



Any sexual assault or physical abuse, including but not limited to, rape, domestic violence, dating violence, sexual assault, or stalking, as defined by California law, whether committed by an employee, student, or member of the public, occurring on MiraCosta College (“the district”) property, in connection with all the academic, educational, extracurricular, athletic, and other programs of the district, whether those programs take place in the district’s facilities or at another location, or on an off-campus site or facility maintained by the district, or on grounds or facilities maintained by a student organization, is a violation of district policies and regulations and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. (See also AP 3433 Prohibition of Sexual Harassment under Title IX, AP 3434 Responding to Harassment Based on Sex under Title IX, AP 5500 Standards of Student Conduct, and AP 5520 Student Conduct Procedures).

Sexual assault, dating violence, domestic violence, and stalking are defined in Administrative Procedure 3434 – Responding to Harassment Based on Sex under Title IX.

It is the responsibility of each person involved in sexual activity to ensure that they have the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

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

These written procedures and protocols are designed to ensure that all students and employees who report they have been impacted by domestic violence, dating violence, sexual assault, or stalking receive treatment and information as appropriate to the circumstances. (For physical assaults/violence, see also Administrative Procedures 3500, 3510, and 3515).

All students and employees who report that they have been impacted by domestic violence, dating violence, sexual assault, or stalking on district property shall be provided with information regarding options and assistance available to them from the Title IX

Effective Date: 12/8/09, 8/5/16, 8/16/20, 11/21/24
Periodic Review: 3/10/15
References: Education Code §67385, 67385.7, 67386

coordinator, deputy Title IX coordinators, dean of student affairs, directors of student services, or College Police, as appropriate, who shall maintain the identity and other information

complainant chooses to report the crime to College Police or local law enforcement.

J. A description of each of the following options:

1. counselors and support services for survivors;
2. criminal prosecution (College Police);
3. civil prosecution (College Police);
4. District disciplinary procedures, both student and employee (Title IX Coordinator, Deputy Title IX Coordinators, Dean of Student Affairs, directors of student services, or designee);
5. modification of class schedules (Title IX Coordinator, Dean of Student Affairs, Directors of Student Services, or designee);
6. tutoring (Title IX coordinator, deputy Title IX Coordinators, Dean of Student Affairs, Directors of Student Services, or designee);
7. alternative dispute resolution or other accountability processes (Title IX Coordinator, Deputy Title IX Coordinators, Dean of Student Affairs, directors of student services, or designee); and
8. academic assistance alternatives (Title IX Coordinator, Deputy Title IX Coordinators, Dean of Student Affairs, directors of student services, or designee).

The Title IX coordinator or designee should be available to provide assistance to district law enforcement unit employees regarding how to respond appropriately to reports of sexual violence.

The district will investigate all complaints alleging sexual assault under the procedures for sexual harassment investigations described in Administrative Procedure 3434: Responding to Harassment Based on Sex under Title IX, regardless of whether a complaint is filed with local law enforcement.

The complainant shall be kept informed through the Title IX Coordinator, Dean of Student Affairs, directors of student services, or College Police staff, as appropriate, of any ongoing investigation. Information shall include the status of any student or employee disciplinary D 45 B14

- The respondent

- E. Information for students about existing on- and off-campus counseling, mental health, victim advocacy, legal assistance, or other student services for individuals impacted by domestic violence, dating violence, sexual assault, and stalking.
- F. Written notification about options for protective measures, and available assistance in, changing academic ,transportation, and working situations (if an employee of the District), if requested, and if such accommodations are reasonably available, regardless of whether the complainant chooses to report the crime to College Police or local law enforcement.
- G. Procedures for campus disciplinary action in cases of an alleged domestic violence, dating violence, sexual assault, or stalking, including a clear statement that:
 - 1. Such proceedings shall provide a prompt, fair, and impartial resolution.
 - 2. Such proceedings shall be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of the complainant and promotes accountability.
 - 3. The complainant and the respondent are entitled to the same opportunities to have an advisor present during a disciplinary proceeding.
 - 4. Both the complainant and the respondent must be informed of the outcome of any institutional disciplinary proceeding resulting from alleged domestic violence, dating violence, sexual assault, or stalking, the procedures for the complainant and respondent to appeal the results of the disciplinary proceeding, of any changes to the results that occur prior to the time that such results become final, and when such results become final. Compliance with this paragraph does not violate the Family Educational Rights and Privacy Act. For the purposes of this paragraph, the outcome of a disciplinary proceeding means the final determination with respect to the alleged domestic violence, dating violence, sex offense, or stalking and any sanction that is imposed against the respondent.
- H. A description of the sanctions the college may impose following a final determination by a college disciplinary proceeding regarding rape, acquaintance

A sexual assault or domestic violence counselor shall obtain specific permission from the survivor before disclosing the identity of the survivor, or any information that could
, or pectm32d t