Student Right-To-Know, Campus Security Act, TITLE IX and the
Campus SaVE Act  (this site is under construction, more information is forthcoming)

In compliance with the Student Right-to-Know, Campus Security Act of 1990 (Public Law 101-542), it is the policy of the SJECCD and San Jose City College to make the following information available:

- In compliance with the Student-Right-to-Know and Campus Security Act of 1990 (Public Law 101-542), it is the policy of our college district to make available its completion and transfer rates to all current and prospective students. Beginning in Fall 2010, a cohort of all certificate-, degree-, and transfer-seeking first-time, full-time students were tracked over a three-year period. Their completion rate was 22.39% and transfer rate was 19.31%. These rates do not represent the success rates of the entire student population at the College nor do they account for student outcomes occurring after this three-year tracking period.

  Based upon the cohort defined above, a Completer is a student who attained a certificate or degree or became 'transfer prepared' during a three-year period, from Fall 2010 to Spring 2013. Students who have completed 60 transferable units with a GPA of 2.0 or better are considered 'transfer-prepared'. Students who transferred to another post-secondary institution, prior to attaining a degree, certificate, or becoming 'transfer-prepared' during a five-semester period, from Spring 2011 to Spring 2013, are transfer students.

- Annual reports of criminal activity on campus and procedures for prevention of campus crime, as required by the Crime Awareness and Campus Security Act of 1991. This information is available, on request, from the campus Police Services Office or the SJECCD website at http://www.sjeccd.edu/district-services/district-police/the-jeanne-clery-act.

What is Title IX?

Title IX is a federal law that applies to educational institutions receiving federal financial assistance and prohibits discrimination on the basis of sex in an educational institution’s programs or activities, including employment, academic, educational, extracurricular and athletic activities (both on and off campus). Title IX protects all people regardless of their gender or gender identity from sex discrimination, including sexual harassment and sexual violence, which are forms of sex discrimination. Title IX requires institutions to take necessary steps to prevent sexual assault on their campuses, and to respond promptly and effectively when an assault is reported.

Title IX of the Education Amendments of 1972 (“Title IX”), 20 U.S.C. §1681 et seq., is a Federal civil rights law that prohibits discrimination on the basis of sex in education programs and activities. All public and private elementary and secondary schools, school districts, colleges, and universities (hereinafter “schools”) receiving any Federal funds must comply with Title IX. Under Title IX, discrimination on the basis of sex can include sexual harassment or sexual violence, such as rape, sexual assault, sexual battery, and sexual coercion.

Therefore, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance. Although Title IX is primarily known for advancing equity in women’s sports, it provides federal civil rights that prohibit sex discrimination in education programs and activities such as:

- Admissions or financial aid.
- Housing and facilities.
- Courses, academic research and other educational activities.
- Career guidance, counseling or other educational support services.
- Athletics.
- Employment, training for employment or advancement in employment.

Title IX on a College Campus

The protections of Title IX also extend to sexual harassment and sexual assault or violence that impairs or interferes with access to equitable educational and employment opportunities. Title IX is applicable to all members of the campus community, individuals doing business with the campus, those using campus facilities, and those who engage in volunteer activities or work for FM. Each school must designate a Title IX coordinator to review, update and implement Title IX and to ensure effective and timely response to complaints of sexual violence, discrimination or harassment. The San Jose City College Title IX Coordinator is Dr. Marie-Elaine Burns, Vice-President for Student Affairs. She can be reached at 408-288-3146.

What is the Clergy Act?
The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (commonly referred to as the "Clery Act") was named after a 19-year old freshman at Lehigh University. In 1986, Jeanne was raped and murdered in her residence hall. The perpetrator was another student she did not know. Her death led to national awareness of campus crime. Federal Jeanne Clery Act. The Clery Act requires colleges and universities to report annual statistics on crime, including sexual assault and rape, on or near their campuses, and to develop and disseminate prevention policies.

What is VAWA and the SaVE Act?

The Violence Against Women Act of 1994 (VAWA) is a United States federal law (Title IV, sec. 40001-40703 of the Violent Crime Control and Law Enforcement Act of 1994, H.R. 3355) signed as Pub.L. 103–322 by President Bill Clinton on September 13, 1994 (codified in part at 42 U.S.C. sections 13701 through 14040). The Act provides $1.6 billion toward investigation and prosecution of violent crimes against women, imposes automatic and mandatory restitution on those convicted, and allows civil redress in cases where perpetrators chose to leave un-prosecuted. The Act also establishes the Office on Violence Against Women within the Department of Justice.

On March 7, 2013, President Obama signed a bill that strengthened and reauthorized the Violence Against Women Act (VAWA). Included in the bill was the Campus Sexual Violence Elimination Act (Campus SaVE), which amends the Jeanne Clery Act and clarifies that "sexual violence" includes domestic violence, dating violence and stalking, which must be included in campus Clery reports, and also requires that institutional policies address and prevent sexual violence through training, education, and certain discipline procedures.

- **Campus SaVE Act higher education obligations include:**
  1. Increases transparency about sexual assault issues on campus by expanding sexual crime reporting;
  2. Identifies the institution’s Campus Security Authority (CSA’s) personnel
  3. Creates a Campus Sexual Assault Victim Bill of Rights;
  4. Sets standards for disciplinary proceedings; and
  5. Requires campus-wide prevention education programs.

While the Clery Act requires annual reporting of statistics for various criminal offenses, including forcible and non-forcible sex offenses and aggravated assault, VAWA’s SaVE Act provision adds domestic violence, dating violence, and stalking to the categories that, if the incident was reported to a campus security authority or local police agency, must be reported under Clery.

- **Campus Sexual Assault Victim Bill of Rights**

  Victims of sexual assault will have the right to:

  - Reasonable changes to the academic and living situations
  - Referrals to counseling & assistance in notifying law enforcement
  - Same opportunity as accused to have others present at disciplinary hearing
  - Unconditional notification of outcomes of hearing, sanctions and terms of sanctions in place
  - Opportunities and assistance to speak (or choose not to speak) to anyone regarding the outcome
  - Name and identifying information kept confidential (FERPA).

- **Major Terms Defined**

  - **Consent** is an act of reason and deliberation; a person who has sufficient mental capacity to make an intelligent decision demonstrates consent by performing an act recommended by another. Consent assumes that a person has the physical power to act and can reflect, and be unencumbered in exerting these powers; “Consent is shared permission for sexual activity. For consent to be considered effective, it must be knowing and voluntary. Effective consent to engage in sexual activity must exist from the beginning to the end of each instance of sexual activity and for each form of sexual contact. Effective consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage freely in sexual activity. Consent may not be given if a person is incapacitated or under duress, and non-communication does not indicate consent.” (Guilford College, Sexual Assault Information)

  - To be consensual, there must be "... positive cooperation" and "the person must act freely and voluntarily...” (See California Penal Code, 261.6 for complete definition).

  - **Sexual Assault** means conduct in violation of one or more of the following California penal code sections:
    - Section 261—rape;
    - Section 261.5—statutory rape; 264.1—rape in concert;
    - Section 285—incest;
    - Section 286—sodomy;
    - Subdivision c of section 286—lewd or lascivious acts upon a child; 288a—oral copulation; 289—sexual penetration; or 647.6—child molestation.

  - **Domestic Violence/Family Violence** means 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. For purposes of this subdivision, "cohabitant" means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to:
(1) sexual relations between the parties while sharing the same living quarters;
(2) sharing of income or expenses;
(3) joint use or ownership of property;
(4) whether the parties consider themselves out as husband and wife;
(5) the continuity of the relationship, and
(6) the length of the relationship.
For complete information see California Penal Code Section 13700

Dating Violence includes any abuse, mistreatment, or sexual contact without consent at any stage of a dating relationship.
- For resources and references please refer to the following:

Stalking means any person who willfully, maliciously, and repeatedly follows or harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, of his or her immediate family.
- The Elements of Stalking:
  - A person willfully, maliciously, and repeatedly followed or harassed another person;
  - That person following or harassing made a credible threat;
  - The person who made the threat did so with the specific intent to place the other person in reasonable fear for his or her safety or the safety of the immediate family of such person(s).
  - For more info see California Penal Code 646.9

Campus Security Authorities (CSAs)

Under the Clery Act, campus security authorities include:
- District Police
- Vice President, Student Affairs
- Vice Chancellor, Human Resources
- Director, Student Development & Activities
- Faculty or staff advisors to the ASG (Associated Student Government) & authorized clubs
- Coaches and/or the Athletic Director.

However, the San Jose-Evergreen Community College District which includes both San Jose City College and Evergreen Valley College have been advised by District Counsel to follow the all-encompassing Title IX laws and the Office of Civil Rights (OCR) which includes the Campus Security Authorities (CSAs) listed above and
- Title IX Coordinator
- deans, and
- professors

Campus Security Authorities are responsible employees who:
- Have authority to take action to redress sexual misconduct
- Duty to report sexual misconduct, or
- Is an employee who the student reasonably believes has above authority or duty

Examples of who is Exempt as a Campus Security Authority include:
- Pastoral counselors
- Professional counselors including Mental Health counselors
- Person uncertified but acting under supervision of an exempt counselor

When should I report a complaint?

Sexual discrimination, harassment, assault, misconduct or violence can take many forms, including any sexual conduct that lacks mutual consent. Harassment may take the form of stalking or the distribution, display or discussion of any written, graphic, visual or auditory material that is sexual in nature and has the purpose or effect of threatening, intimidating or interfering with a person’s ability to study or work. All such behaviors should be reported immediately.

San Jose-Evergreen Community College District and San Jose City College in particular, is committed to ensuring a community that is safe for all who study, live, work and visit here. Immediate notification of an issue is critical to fulfilling our commitment to you. We understand that sexual discrimination, harassment, assault, misconduct or violence may be difficult to report but immediate reporting allows for the best possible efforts to support victims, and to investigate and address the claims.

Retaliation against anyone who reports in good faith or participates in the investigative process is prohibited and may be subject to sanctions as determined by the College.

What happens when I report a crime to our District/Campus police?
Campus police will write a report and inform the proper on-and off-campus authorities, including Human Resources especially in cases of sexual assault;

If you have experienced any of these crimes or have witnessed any of these crimes on campus, you may remain anonymous when reporting;

Call 911 or call the San Jose-Evergreen Community College District police at 408 270-6468;

When asked for your name if you want to remain anonymous, identify the call as a SaVe Act call.

The police will investigate this and they will cooperate with the local police, District attorney, and other appropriate agencies;

If you are a current San Jose City College student, the police will report it to the Vice President of Student Affairs (VPSA). If another student is involved, the VPSA will follow appropriate disciplinary procedures; if it involves a staff member or faculty, Human Resources will handle the case;

VPSA or Director of Student Development will need to meet with you and obtain your statement. VPSA will work with the District Police to investigate the reported crime;

VPSA or Director of Student Development will provide you information about appropriate support services and resources;

You will be highly encouraged to reach out to the College’s Student Health Center professional staff

The Student Health Center staff will follow up and ask to meet with you

If I do not report to the District Police, to whom do I report a complaint?

Complaints of sexual discrimination, misconduct or harassment should be filed with SJCC’s Title IX Coordinator, Dr. Marie-Eline Burns, “B” Building, room 105 or call 408-288-3146 or email at Elaine.burns@sjcc.edu

If you have been raped or sexually assaulted or are in immediate danger, call 911 and/or Campus Police immediately at 408-270-6468.

Any member of the Title IX team can assist you in completing the appropriate complaint forms which can be found on the San Jose City College website at

The Title IX Team consists of the following:

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<tr>
<th>Title IX Coordinator</th>
<th>Director for Student Development &amp; Activities</th>
<th>Dean, Kinesiology &amp; Athletics</th>
<th>Athletic/Puente Counselor</th>
<th>Student Health Center Coordinator</th>
<th>International Student Coordinator/Counselor</th>
<th>Disabilities Support Program &amp; Services Counselor</th>
<th>Dean, Counseling &amp; Student Success</th>
<th>Dean, Enrollment Services</th>
<th>CalWORKs Director</th>
<th>CalWORKs Counselor</th>
<th>SJECCD Police Department</th>
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<tr>
<td>Dr. Marie-Eline Burns</td>
<td>Blake Balajadia</td>
<td>Lamel Harris</td>
<td>Veronica Harris</td>
<td>Janet Chang or other health center professionals</td>
<td>Doriann Tran</td>
<td>Mary Denham</td>
<td>Roland Montemayor</td>
<td>Takeo Kubo</td>
<td>Marilyn Brodie</td>
<td>Marylin Crawford</td>
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