newly-hired employees starts, these presentations inform the participants of safety tips, crime prevention, and awareness. Additionally, these orientations explain the District policies concerning drugs and alcohol use, sale, distribution, and manufacturing, as well as the potential disciplinary actions for violation of those policies.
- Employee Assistance Program³⁷: The Beacon Health Options Employee Assistance Program (EAP) is provided at no cost to District employees. Employees and their family members can receive free, confidential assistance to help with personal and professional goals, manage daily stresses and develop fulfilling relationships. EAP has an extensive section on drug and alcohol abuse, ranging from education, to prevention and intervention.
- Keenan Safe Colleges: The District provides numerous online educational opportunities for employees throughout the year that focus on drug and alcohol abuse and prevention.

Environmental Management

The District is 100% Smoke and Tobacco Free

- No smoking banners and signs are prominently displayed throughout all campuses within the District.
- As part of on-boarding, all new employees are informed that the District is 100% smoke and tobacco free.
- There is a dedicated Smoke and Tobacco Free website³⁸ which contains prevention and cessation resources.

³⁷ <https://www.cvtrust.org/products/employee-assistance>

³⁸ <https://www.deltacollege.edu/district-police/smoking-information>

DRUG ABUSE AND ALCOHOL PREVENTION PROGRAMS AND POLICIES (DAAPP)

Notification of Prohibited Items at Events

Communication regarding Student Code of Conduct information related to large scale student events comes from the Office of Student Activities and the Office of the Vice President of Student Services regarding prohibited items at events.

All clubs hosting these events must have the approval of their advisor and adhere to the rules as established in their club charters. Students attending these events found in possession of alcohol or drugs, or under the influence of alcohol or drugs are documented and referred to the District Discipline Officer for adjudication follow-up and connection to campus resources. In certain circumstances, students may face criminal charges.

RESPONSE TO SEXUAL ASSAULT AND SEXUAL VIOLENCE

San Joaquin Delta College Response to Sexual Assault and Sexual Violence

Sexual Misconduct is an umbrella term that includes sex/gender-based discrimination, sexual harassment, sexual assault, hazing, bullying, interpersonal violence (domestic/dating violence), and stalking when such behaviors are perpetrated because of one's sex/gender. Sex and gender-based discrimination and sexual misconduct can occur between people of different sex or gender or of the same sex or gender. The District will not tolerate sexual misconduct, and all members of the District community and visitors to campus are encouraged to report incidents of gender violence. We will further encourage parties to report incidents to law enforcement. It is the responsibility of every member of the campus community to create an environment free from sexual violence and other forms of sexual misconduct.

The following information is drawn from the District's Discrimination, Harassment, and Sexual Harassment Policies (BP 3410/AP 3410, BP 3430/AP 3430, BP 3435/AP 3435, and BP 3540/AP 3540). The complete policy for students, faculty and staff is contained on the Title IX policy website.

San Joaquin Delta College seeks to provide a consistent, caring, and timely response when sexual misconduct occurs within the campus community. The District has a network of resources on and off-campus to assist parties in obtaining medical treatment, counseling, advocacy services, and other assistance.

Information is available to students and employees about counseling, health, mental health, advocacy, student financial aid assistance, and other available services to victims both on campus and in the community. San Joaquin Delta Community College has a comprehensive listing of resources at the Counseling Center and the Title IX websites. Additionally, no formal complaint or investigation, either campus or criminal, needs to occur for supportive measures to be offered and provided.

HELP IS AVAILABLE TO YOU WHETHER YOU CHOOSE TO REPORT A SEXUAL VIOLENCE INCIDENT OR NOT.

Reporting the Incident

IN AN EMERGENCY OR IF SOMEONE IS IN DANGER, CALL 9-1-1

The District encourages an individual who has been the victim of a sexual assault, relationship violence, stalking, hate crime, or other potential criminal conduct to report the incident to the police. The report should be made to the police department in the jurisdiction where the crime occurred. District police and Title IX will assist reporting parties, at the person's request and will cooperate with allied law enforcement if a party decides to pursue the criminal process. For more information visit the [District's Title IX page](#).

On-campus students may seek counseling services during regular business hours, as well as the Wellness Center to request resources and an advocate for support and guidance. These are both confidential resources. After regular business hours, or in any situation where you wish, local resources are also available and may be able to provide confidential assistance.

Both Title IX and the Clery Act provide protections for whistleblowers who bring allegations of non-compliance with the Clery Act and/or Title IX to the attention of appropriate campus administrators. The District does not retaliate against those who raise concerns of non-compliance. Any concerns should be brought to the immediate attention of the [Title IX Coordinator](#)³⁹, and/or to officials of the [U.S. Department of Education](#)⁴⁰.

³⁹ jennifer.boland@deltacollege.edu

⁴⁰ <https://www.ed.gov/>

RESPONSE TO SEXUAL ASSAULT AND SEXUAL VIOLENCE

Reporting a Crime to Law Enforcement

Resources exist both on- and off-campus for individuals to report crimes to law enforcement. San Joaquin Delta College encourages individuals to report all cases of sexual violence to law enforcement. In an emergency or if someone is in immediate danger, call 911. The District encourages an individual who has been the victim of a sexual assault, relationship violence, stalking, hate crime, or other potential criminal conduct to report the incident to the police. The report should be made to the police department in the jurisdiction where the crime occurred.

There may be circumstances where the District is obliged to report incidents of violent crimes, hate crimes, or sexual assaults immediately, or as soon as practicably possible, to District police or local law enforcement. The District has a [Memorandum of Understanding \(MOU\)](#)⁴¹ with local law enforcement. The purpose of these MOUs is to enhance communication, coordination, and collaboration, institute on- and off-campus specialized, trauma-informed responses to incidents of sexual assault, violence, and hate crimes, and respect the reporting party's privacy and requests for confidentiality.

Requests for Confidentiality

Reporting parties have the right to decide if they want to make a report to the police and/or speak with the police. The District will honor requests for confidentiality. District police and local law enforcement agencies are prohibited from disclosing information about violent crimes, hate crimes, or sexual assaults if the reporting party requests anonymity.

Report to District Police

Individuals should contact District police to report an emergency, report a crime, or request immediate assistance. Reports can be made 24 hours a day, 365 days a year. People are not required to file a report with District police or with local law enforcement to access resources and support services on- or off-campus.

District police and Title IX will assist reporting parties, at the person's request, in contacting local law enforcement of jurisdiction, and they will cooperate with law enforcement if a party decides to pursue the criminal process. Individuals have the option to notify law enforcement directly or to be assisted in doing so by campus authorities. An officer can meet with you at the police station or somewhere on campus. You are not required to file a report with the District police or with local law enforcement to access resources and support services on or off-campus.

Report to Title IX

The Title IX coordinator monitors and oversees the District's compliance with Title IX, equal opportunity, affirmative action, and applicable state and federal civil rights laws. It also oversees the coordination of education and training activities, and the response, investigation, and resolution (informal and formal) of incidents of protected class discrimination, harassment, sexual harassment, other forms of sexual misconduct, and retaliation that may violate District policy. Faculty, staff, students, and third parties may contact the Title IX coordinator to report sexual harassment and sexual misconduct, as well as to request assistance and support. The coordinator is assisted by the Title IX Team, which includes any co-coordinators and investigators (internal and external) who also serve in a neutral role, and are available to speak with parties in-depth about the resources and options available on- and off-campus for response and resolution.

⁴¹ <https://sanjoaquindeltacollege.box.com/s/ghpp13gbdi9f3h7behw5ij5l3jivetak>

RESPONSE TO SEXUAL ASSAULT AND SEXUAL VIOLENCE

The contact information for the coordinator and co-coordinators is listed below.

[Jennifer Boland](#) – HR Manager / Title IX Coordinator
Horton Administration Building, Room 202
(209) 954-5056

[Tony Espinoza](#) – Athletic Director / Title IX Co-Coordinator
Budd Building, Room 119
(209) 954-5176

[Dr. Lonita Cordova](#) – Vice President of Student Services / Title IX Co-Coordinator
Horton Administration Building, Room 107
(209) 954-5632

Individuals may contact the Title IX coordinator to report and discuss issues relating to sexual harassment and sexual misconduct, and retaliation. A report may be accompanied by a request for resources, no further action, a request for supportive measures, and a request to initiate a formal complaint process. A report may be made at any time, including during non-business hours, through email.

A report may be accompanied by requests for resources and supportive measures, and may also include requests that a) no further action be taken or b) that the formal complaint process be initiated. A report may be made at any time, including during non-business hours, by using any of the reporting options listed below.

- By email: titleix@deltacollege.edu
- By Telephone: (209) 954-5056
- In-Person: Horton Administration Building, Room 202, 5151 Pacific Avenue, Stockton, CA 95207
- By Mail: Title IX Coordinator, 5151 Pacific Avenue, Office of Human Resources, Stockton, CA 95207

A Reporting Party May Request

- Information about or assistance with arranging resources for support on- and off-campus.
- Assistance with supportive measures to help parties continue with their academic studies and work; supportive measures are individually tailored to meet each individual's unique needs.
- Facilitation of an informal resolution process to reach a mutually agreeable resolution.
- Information about the formal complaint and resolution process.
- To file a formal complaint (and assist the party with filing a formal complaint).
- District investigation and formal resolution and grievance process.
- Information or assistance about options for reporting off-campus.

It is not necessary for an individual to first discuss the incident with a supervisor, manager, dean or department chair, or anyone else prior to contacting the Title IX office. If an employee chooses to direct their report or allegations of prohibited conduct to their supervisor, manager, or Human Resources, then the supervisor, manager, or HR personnel will report the alleged conduct to the Title IX Coordinator.

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Report to District Officials with Authority

In addition, individuals can make a report to the President of San Joaquin Delta College, to any member of their [Executive Leadership Team](#)⁴², and any of the Deans or Directors.

- Dr. Lisa Aguilera Lawrenson – Acting Superintendent / President
- Dr. Lonita Cordova – Assistant Superintendent / Vice President of Student Services
- Joe Gonzalez – Interim Vice President of Instruction and Planning
- Theresa Richmond – Interim Vice President of Human Resources
- Vice President of Administrative Services

Report to Human Resources

Human Resources serves as a resource to employees by assisting the District community in developing and maintaining a positive work environment, as well as in preventing and resolving problems that arise out of or affect work situations.

Reports about Third-Parties Not Affiliated with the District

When someone makes a report to the District - for example, about a student enrolled at another institution or someone employed at another institution or in the local community-the District is restricted in its ability to undertake an investigation and its response. Regardless of whether the District investigates, support and assistance can be provided to the person making the report, including:

- Assistance with identifying appropriate campus and local resources.
- Referral to an appropriate official at the other institution/organization.
- Arrangement of appropriate supportive and safety measures, as needed.
- Assistance with contacting the law enforcement of jurisdiction if they would like to file a police report.

Similarly, the District may be able to assist and support a student or employee reporting party who experiences discrimination or harassment in an externship, study abroad program, or other environment external to the District's policies and procedures.

Title IX Responsibility

The Human Resources and Title IX is also responsible for assuring that training is conducted annually for all District-provided advisors, investigators, decision-makers, and appeal decision-makers involved in resolving formal complaints through a process which ensures the safety of all parties and promotes accountability. Training is trauma-informed and focuses on sexual assault, domestic violence, dating violence, stalking, sexual harassment, retaliation, and other behaviors that can be forms of sex or gender-based discrimination, harassment, or violence covered by Title IX and Clery Act.

⁴² <https://www.deltacollege.edu/executive-leadership-team-elt>

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Obtaining Assistance and Support

The District offers many resources that are available to provide both immediate and ongoing support and guidance. Individuals are encouraged to use resources best suited to their needs, whether on or off-campus, and regardless of whether the incident occurred recently or in the past. The District has established collaborative partnerships with on-campus and community-based organizations to assist and/or provide services to Complainants and Respondents. This includes referrals and services related to counseling, health, mental health, residency, advocacy, and legal resources. At the time a report is made, a reporting party does not have to decide whether or not to request any particular course of action, nor does a reporting party need to know how to label what happened.

Resources for Students

This [Title IX Resources Page](#)⁴³ provides information and a comprehensive listing of resources available to students, including confidential and non-confidential on campus resources, counseling services, community-based resources, and web resources.

Resources for Faculty and Staff

This [Title IX Resources Page](#) provides information for support services available to faculty and staff, including the confidential employee assistance program, off-campus resources, and community-based resources, and web resources.

What to Expect After Filing a Report of Sexual Misconduct and Sexual Violence

The District recognizes that each reported incident of sexual misconduct and sexual violence is unique. The Title IX Coordinator or designee from the Title IX Team will attempt to arrange a meeting typically within one (1) to two (2) business days of receiving a report. The initial meeting will be conducted to:

- Gain a better understanding of the nature and circumstances of the allegations.
- Assess the safety of the individual and the campus community.
- Provide information about resources, procedural options for resolution, and supportive measures.
- Identify what form of resolution is desired, reasonably available, as appropriate.
- Refer the party to other offices and resources for support and assistance, as appropriate.

What to Expect After Reporting

There is no time limitation on reporting allegations to the District. However, if significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible. Generally, within 24-72 hours of receiving a report of dating violence, domestic violence, sexual assault, stalking or sexual exploitation, the Title IX Coordinator or another member of the Title IX Team will contact the student or employee to set up a time to meet and discuss the student or employee's options and rights. During this initial contact with the Title IX Team member, a determination will be made regarding interim supportive and protective measures to provide for the safety of the complainant, the campus community, and the rights of the respondent.

⁴³ <https://www.deltacollege.edu/campus-offices/human-resources/title-ix>

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Supportive Measures

Supportive measures are offered and provided promptly and equitably to either or both the reporting party/Complainant or the Respondent upon receipt of any report or Formal Complaint. Supportive measures are intended to address any immediate concerns for health and safety and facilitate an individual's continued access to their educational program and employment, as appropriate. Reporting parties who come forward will not be forced to participate in an investigation or participate in an informal or formal process they do not wish to pursue. Supportive measures are non-disciplinary, non-punitive, and individualized, as appropriate and reasonably available, and without fee or charge to the reporting party/Complainant or Respondent.

Medical Amnesty / Good Samaritan Policy

The health and safety of every member of the campus community are of utmost importance. Sometimes, individuals are hesitant to come forward or participate in an investigation or District resolution process because they fear that they themselves may be charged with policy violations or receive disciplinary sanctions.

A student who participates as a Complainant or a witness in a District investigation may not be subject to disciplinary sanctions for a violation of the District's Student Code of Conduct at or near the time of the incident unless the District determines that the violation was egregious, including, but not limited to, an action that places the health or safety of any other person at risk or that involves plagiarism, cheating, or academic dishonesty. The District may, at its discretion, offer employees amnesty from policy violations (typically minor policy violations) related to the incident.

Mandated Report Requirements for Health Practitioners in California

Any licensed health care provider in the State of California (including any health practitioners in the Delta Health Center) providing services in a health facility, clinic or physician's office is required to make a report if they provide medical treatment to a patient whom they know or reasonably suspect is the victim of assaultive or abusive conduct or a firearm injury. The health practitioner must to make a report by telephone as soon as practically possible and send a written report to a local law enforcement agency within two working days. The report must contain identifying information such as the name and contact information of the person who presented for care. The law enforcement agency will contact this person, but this person does not have to provide any information being sought. The report must be made to the enforcement agency that has jurisdiction over the location in which the injury was sustained.

Mandatory Reporting of Child Abuse

The District strives to safeguard the well-being of all children and encourages all members of the District community who observe, have actual knowledge of, or reasonably suspect child abuse or neglect at a District facility or perpetrated by District personnel to promptly report the concern to law enforcement, external officials, and District officials. The Child Abuse Neglect and Reporting Act (CANRA) requires that employers of mandated reporters promote identification and reporting of child abuse or neglect. Mandated Reporters under CANRA are responsible for reporting the incident themselves. They are not required to investigate any known or suspected cases of abuse. Also, it is the Policy of San Joaquin Delta College that ALL DISTRICT EMPLOYEES, as well as volunteers and independent contractors who, in the course of their business or volunteer activity, have reasonable suspicion of child abuse or neglect, are required to make a report as outlined by policy.

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Sexual Violence Prevention and Education Resources

This Title IX and District Police pages provide important and immediate steps to consider upon experiencing any form of abuse, trauma, or sexual violence, including accessing emergency medical assistance, evidence preservation, reporting to the District, reporting to law enforcement, and accessing confidential and non-confidential resources including advocacy support services.

San Joaquin Delta College seeks to provide a consistent, caring, and timely response when sexual and gender-based misconduct occurs within the District community. Many departments, student groups, and units on campus work together to offer a variety of prevention and awareness programs to educate the campus community about sexual violence, sexual assault, relationship and domestic violence, stalking, sexual exploitation, affirmative consent, developing healthy relationships and healthy sexual relationships, and effective communication. Online programs are also offered to raise awareness and promote Bystander Intervention.

To reduce the risk of sexual misconduct as well as the crimes of rape, sexual assault, sexual harassment, stalking, dating violence, and domestic violence occurring among its students, San Joaquin Delta College utilizes a range of campaigns, strategies, and initiatives to promote awareness, educational, risk reduction, and prevention programming for students. District faculty and staff play an essential role in preventing, addressing, and ending sexual assault on campus. The District offers ongoing training to faculty and staff to identify and prevent domestic violence, dating violence, sexual assault (including stranger and known offender assaults), and stalking each year. Programs are designed to:

- Address the unique cultural aspects of specific communities and groups on campus and community;
- Build upon existing expertise and promote campus-community collaboration on issues related to sexual violence;
- Use evidence-based strategies, promote promising practices, and support model sexual violence prevention education on campus;
- Support efforts to increase knowledge about effective prevention efforts through program evaluation;
- Increase risk reduction and encourage bystander intervention.

Educational programs are offered to all incoming students and employees and are often conducted during new student orientation and new employee orientation. Awareness and prevention presentations are offered by the District police throughout the year to all students and employees, upon request. Employees also receive continued training throughout the year via Keenan Safe Colleges.

To ensure that students and employees are kept educated and informed on domestic violence, dating violence, sexual assault, stalking, and consent, the District provides links to several online resources that provide ongoing education and awareness.

- [RAINN – Safety and Prevention](https://www.rainn.org/safety-prevention)⁴⁴
RAINN provides online education and awareness in the prevention of sexual violence.
- [RAINN – Bystander Intervention](https://www.rainn.org/articles/your-role-preventing-sexual-assault)⁴⁵
RAINN provides essential information and education regarding the importance of taking action, as a bystander, to prevent abuse.

⁴⁴ <https://www.rainn.org/safety-prevention>

⁴⁵ <https://www.rainn.org/articles/your-role-preventing-sexual-assault>

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- [Hollaback!](https://www.ihollaback.org/harassmenttraining/)⁴⁶ Hollaback! is a global movement to end harassment, in all its forms, by providing comprehensive and free online training in bystander intervention.

Bystander Intervention and Risk Reduction

Online educational programs are also offered, providing information on risk reduction and bystander intervention. Research on the causes of sexual violence and evaluation of prevention efforts indicates that bystanders are a key piece of prevention work. Bystander engagement is encouraged through safe and positive intervention techniques and by empowering third-party intervention and prevention such as calling for help, using intervention-based apps, identifying allies, and/or creating distractions. The most significant impacts of bystander training are on attitudes, including confidence as a bystander, intent to act, and perceived benefits of action. Bystander empowerment training also highlights the need for those who intervene to ensure their own safety in the intervention techniques they choose and motivates them to intervene as stakeholders in the safety of the community when others might choose to be bystanders. Programs are informed by evidence-based research and/or are assessed for their effectiveness and are offered online by third-party hosts.

Confidential Resources		
Delta Health Center Locke Building, Room 128 (209) 926-3900	Women's Center Youth & Family Services Domestic Violence: (209) 465-4878 Sexual Assault: (209) 465-4997 Human Trafficking: (209) 948-1911	Counseling Center DeRicco Building, Room 234 (209) 954-5151 Ext. 6276
National Domestic Violence Hotline (800) 799-SAFE (7233)	2-1-1 San Joaquin 2-1-1 from any phone	National Sexual Assault Hotline (800) 656-HOPE (4673)
Non-Confidential Resources		
Title IX Office Horton Administration Building, Room 202 - (209) 954-5056	District Police Department Lourn Phelps Police Services Building (209) 954-5000	Human Resources Horton Administration Building, Room 202 - (209) 954-5056
Stockton Police Department (209) 937-8377	San Joaquin County Sheriff (209) 468-4400	Manteca Police Department (209) 456-8100
Tracy Police Department (209) 831-6000	Lathrop Police Department (209) 647-6400	Lodi Police Department (209) 333-6727
Escalon Police Department (209) 838-7093	Galt Police Department (209) 366-7130	Sacramento County Sheriff (916) 874-5115

⁴⁶ <https://www.ihollaback.org/harassmenttraining/>

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Title IX Investigation Process

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

Title IX Coordinator

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

The District's Title IX Coordinator
Human Resources Manager
Office of Human Resources
5151 Pacific Avenue
Administration Building, Room 202
Stockton, CA 95207
(209) 954-5056

[The District's Title IX webpage](#)⁴⁷

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

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

Title IX Harassment Complaints, Investigations, and Hearings

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

Jurisdictional Requirements – Application of Procedures

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

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

⁴⁷ <https://deltacollege.edu/campus-offices/human-resources/title-ix/title-ix-and-non-discrimination-notice>

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- The conduct meets the definition of Title IX “sexual harassment.”

Definitions

Advisor:

Throughout the grievance process, both the Complainant and Respondent have a right to an Advisor of their choice. If a Party does not have an Advisor at the time of the hearing, the District must provide the Party an Advisor of the District’s choice, free of charge. This requirement applies only at the hearing stage. If a Party utilizes an Advisor during the process prior to the hearing, the Advisor will be at the Party’s own expense. The District may establish restrictions regarding the extent to which the Advisor may participate in the proceedings as long as the restrictions apply equally to both Parties.

Complainant:

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

Consent:

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

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

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

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

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Decision-Maker:

The person or persons who will oversee the live hearing and decide of responsibility. The Decision-Maker cannot be the Title IX Coordinator or Co-Coordinators or the investigator.

Formal Complaint:

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

Parties:

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

Reporting Party:

An individual who reports a violation of this Administrative Procedure or other District policies or procedures regarding harassment on the basis of sex. The Reporting Party is not necessarily a Complainant, but could be a witness to the conduct or a recipient of the conduct who has not filed a Complaint.

Respondent:

A Respondent is an individual reported to be the perpetrator of conduct that could constitute sexual harassment.

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

1. A District employee conditions the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct (*quid pro quo* harassment);
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity;
3. **Sexual assault, including any of the following:**
 - a. **Sex Offenses.** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
 - b. **Rape** (except Statutory Rape). The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity. There is carnal knowledge if there is the slightest penetration of the genital or anal opening of the body of another person.
 - c. **Sodomy.** Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity.
 - d. **Sexual Assault with an Object.** To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including

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instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything the offender uses other than the offender's genitalia, e.g., a finger, bottle, handgun, stick.

- e. **Fondling.** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity.
- f. **Sex Offenses, Non-Forcible Unlawful, Non-Forcible Sexual Intercourse.**
 - i. **Incest.** Non-Forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - ii. **Statutory Rape – Non-Forcible.** Sexual intercourse with a person who is under the statutory age of consent. There is no force or coercion used in Statutory Rape; the act is not an attack.
- g. **Dating violence.** Violence against a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a relationship will be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- h. **Domestic Violence.** Violence committed:
 - i. By a current or former spouse of intimate partner of the victim;
 - ii. By a person with whom the victim shares a child in common;
 - iii. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 - iv. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of California; or
 - v. By any other person against an adult or youth victim protected from that person's acts under the domestic or family violence laws of California.
- i. **Stalking.** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her/their safety or the safety of others or suffer substantial emotional distress.
- j. **General Harassment:** Harassment based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, or sexual orientation of any person, military or veteran status, or any other legally protected class, or the perception that a person has one or more of these characteristics is illegal and violates District policy. Harassment shall be found where, in aggregate, the incidents are sufficiently pervasive, persistent, or severe that a reasonable person with the same characteristics as the victim of the harassing conduct would be adversely affected to a degree that interferes with his or her ability to participate in or to realize the intended benefits of an institutional activity, employment, or resource.

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- k. **Gender-based harassment:** does not necessarily involve conduct that is sexual: Any hostile or offensive conduct based on gender can constitute prohibited harassment. For example, repeated derisive comments about a person's competency to do the job, when based on that person's gender, could constitute gender-based harassment. Harassment comes in many forms, including but not limited to the following conduct:
 - l. **Verbal:** Inappropriate or offensive remarks, slurs, jokes or innuendoes based on a person's race gender, sexual orientation, or other protected status. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats or intimidation; or sexist, patronizing or ridiculing statements that convey derogatory attitudes based on gender, race nationality, sexual orientation or other protected status.
 - m. **Physical:** Inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling or sexual gestures. It also includes any physical assault or intimidation directed at an individual due to that person's gender, race, national origin, sexual orientation or other protected status. Physical sexual harassment includes acts of sexual violence, such as rape, sexual assault, sexual battery, and sexual coercion. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability.
 - n. **Visual or Written:** The display or circulation of visual or written material that degrades an individual or group based on gender, race, nationality, sexual orientation or other protected status. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions.
 - o. **Environmental:** A hostile academic or work environment exists where it is permeated by sexual innuendo; insults or abusive comments directed at an individual or group based on gender, race, nationality, sexual orientation or other protected status; or gratuitous comments regarding gender, race, sexual orientation, or other protected status that are not relevant to the subject matter of the class or activities on the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements in the classroom or work environment. It can also be created by an unwarranted focus on, or stereotyping of, particular racial or ethnic groups, sexual orientations, genders or other protected statuses. An environment may also be hostile toward anyone who merely witnesses unlawful harassment in his or her immediate surroundings, although the conduct is directed at others. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's learning or work.

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- p. **"Quid pro quo" sexual harassment:** occurs when a person in a position of authority makes educational or employment benefits conditional upon an individual's willingness to engage in or tolerate unwanted sexual conduct.
- q. **"Hostile environment" sexual harassment:** occurs when unwelcome conduct based on a person's gender is sufficiently severe or pervasive so as to alter the conditions of an individual's learning or work environment, unreasonably interfere with an individual's academic or work performance, or create an intimidating, hostile, or abusive learning or work environment. The victim must subjectively perceive the environment as hostile, and the harassment must be such that a reasonable person of the same gender would perceive the environment as hostile. A single or isolated incident of sexual harassment may be sufficient to create a hostile environment if it is severe, i.e., a sexual assault.

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

Consensual Relationships

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

Reporting Options

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

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

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

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

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

District Employees and Officials with Authority

District Officials with Authority are not confidential resources and are required to report allegations of sexual harassment to the Title IX Coordinator promptly. All other employees are encouraged to report allegations to the Title IX Coordinator but are not required to do so.

The District has designated the following employees as Officials with Authority:

Human Resources Manager/Title IX Coordinator

Assistant Superintendent/Vice President of Student Services/Title IX Co-Coordinator

Director of Athletics/Title IX Co-Coordinator

All other Administrators, Managers, and Supervisors

Title IX Liaison/Coaching Coordinator

Officials with Authority are required to report all relevant information they know about sexual harassment including the name of the Respondent, the Complainant, any other witnesses, and the date, time, and location of the alleged incident.

Intake and Processing of Report

Receipt of Report

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

Timeframe for Reporting

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

Supportive Measures

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

Removal of Respondent Pending Final Determination Upon receiving a report regarding sexual harassment, the Title IX Coordinator will make an immediate assessment concerning the health and safety of the Complainant and

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campus community as a whole. The District has the right to order emergency removal of a Respondent, or if the Respondent is an employee, place the employee on administrative leave.

Emergency Removal

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

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

The District's Title IX Coordinator or Co-Coordinator or designee will conduct the individualized safety and risk analysis.

If the Title IX Coordinator or Co-Coordinator or designee determines emergency removal is appropriate, they or designee will provide the person the District is removing from campus on an emergency basis with a notice and opportunity to attend a meeting and challenge the basis of their removal. The Title IX Coordinator or Co-Coordinator or designee will determine whether the emergency removal from campus order is warranted after considering information provided by the Respondent challenging the emergency removal.

Administrative Leave

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

Formal Complaint Grievance Process

Notice to Parties

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

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

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

Dismissal of Formal Complaint

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

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

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

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

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

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

Consolidation of Formal Complaints

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

Equitable Treatment of the Parties

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

Statement of Presumption of Non-Responsibility

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

Bias or Conflict of Interest

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

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

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

Timeline for Completion

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

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

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

Role of Advisor

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

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

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

Confidentiality Agreements

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

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Use of Privileged Information

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

Investigation

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

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

Trained Investigators

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

Burden of Gathering Evidence

The District, not the Parties, has the responsibility to gather information and interview witnesses. As part of the District's burden of gathering evidence, the District's investigator will create an investigative report that fairly summarizes relevant evidence, whether it is inculpatory or exculpatory. The investigator shall not make findings or determinations of law or fact.

Notice of Investigative Interview

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

Evidence Review

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

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

Investigative Report

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

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

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

The investigator will not make a determination regarding responsibility.

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

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

Hearing

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

Notice

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

Hearing Format

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

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

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

Decision-Maker

The Decision-Maker will be free from conflict of interest or bias, including bias for or against Complainants or Respondents. In cases where the Complainant or Respondent objects to the Decision-Maker based on a conflict of interest, the Complainant or Respondent may request the Title IX Coordinator select a different Decision-Maker. The Complainant or Respondent must make this request to the Title IX Coordinator in writing at least five business days prior to the hearing.

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The Decision-Maker may ask the Parties and the witnesses questions during the hearing. The Decision-Maker must objectively evaluate all relevant evidence both inculpatory and exculpatory and must independently reach a determination regarding responsibility without giving deference to the investigative report. The Decision-Maker must receive training on issues of relevance, how to apply the rape-shield protections for Complainants, and any technology to be used at the hearing.

Presenting Witnesses

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

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

Cross-Examination

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

If a Party or witness does not submit to cross-examination at the live hearing, the Decision-Maker will not rely on any statement of that Party or witness in reaching a determination regarding responsibility.

Before a Complainant, Respondent, or witness answers a question, the Decision-Maker must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. The Decision-Maker need not provide a lengthy or complicated explanation in support of a relevance determination.

If a Party or witness disagrees with a relevance determination, that individual has the choice of either (1) abiding by the Decision-Maker's determination and answering the question or (2) refusing to answer the question.

The Decision-Maker cannot rely on the statements or testimony of a Party or witness who has refused to answer a question the Decision-Maker had found relevant unless the Decision-Maker considers and changes the ruling before reaching the determination of responsibility. If the Decision-Maker changes the determination of relevance of an unanswered question, the Decision-Maker must explain the decision to reconsider the ruling in the written determination of responsibility.

The Decision-Maker cannot draw an inference about the determination of responsibility based solely on a Party's or witness's absence from the live hearing or refusal to submit to cross-examination or to answer any question.

The Decision-Maker may also ask any Party or witness questions. If a Party or witness refuses to respond to a Decision-Maker's questions, the Decision-Maker is not precluded from relying on that Party or witness' statements.

Determinations of Responsibility

When the Decision-Maker makes a determination of responsibility or non-responsibility, the Decision-Maker will issue a written determination regarding responsibility, no later than 20 business days after the date that the hearing ends.

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

The written determination will include:

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

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

Disciplinary Sanctions and Remedies

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

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

- Providing an escort to ensure that the Complainant can move safely between classes and activities;
- Ensuring that the Complainant and Respondent do not attend the same classes or work in the same work area;
- Providing counseling services or a referral to counseling services;

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

Possible disciplinary sanctions for student Respondents include written or verbal reprimand, required training or counseling, non-academic probation, suspension, and expulsion. Possible disciplinary sanctions for employee Respondents include written or verbal reprimand, required training or counseling, reduction in pay if negotiated or available through policy or procedure, demotion if negotiated or available through policy or procedure, suspension, or discharge.

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

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

Grounds for Appeal

The appeal Decision-Maker may not be the same individual who made the decision the appellant is challenging – whether that is determination regarding responsibility or dismissal the investigator, or the decision to dismiss a formal complaint, and may not be Title IX Coordinator or the investigator. In filing an appeal of the District's determination regarding responsibility or the District's dismissal of a formal complaint, the Party must state the grounds for appeal and a statement of facts supporting those grounds. The grounds for appeal are as follows:

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

Appeal Procedure

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

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

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

The Decision-Maker on appeal may extend or otherwise modify the deadlines provided above. Either Party may seek an extension by submitting a written request to the appeal Decision-Maker explaining the need for the extension and the proposed length of the extension. The Decision-Maker will respond to the request within 48 hours in writing and will inform the Parties simultaneously whether the extension is granted.

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Informal Resolution

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

The District will provide the Complainant and Respondent written disclosure of the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

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

Retaliation Prohibited

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

Dissemination of Policy and Procedures

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

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

Training

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

File Retention

- The District will retain on file for a period of at least seven years after closing the case copies of:
- The original report or complaint;
- Any actions taken in response to the complaint; including supportive measures;
- The investigative report including all evidence gathered and any responses from the Parties;
- The District's determination regarding responsibility;
- Audio or audiovisual recording or transcript from a hearing;
- Records of any disciplinary sanctions imposed on the Respondent;
- Records of any remedies provided to the Complainant;
- Any appeal and the result;

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

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

Complaint Reporting

The President/CEO of San Joaquin Delta College shall provide the Board of Trustees, upon request, a report of complaints filed pursuant to AP 3434. This report must disaggregate the complaints by complaint type (Student Complainant and Student Respondent, Student Complainant and Employee Respondent, Employee Complainant and Student Respondent, Employee Respondent and Employee Respondent, etc.). This report must also disaggregate the complaints by the Complainant's race, age, gender, religion, or any other characteristic identified by the Board.

Title IX of the Education Amendments of 1972 ("Title IX"), 20 U.S.C. §1681 et seq.

Under Title IX, sexual assault, dating violence, domestic violence, and stalking are severe forms of sexual harassment and will not be tolerated at San Joaquin Delta College. The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of California regard sexual harassment as an unlawful discriminatory practice. Any member of the campus community, guest, or visitor who acts to deny, deprive, or limit the educational, employment, residential, or social access, opportunities and/or benefits of any member of the District community on the basis of sex is in violation of the policy on Sexual Misconduct and Gender-Based Discrimination (AP 5540/BP 5540).

For a complete copy of the policy or more information, please contact the Manager for Human Resources. The HR Manager serves as the District's Title IX Coordinator

The District has a network of resources on and off-campus to assist parties in obtaining medical treatment, counseling, advocacy services, and other assistance. When a student, faculty member, or staff member reports an incident of sexual misconduct or sexual violence, whether the offense occurred on or off-campus, the District will provide the person with a written explanation of the options, resources, support services on and off-campus, and reasonable accommodations, regardless of whether the victim chooses to report the crime to District police or other law enforcement. The District encourages individuals who believe they may have been impacted by sexual harassment or other sexual misconduct to speak with someone whom they trust and think can help.

San Joaquin Delta College has a comprehensive listing of resources providing an overview of resources and options available to help prevent and respond to sexual harassment and other sexual misconduct on the Health and Wellness Resources website. Information is also available to students and employees about counseling, health, mental health, advocacy, legal assistance, visa and immigration assistance, student financial aid assistance, and other services that are available to victims both on campus and in the community.

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Campus Sexual Assault Victims' Bill of Rights

The "Campus Sexual Assault Victims' Bill of Rights" exists as a part of the campus security reporting requirements, commonly known as the Jeanne Clery Act. In connection with reporting sexual misconduct, including sexual assault, a complainant/victim has these rights:

1. Shall be notified of their options to notify law enforcement, and to be assisted in notifying such authorities if s/he so chooses.
2. The Right to decline to speak with local law enforcement, should they be notified.
3. Information about existing on- and off-campus counseling, mental health, medical or other services.
4. Options for, and available assistance with changing academic, living, transportation, and working situations and other interim measures.
5. The complainant and the respondent are entitled to the same opportunities to have others present during a disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice.
6. Both the complainant and the respondent shall be simultaneously informed, in writing, of the;
 - a. Outcome of any disciplinary proceeding that arises from an allegation of domestic violence, dating violence, sexual assault, or stalking;
 - b. Procedures for the accused and the victim to appeal the results of the disciplinary proceeding;
 - c. Any change in the results before they become final;
 - d. When the results become final

If you are the victim of sexual misconduct, gender-based violence, or the crimes of rape, acquaintance rape, sexual assault, sexual harassment, stalking, dating violence, or domestic violence, some or all of these safety suggestions may guide you after an incident has occurred:

1. Go to a safe place and speak with someone you trust. Tell this person what happened. If there is any immediate danger, dial 911 or contact District police at (209) 954-5000.
2. Consider securing immediate professional support (e.g., counseling, victim advocacy, medical services, etc.) to assist you in the crisis.
3. If you are on campus during regular business hours, you may go to Counseling center, as well as the Delta Health Center to request an advocate for support and guidance. These are both confidential resources. After regular business hours, or in any situation where you wish, local resources are also available and may be able to provide confidential assistance.
4. For safety and well-being, victims of sexual assault should seek immediate medical attention at [San Joaquin General Hospital](#)⁴⁸. Further, being examined as soon as possible, ideally within 72 hours, is important in the case of rape or sexual assault. The victim can also receive STD testing, antibiotic medications to prevent STD's and emergency contraception as well as referral to other campus resources that may be of benefit.

⁴⁸ <https://www.sanjoaquingeneral.org/>

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5. Preserve evidence following an incident of sexual assault, dating violence, domestic violence, or stalking
 - a. If an incident of sexual assault, dating violence, domestic violence, or stalking occurs, it is important to preserve evidence to aid in the possibility of a successful criminal prosecution or obtaining a protection order.
 - b. In cases of sexual assault, avoid washing, douching, using the toilet, or changing clothing prior to a medical exam.
 - c. Any clothing removed should be placed in a paper bag.
 - d. Evidence of violence, such as bruising or other visible injuries, should be documented including through photographic evidence.
 - e. Evidence of stalking including any communication, such as written notes, voice mail, social media postings, or other electronic communications should be saved and not altered in any way.
6. Typically, if police are involved or will be involved, they will obtain evidence from the scene, and it is best to leave things undisturbed until their arrival. They will gather bedding, linens or unlaundered clothing, and any other pertinent articles that may be used for evidence. It is best to allow police to secure items in evidence containers, but if you are involved in transmission of items of evidence, such as to the hospital, secure them in a clean paper bag or clean sheet to avoid contamination.
7. If you have physical injuries, photograph or have them photographed, with a date stamp on the photo.
8. Record the names of any witnesses and their contact information. This information may be helpful as proof of a crime, to obtain an order of protection, or to offer proof of a campus policy violation.
9. Try to memorize details (e.g., physical description, names, license plate number, car description, etc.), or even better, write notes to remind you of details, if you have time, it can be done safely, and you have the ability to do so.
10. If you obtain external orders of protection (e.g., restraining orders, injunctions, protection from abuse), please notify District police so that those orders can be observed on campus.
11. Even after the immediate crisis has passed, consider seeking support from counseling services, the Women's Center, from members of the clergy and/or the numerous resources provided in this document.
12. Contact the Title IX coordinator if you need assistance with concerns, such as no-contact orders or other protective measures. The District is able to offer you reasonable academic support, changes to living arrangements, transportation resources or modifications, escorts, no contact orders, counseling services access, and other supports and resources as needed.

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Immediately After an Incident of Assault: Seek Medical Assistance and Support

If you are the victim of assault, sexual assault, domestic or dating violence, your personal safety is most important. You are strongly advised to seek immediate medical attention at the hospital emergency room as soon as possible, but generally no later than 72 hours after the assault. While you may feel uncomfortable doing so, the purpose of seeking medical attention is to identify and treat physical injury, provide emergency contraception and/or medication to prevent the possible transmission of sexually-transmitted infections, and gather and preserve evidence. It is important to have the evidence collected because, although you may not want to pursue criminal action immediately, you may change your mind in the future. To preserve evidence don't bathe or shower, use the restroom, change your clothes or brush your teeth.

Resources for Sexual Assault

The District maintains partnerships, through memorandums of understanding for response to sexual assault and through those partnerships provides medical and forensic response to victims of sexual assault.

[Delta College Health Center](#)⁴⁹

The DCHC provides quality non-emergency medical and behavioral health care, so Delta students can excel in the classroom and meet their goals. Some of the services provided include; treatment of acute and chronic conditions, psychiatric treatment and care, individual counseling, physical examinations, pregnancy tests, STD treatment and protection, and family planning and birth control.

[San Joaquin County Family Justice Center](#)⁵⁰

The SJCFJC is a one-stop center that provides a wide range of services under one roof to help victims of domestic violence, human trafficking, sexual assault, child and elder abuse. They are there to provide hope and healing when you are ready.

[Women's Center, Youth and Family Services](#)⁵¹

Women's Center-Youth & Family Services is a safe haven and a place of healing for some of the most vulnerable populations in our community. Since 1976, Women's Center-YFS has been San Joaquin County's primary provider of free, confidential services and shelters specifically designed to meet the needs of homeless and runaway youth and victims of domestic violence, sexual assault, and human trafficking. Their mission is to build a stronger community by fostering the strengths in individuals and by acting as a catalyst to end violence and youth homelessness. Through their programs and services, they are saving lives, helping victims heal, restoring hope, strengthening families, and building a safer community.

[San Joaquin County District Attorney's Victim-Witness](#)⁵²

The District Attorney's Victim-Witness Program provides a variety of services for crime victims and witnesses to make their experience with the criminal justice system less traumatic and easier to understand. This involves assistance during the investigation and court proceedings, and assistance in filing claims for compensation through the California Victim Compensation Program.

⁴⁹ <https://www.deltacollege.edu/healthcenter>

⁵⁰ <https://www.sjcfamilyjusticecenter.com/>

⁵¹ <https://www.womenscenteryfs.org/>

⁵² <https://www.sjgov.org/da/victim-witness-services>

RESPONSE TO SEXUAL ASSAULT AND SEXUAL VIOLENCE

Definitions

There are numerous terms used by San Joaquin Delta College in our policy and procedures. It is important to note that criminal definitions within the jurisdiction may differ from our District policy definitions. Per the specifications of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as amended by the Violence Against Women Reauthorization Act of 2013, the definitions are provided here.

Violence Against Women Reauthorization Act of 2013 (VAWA)

The Violence Against Women Reauthorization Act of 2013 (VAWA) has defined Sexual Assault as: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) Program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, A sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent." For purposes of complying with Clery reporting requirements, any incident meeting the following definition is considered a crime for the purpose of Clery Act reporting.

- **Sexual assault**

Defined as an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) Program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program. A sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

- **Rape**

Defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

- **Fondling**

Defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his /her age or because of his/her temporary or permanent mental incapacity.

- **Incest**

Defined as non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

- **Statutory rape**

Defined as non-forcible sexual intercourse with a person who is under the statutory age of consent.

- **Domestic violence**

Defined as: a felony or misdemeanor crime of violence committed by (a) current or former spouse or intimate partner of the victim; (b) a person with whom the victim shares a child in common; (c) a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; (d) 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 (e) 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. For purposes of complying with Clery reporting requirements, any incident meeting this definition is considered a crime for the purpose of Clery Act reporting.

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- **Dating violence**

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. For the purposes of this definition, 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**

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. For the purposes of this definition:

- Course of conduct means two or more acts, including, but not limited to, acts 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 persons may mean a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment of counseling.

State of California Definitions

Rape - is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances:

1. Where a person is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act.
2. Where it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.
3. Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused.
4. Where a person is at the time unconscious of the nature of the act, and this is known to the accused.
5. Where a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.

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6. Where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat.
7. Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official.

Any sexual penetration, however slight, is sufficient to complete the crime.

Spousal rape - is the use of force, fear, or threats to accomplish sexual intercourse against the will of the assailant's spouse is known as the "spousal rape law."

Other sexual offenses - include the following: sodomy (forced anal intercourse); oral copulation (forced oral-genital contact); rape by a foreign object (forced penetration by a foreign object, including a finger); and sexual battery (the unwanted touching of an intimate part of another person for the purpose of sexual arousal).

Affirmative consent - In California, sexual consent is defined as affirmative consent which means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that 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.

Stalking - In California the definition of stalking is when 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.

Domestic violence - The State of California definition of domestic violence is abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship.

California Hate Crime Definitions

As defined by California Penal Code, §§ 422.55, 422.6, a hate crime is a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

- Disability;
- Gender
- Nationality
- Race or ethnicity
- Religion
- Sexual orientation
- Association with a person or group with one or more of these actual or perceived characteristics

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Hate Crime Categories of Bias Under the Clery Act

- **Race** – A preformed negative attitude toward a group of persons who possess common physical characteristics genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind
- **Gender** – A preformed negative opinion or attitude toward a group of persons because those persons are 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 nonconforming individuals
- **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
- **Sexual Orientation** – A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex
- **Ethnicity** – A preformed negative opinion or attitude toward a group of persons who identify with each other through common heritage (common language, common culture and/or ideology that stresses common ancestry)
- **National Origin** – A preformed negative opinion about a group of persons based upon them being from a particular country or part of the world
- **Disability** – A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/ challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness

San Joaquin Delta College Sexual Misconduct Definitions

Advisor - Throughout the grievance process, both the complainant and respondent have a right to an advisor of their choice. If a party does not have an advisor at the time of the hearing, the District must provide the party an advisor of the District's choice, free of charge. This requirement applies only at the hearing stage. If a party utilizes an advisor during the process prior to the hearing, the advisor will be at the party's own expense. The District may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties.

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

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

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

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

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

Decision-Maker - The person or persons who will oversee the live hearing and decide of responsibility. The decision-maker cannot be the Title IX Coordinator or Co-Coordinators or the investigator.

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

Parties - As used in this procedure, this means the complainant and respondent.

Reporting Party - An individual who reports a violation of this administrative procedure or other District policies or procedures regarding harassment on the basis of sex. The reporting party is not necessarily a complainant, but could be a witness to the conduct or a recipient of the conduct who has not filed a complaint.

Respondent - A respondent is an individual reported to be the perpetrator of conduct that could constitute sexual harassment.

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

1. A District employee conditions the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct (*quid pro quo* harassment);
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity;
3. Sexual assault, including any of the following:
 - a. Sex Offenses - Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

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

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- i. Stalking - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her/their safety or the safety of others or suffer substantial emotional distress.
- j. General harassment - Harassment based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, or sexual orientation of any person, military or veteran status, or any other legally protected class, or the perception that a person has one or more of these characteristics is illegal and violates District policy. Harassment shall be found where, in aggregate, the incidents are sufficiently pervasive, persistent, or severe that a reasonable person with the same characteristics as the victim of the harassing conduct would be adversely affected to a degree that interferes with his or her ability to participate in or to realize the intended benefits of an institutional activity, employment, or resource.
- k. Gender-based harassment - does not necessarily involve conduct that is sexual: Any hostile or offensive conduct based on gender can constitute prohibited harassment. For example, repeated derisive comments about a person's competency to do the job, when based on that person's gender, could constitute gender-based harassment. Harassment comes in many forms, including but not limited to the following conduct:
 - l. Verbal harassment - Inappropriate or offensive remarks, slurs, jokes or innuendoes based on a person's race gender, sexual orientation, or other protected status. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats or intimidation; or sexist, patronizing or ridiculing statements that convey derogatory attitudes based on gender, race nationality, sexual orientation or other protected status.
- m. Physical - Inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling or sexual gestures. It also includes any physical assault or intimidation directed at an individual due to that person's gender, race, national origin, sexual orientation or other protected status. Physical sexual harassment includes acts of sexual violence, such as rape, sexual assault, sexual battery, and sexual coercion. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability.
- n. Visual or Written - The display or circulation of visual or written material that degrades an individual or group based on gender, race, nationality, sexual orientation or other protected status. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions.

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- o. Environmental - A hostile academic or work environment exists where it is permeated by sexual innuendo; insults or abusive comments directed at an individual or group based on gender, race, nationality, sexual orientation or other protected status; or gratuitous comments regarding gender, race, sexual orientation, or other protected status that are not relevant to the subject matter of the class or activities on the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements in the classroom or work environment. It can also be created by an unwarranted focus on, or stereotyping of, particular racial or ethnic groups, sexual orientations, genders or other protected statuses. An environment may also be hostile toward anyone who merely witnesses unlawful harassment in his or her immediate surroundings, although the conduct is directed at others. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's learning or work.
- p. "Quid pro quo" sexual harassment - occurs when a person in a position of authority makes educational or employment benefits conditional upon an individual's willingness to engage in or tolerate unwanted sexual conduct.
- q. "Hostile environment" sexual harassment - occurs when unwelcome conduct based on a person's gender is sufficiently severe or pervasive so as to alter the conditions of an individual's learning or work environment, unreasonably interfere with an individual's academic or work performance, or create an intimidating, hostile, or abusive learning or work environment. The victim must subjectively perceive the environment as hostile, and the harassment must be such that a reasonable person of the same gender would perceive the environment as hostile. A single or isolated incident of sexual harassment may be sufficient to create a hostile environment if it is severe, i.e., a sexual assault.

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

Consensual Relationships

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

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Sex Offender Registration – Campus Sex Crimes Prevention Act

Megan’s Law

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](#)⁵³ at.

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

Procedures for Addressing Sexual Misconduct

The following is an outline of the process and procedures used by San Joaquin Delta College to resolve issues involving discrimination, harassment and sexual misconduct. The complete information can be found online in [BP/AP 3435](#)⁵⁴. These policies are available both online and in print to students, faculty, and staff.

Obtaining an Order of Protection or Similar Protective Order

Individuals may choose to seek to obtain a restraining order under California State law. A restraining order (also called a “protective order”) is a court order that can protect someone from being physically or sexually abused, threatened, stalked, or harassed. For more information, please visit the [Superior Court, County of San Joaquin Self Help website](#)⁵⁵. Advocates from [Victim-Witness Assistance](#)⁵⁶ are available to assist any student, employee, faculty member or staff member seeking a Family Court order of protection or any other available remedy under state, federal, or local law. Victims may also go directly to [San Joaquin County Family Court Services](#)⁵⁷ to request the order of. San Joaquin Delta College is committed to protecting victims from any further harm and will honor such requests and comply with these orders.

You may also consider filing a police report with the District Police Department or the local law enforcement agency of jurisdiction. You do not need to file a police report to obtain a restraining order, but it may be helpful.

⁵³ <http://www.meganslaw.ca.gov>

⁵⁴ <http://go.boarddocs.com/ca/delta/Board.nsf/goto?open&id=BZB2CY019AEA>

⁵⁵ <https://www.sjcourts.org/self-help/civil-harassment-restraining-orders/>

⁵⁶ <https://www.sjgov.org/da/victim-witness-services>

⁵⁷ 180 E. Weber Ave., 4th Floor, Stockton, CA 95202

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Information About the District’s Investigation and Disciplinary Procedures

San Joaquin Delta College is committed to providing a prompt, fair, and impartial investigation and resolution process for all students, faculty, and staff involved. Upon notice of a report of sexual violence or other form of gender-based discrimination, the Title IX Coordinator will commence with an investigation, which may lead to the imposition of sanctions based upon a preponderance of evidence (what is more likely than not), upon a responding student or other accused individual who violated District policy. The investigation will be conducted by a professional staff member or independent investigator (herein referred to as “investigator”) who has received annual training in these types of cases.

The role of the investigator is to be a neutral fact-finder, and the Title IX Coordinator oversees the investigation. Disciplinary proceedings will be conducted by officials who receive annual training on issues related to dating violence, domestic violence, sexual assault, stalking, and conducting a hearing that protects the safety of victims and promotes accountability.

In any complaint of sexual misconduct, sexual assault, stalking, dating violence, domestic violence, or other sex or gender-based discrimination covered under the federal law, the person bringing the accusation and the responding party are entitled to the same opportunities for a support person of their choice throughout the process and to fully participate in the process, including any meeting, conference, hearing, appeal, or other procedural action. Once complete, the parties will be informed, in writing, of the outcome, including the finding, the sanctions (if any), and the rationale therefore. Delivery of this outcome to the parties will occur without undue delay between notifications. All parties will be informed of the District’s appeal processes, and their rights to exercise a request for appeal. Should any change in outcome occur prior to finalization, all parties will be timely informed in writing and will be notified when the results of the resolution process become final.

Procedures detailing the investigation and resolution processes of San Joaquin Delta College involving alleged sexual violence and other forms of sexual misconduct by a student of San Joaquin Delta College can be found online. Procedures detailing the investigation and resolution processes of the District involving alleged sexual violence and other forms of sexual misconduct by an employee of San Joaquin Delta College can be found online in the Annual Employee Notice.

[Gender-Based Discrimination and Sexual Misconduct Policy](#)

[Prohibition of Sexual Harassment Under Title IX](#)

[San Joaquin Delta College Annual Employee Notice](#)

RESPONSE TO SEXUAL ASSAULT AND SEXUAL VIOLENCE

Supportive and Protective Measures

Supportive measures are non-disciplinary, non-punitive individualized services offered free of charge to the Complainant or the Respondent regardless of whether a formal complaint has been filed. The District will provide the Complainant and Respondent with written notice of options for, available assistance in, and how to request available supportive measures, such as changes to academic, living, transportation, and working situation or protective measures. The District will provide such measures to Complainant and Respondent as appropriate and as reasonably available to restore or preserve equal access to the District's education program or activities. These measures are designed to protect the safety of all Parties, protect the District's educational environment, and deter sexual harassment. The District will provide supportive measures confidentially and will not disclose that the District is providing supportive measures to the extent that maintaining confidentiality does not impair the District's ability to implement such measures.

Supportive measures may include counseling, extensions of deadlines, other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the Parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

Removal of Respondent

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

Emergency Removal

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

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

Two members of the District's [Action Crisis Team for Students \(ACTS\)](#)⁵⁸ will complete the assessment regarding whether to order emergency removal of the Respondent. Neither member of the ACTS designated in this role will be from the District Police Department.

If the designated members of the ACTS determine emergency removal is appropriate, the Title IX Coordinator or a Co-Coordinator will provide the person the District is removing from campus on an emergency basis with a notice and opportunity to attend a meeting and challenge the basis of his/her/their removal. The person must request the meeting within 5 business days. The meeting may be held by videoconference, and the District will hold the meeting within 7 business days after receipt of the person's request. In the alternative, the person may submit a written response to the emergency removal.

⁵⁸ <https://www.deltacollege.edu/campus-offices/student-services-division/action-crisis-team-students-acts>

RESPONSE TO SEXUAL ASSAULT AND SEXUAL VIOLENCE

If the basis for removal directly relates to the Complainant (as opposed to a reason that does not directly relate to the Complainant such as a risk of self-harm to the Respondent) and the Respondent opts to challenge the emergency removal, the Title IX Coordinator or a Co-Coordinator will provide notice to the Complainant. The Complainant may, but is not obligated to, file a written statement with respect to the removal with the Title IX Coordinator or Co-Coordinator. The Complainant must file the statement within 3 business days after receipt of the notice.

The Title IX Coordinator or a Co-Coordinator will determine whether the emergency removal from campus order is warranted after considering information provided by the Respondent challenging the emergency removal and the Complainant's written statement.

Administrative Leave

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

CAMPUS CRIME STATISTICS

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, the District Police Department prepares and publishes the Annual Crime Disclosure of Crime Statistics. The report is maintained on the District police website and is available by calling (209) 954-5000. This report is prepared in cooperation with the local law enforcement and Student Services.

The statistics, which include crimes on campus and crimes in adjacent public areas, are collected by the District Police Department. These statistics include crimes reported directly to District police and information provided by the Stockton Police Department, Manteca Police Department, and the San Joaquin County Sheriff Office.

Crime Definitions

Murder/Non-Negligent Manslaughter: the willful (non-negligent) killing of one human being by another.

Manslaughter by Negligence: the killing of another person through gross negligence

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.

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

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

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

Domestic Violence: 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 California law, or by any other person against an adult or youth victim who is protected from that person's acts under California law.

Dating Violence: is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined by the victim with consideration of the length of the relationship, the type of the relationship and the frequency of interaction between the persons involved in the relationship.

Stalking: a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear of his or her safety or the safety of others.

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

CAMPUS CRIME STATISTICS

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

Burglary: the unlawful entry of a structure to commit a felony or a theft **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.

Hate Crimes: crimes committed against a victim based on the perpetrator's bias against the victim based on the victim's actual or perceived race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, or disability. Hate crimes include all of the crimes listed below, plus the crimes of larceny theft, intimidation, destruction/damage/vandalism, and simple assault.

- **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 the person having custody or control of it.

Location Definitions

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

On-Campus Residential Facilities: Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

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

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.

CAMPUS CRIME STATISTICS

Stockton Campus Criminal Offenses	On-Campus Property			Public Property			Non-Campus Property		
	2019	2020	2021	2019	2020	2021	2019	2020	2021
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
Sexual Offenses									
Rape	0	0	0	0	0	0	0	0	0
Forcible Fondling	1	0	1	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	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	1	1	2	0	0	0	0	0	0
Motor Vehicle Theft	1	2	0	0	0	0	0	0	0
Arson	3	0	0	0	0	0	0	0	0
VAWA Offenses									
Domestic Violence	1	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
Totals	7	3	0	0	0	0	0	0	0
Special Category Arrests									
Liquor Law	1	4	2	0	0	0	0	0	0
Drug Violations	0	1	6	0	0	0	0	0	0
Weapons Violations	1	0	0	0	0	0	0	0	0
Disciplinary Action / Judicial Referrals									
Liquor Law	0	0	0	0	0	0	0	0	0
Drug Violations	0	0	0	0	0	0	0	0	0
Weapons Violations	0	0	0	0	0	0	0	0	0
Hate Crimes:									
2019:	There were two (2) crimes of vandalism reported, on-campus, that were based upon bias (race, gender identity, religion, sexual orientation, ethnicity, national origin, or disability) and two (2) crimes of vandalism reported, on-campus, that was based upon bias (race, gender identity, religion, sexual orientation, ethnicity, national origin, or disability) during this reporting year.								
2020:	There were no crimes reported that were based upon bias (race, gender identity, religion, sexual orientation, ethnicity, national origin, or disability) during this reporting year.								
2021:	There were no crimes reported that were based upon bias (race, gender identity, religion, sexual orientation, ethnicity, national origin, or disability) during this reporting year.								
Unfounded Crimes:									
2019:	There was one (1) unfounded crime of robbery reported during this reporting period.								
2020:	There were no unfounded crime(s) reported during this reporting period								
2021:	There were no unfounded crime(s) reported during this reporting period								

NOTE: The local police agencies 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 Stockton campus does not have any residential facilities to report.

CAMPUS CRIME STATISTICS

Manteca Farm Criminal Offenses	On-Campus Property			Public Property			Residence Halls			Non-Campus Property		
	2019	2020	2021	2019	2020	2021	2019	2020	2021	2019	2020	2021
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Sexual Offenses												
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
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
VAWA Offenses												
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0
Totals	0	0	0	0	0	0	0	0	0	0	0	0
Special Category Arrests												
Liquor Law	0	0	0	0	0	0	0	0	0	0	0	0
Drug Violations	0	0	0	0	0	0	0	0	0	0	0	0
Weapons Violations	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action / Judicial Referrals												
Liquor Law	0	0	0	0	0	0	0	0	0	0	0	0
Drug Violations	0	0	0	0	0	0	0	0	0	0	0	0
Weapons Violations	0	0	0	0	0	0	0	0	0	0	0	0
Hate Crimes:												
2019:	There were no crimes reported based upon bias (race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, or disability) during this reporting year.											
2020:	There were no crimes reported based upon bias (race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, or disability) during this reporting year.											
2021:	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:												
2019:	There were no unfounded crime(s) reported during this reporting period											
2020:	There were no unfounded crime(s) reported during this reporting period											
2021:	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.

CAMPUS CRIME STATISTICS

Mountain House Campus Criminal Offenses	On-Campus Property			Public Property			Non-Campus Property		
	2019	2020	2021	2019	2020	2021	2019	2020	2021
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
Sexual Offenses									
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
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	1	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
VAWA Offenses									
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
Totals	0	0	0	0	0	0	0	0	0
Special Category Arrests									
Liquor Law	0	0	0	0	0	0	0	0	0
Drug Violations	0	0	0	0	0	0	0	0	0
Weapons Violations	0	0	0	0	0	0	0	0	0
Disciplinary Action / Judicial Referrals									
Liquor Law	0	0	0	0	0	0	0	0	0
Drug Violations	0	0	0	0	0	0	0	0	0
Weapons Violations	0	0	0	0	0	0	0	0	0
Hate Crimes:									
2019:	There were no crimes reported based upon bias (race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, or disability) during this reporting year.								
2020:	There were no crimes reported based upon bias (race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, or disability) during this reporting year.								
2021:	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:									
2019:	There were no unfounded crime(s) reported during this reporting period								
2020:	There were no unfounded crime(s) reported during this reporting period								
2021:	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.

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SAN JOAQUIN DELTA COLLEGE

2022 ANNUAL CAMPUS FIRE SAFETY REPORT



Manteca Farm Campus
5298 Brunswick Road
Manteca, CA 95336

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INTRODUCTION

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.

SUMMARY OF REPORTING REQUIREMENTS

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

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

SUMMARY OF REPORTING REQUIREMENTS

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

DEFINITIONS OF TERMS

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.

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.

POLICIES

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

- 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

POLICIES

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.

MISSING PERSONS NOTIFICATION POLICIES

In compliance with the Higher Education Opportunity Act, the Missing Person Notification Policy addresses the manner in which the District will proceed in the event that a student residing in campus housing on the Manteca Farm Campus is believed to be missing.

A “missing student” is a currently-enrolled San Joaquin Delta College student who is reported missing and residing in an on-campus student housing facility under a District housing agreement. A student is considered to be missing if the student’s whereabouts have not been established for a period of 24 hours, or if there is information within the 24-hour period that suggests the student is missing. Upon notification of a missing student, District Police will immediately begin efforts to locate the missing student using all available resources.

Reports of missing students or any concern that a student is missing should be immediately directed to the District Police Department at (209) 954-5000, 24 hours a day, 7 days week.

In support of this policy, students are encouraged on an annual basis to provide the District with the name and contact information of someone for the District to notify in the event the student is determined by the District Police Department or the local law enforcement agency to be missing. Students can confidentially provide this contact information through the Rave Mobile Safety Platform. The missing person contact information is confidential, will be accessible only to authorized District officials, and will not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation.

If a student is believed missing, the District will initiate steps to locate him or her or to determine why the student has not been seen. District Police will notify the contact person, if the student designated one, and the appropriate law enforcement agency of jurisdiction, upon receipt of information that establishes an active student is missing. Such notification shall be in a timely fashion, and must be made within 24 hours of the receipt of this information.

If the District Police determine that the student is missing, they will initiate an investigation. The District will support their investigation by providing whatever technical assistance is appropriate, including posting notices, providing photos of the student, class schedule, and any other information relevant to the search for the missing student.

If a student is determined to be missing and is under 18 years of age and not emancipated, the District is required by law to notify a custodial parent or guardian, in addition to any additional contact person designated by the student, within 24 hours of when the student is determined to be missing.

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
2019	0	0	0	0.00	N/A			
2020	0	0	0	0.00	N/A			
2021	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

FIRE LOGS

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>.⁵⁹

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.

DISCLOSURE OF INFORMATION

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.

⁵⁹ <https://sjdc.crimegraphics.com/2013/default.aspx>

DISCLOSURE OF INFORMATION

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 and available for download at <https://police.deltacollege.edu>.⁶⁰

⁶⁰ <https://police.deltacollege.edu>