

If you have been raped, sexually assaulted or are in immediate danger, call 911 and/or Campus Police at 408-270-6468 from your cell phone or extension 6468 from any campus phone.

What to Do If You Have Been Sexually Assaulted

If you have been sexually harassed, physically or verbally assaulted the College urges to report the incident to the Vice President of Student Affairs/Title IX Coordinator or to District Police.

1. **FIRST AND FOREMOST, KNOW THAT WHAT HAPPENED WAS NOT YOUR FAULT!**
2. **After an assault has occurred, GO TO A SAFE PLACE.** Seek a friend or a trusted person on campus to be with you for moral support. You can also go to the home of a friend or a family member, or any place where you can find physical safety and receive emotional support. The Student Health Center on each campus is a safe and confidential place to report.
3. **Report the attack to law enforcement immediately.** If the assault occurs on campus, we urge you to contact
 - San Jose-Evergreen Community College District (SJECCD) Police **(408) 270-6468** from your cell phone or dial extension 6468 from any campus phone; or
 - Either
 - the Evergreen Valley College Vice President of Student Affairs/Title IX Coordinator located in Student Center Building, room 205 (408) 223-6749 or
 - the San Jose City College Title IX Coordinator at the District Office, 40 S Market Street at (408) 288-3729; or
 - Call 911 for local authorities.
 - If you have experienced or have witnessed sexual assault, harassment, or violence on campus, **you may remain anonymous** when calling 911 or the SJECCD District Police by identifying the call as a SaVe Act call instead of giving your name.
4. **Seek medical care as soon as possible.** Even if you do not have any visible physical injuries, you may be at risk of acquiring a sexually transmitted disease (women may also be at risk for pregnancy). We encourage you to go to the Student Health Center for medical, counseling services and/or contact any of the following health referral services:
 - **SART - Sexual Assault Response Team. 408-885-6466, 751 Bascom Avenue, building H12, San Jose, ca. 95128;**

- **YWCA Valley Rape Crisis Center/ YWCA of Silicon Valley, (408) 287-3000 (24-hr hotline) or (650) 493-7273**
 - **Silicon Valley Faces (408) 286-9663 and Victim Witness Assistance program (408) 295-2656, 777 N. First Street, suite 220, San Jose, ca. 95112**
5. **Preserve all evidence of the attack.**
- Do not bathe, wash your hands, brush your teeth, eat, or smoke.
 - Do not clean or straighten up or remove anything if you are still at the location in which the crime occurred.
 - Write down all the details you can recall about the attack and the perpetrator.
6. If you want more information, contact RAINN's (Rape, Abuse & Incest National Network) National Sexual Assault Hotline
- Call (800) 656-HOPE or
 - Use the internet to access help at [online.rainn.org](https://rainn.org). A counselor can help you understand the reporting process.

Action Recommendations courtesy of Rape, Abuse, Incest National Network ([RAINN](https://rainn.org))
<https://rainn.org/>

- **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, San Jose City College, and Evergreen Valley College are 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 report.

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 complaint to District Police?**

- When the incident is reported to campus police the following can occur:
 - The police will investigate and cooperate with the local police, District attorney, and other appropriate agencies, if the severity of the incident warrants such interactions.

- As a current student, the police also will report the incident to the College Title IX Coordinator and the Vice President of Student Affairs (VPSA).
 - The Title IX Coordinator will provide you with referral information to appropriate support services and resources. You will be asked if you would like to file a formal complaint. If you make the decision to formally file a complaint, the Title IX Coordinator will provide you with the ***San Jose Evergreen Community College District Formal Discrimination Complaint Form***. He or she can assist you in completing the form if you prefer.
 - If another student is involved, the VPSA or designee, who is usually the Director of Student Life or the Director of Student Development & Activities, will follow appropriate disciplinary procedures. Should a staff or faculty member be involved in the complaint, the Vice-Chancellor of Human Resources will be contacted.
- **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-Elaine Burns, at 408-288-3729 or email at elaine.burns@sjcc.edu or
 - EVC's Title IX Coordinator, Mr. Mark Gonzalez, at 408-270-6738 or email at mark.gonzalez@evc.edu
 - When the incident is reported to staff (faculty, staff or administrator), the staff member will complete the ***Title IX Incident Report Form*** and send it to the Title IX Coordinator. The Title IX Coordinator will then contact you and schedule a meeting.

Important Evergreen Valley College Campus Contacts (will be specific to each college)

- **Office of the Vice President of Student Affairs/Title IX Coordinator, Student Center Building, room SC 205, (408) 223-6749**
- **Campus Police, Central Plant Building, (408) 270-6468**
- **Director of Student Health Center, Student Center Building, room SC 124A, (408) 270- 6480**
- **Director of Student Life, Student Center, room SC 117A, (408) 531-6117**

The San Jose City College Title IX Team consists of the following: (Is this needed? If so, EVC's teams should be included and training needs to occur for these individuals on both campuses)

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| • Title IX Coordinator | Marie-Elaine Burns | 408-288-3729 |
| • Interim Vice-President for Student Affairs | Roland Montemayor | 408-288-3772 |
| • Director, Student Development & Activities | Blake Balajadia | 408-288-3160 |
| • Dean, Kinesiology & Athletics | Lamel Harris | 408-288-3730 |
| • Athletic/Puente Counselor | Veronica Harris | 408-288-3798 |
| • Student Health Center Coordinator | Janet Chang or
other health center professionals | 408-288-3724 |

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| • International Student Coordinator/Counselor | Doriann Tran | 408-288-3751 |
| • Disabilities Support Program & Services Counselor | Mary Denham | 408-288-3746 |
| • Dean, Enrollment Services | Takeo Kubo | 408-288-3733 |
| • CalWORKs Director | Marilyn Brodie | 408-288-3150 |
| • CalWORKs Counselor | Marilyn Crawford | 408-288-3150 |
| • SJECCD Police Department | | 408-270-6468 |

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 288—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:

- http://www.schoolhealthcenters.org/wp-content/uploads/2012/06/CA_TDVCConfidentialityReporting_11-15-10-Final.pdf

- **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 by 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

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.

- Dr. Marie-Elaine Burns, Vice-President for Student Special Service is the San Jose City College Title IX Coordinator. She can be reached at (408) 288-3729.
- Mr. Mark Gonzalez is the Interim Vice-President for Student Affairs and the Title IX Coordinator at Evergreen Valley College. He can be reached at (408) 270-

What is the Clery 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 prosecutors 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.

Additional Resources

Almaden Valley Counseling Service

Phone: 1- (408) 997-0200

Address: 6529 Crown Blvd, Suite D San Jose, CA 95120

Dating Violence: Break the Cycle

<http://www.breakthecycle.org/learn-about-dating-violence>

National Center for Victims of Crime: Dating Violence

<https://www.victimsofcrime.org/help-for-crime-victims/get-help-bulletins-for-crime-victims/bulletins-for-teens/dating-violence>

Office on Women's Health

<https://www.womenshealth.gov/violence-against-women/types-of-violence/dating-violence.html>

Help and Healing Resources in Santa Clara County

<https://www.sccgov.org/sites/scphd/en-us/Residents/injuryandviolenceprevention/violence-free-communities-campaign/Pages/vfcc-resources.aspx>

Community Solutions

<http://www.communitysolutions.org/programs-and-services/solutions-to-violence/sexual-assault.html>

24- HOUR CRISIS LINES

Sexual Assault & Domestic Violence

(South County & San Benito County)

1.877.END.SADV (1.877.363.7238)

