



Santa Monica College President's Task Force on Title IX

*Preventing and Responding to Sexual Violence, Sexual Assault,
Sexual Harassment, and Sexual Misconduct on Campus*

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Introduction

The subject of sexual violence, sexual assault, and sexual harassment on college and university campuses is a matter of national importance. Over the past months, stories of sexual assault and sexual misconduct have been in the media and in legislation on both a State and national level.

To ensure that the students and employees of Santa Monica College (SMC) are safe and free from gender-based discrimination, sexual harassment, sexual violence and sexual misconduct, Superintendent-President, Dr. Chui L. Tsang asked that a comprehensive review of college policies and services be conducted in order to maintain the highest standards of prevention, response, and reporting. (*Appendix A*)

The Charge

In Fall 2014, Superintendent-President, Dr. Chui L. Tsang appointed a Task Force to review the District's current policies, procedures, and practices as they relate to Title IX (Sexual Violence, Sexual Assault, and Sexual Harassment), as well as to recommend necessary improvements to bring the college into compliance with newly enacted laws and regulations.

The group was tasked with the following goals:

- The Task Force will review some of the existing practices, such as the University of California's (PEAR) Model, and will provide a report to the Superintendent-President with key findings and recommendations.
- These recommendations should address prevention, education, advocacy, and reporting & response. During this process, the Task Force will provide occasional reports to the college community and solicit their input and concerns.
- The Task Force will need to convene regularly and present recommendations to the Superintendent-President so that the college is able to meet the effective dates of the newly enacted laws and regulations.

The Task Force began its efforts in October 2014 and was led by Vice President of Student Affairs, Michael Tuitasi. The Task Force members included students, staff, faculty, management, and a Santa Monica College Trustee.

TASKFORCE MEMBERS

NAME	AREA
Michael Tuitasi (Chair)	Student Affairs
Sherri Lee-Lewis	Human Resources/ Title IX Officer
Nancy Greenstein	Board Member/ UCLA
Karen Gunn	Retired Faculty/ Psychology
Eileen Rabach	Faculty/ Social Science
Guido Davis Del Piccolo	Faculty/ Social Science

Tina Feiger	Faculty/Counselor/ Ombudsperson
Deyna Hearn	Judicial Affairs/ Title IX Deputy
Kasiani Gountoumas	Campus Nurse/ Student Health Services
Jere Romano	Campus Police Rep/ Clery Reporting
Caitlin Corker	Student/ Associated Students Vice President
Lina Lopez	Student/ Lead President's Ambassador
Daniel Kolko	Student Trustee

Mandated Requirements

To determine the mandated requirements recently approved by the Federal Government and State of California, the Task Force reviewed legislation that included “Not Alone: The First Report of the White House Task Force to Protect Students from Sexual Assault”; Yes Means Yes Legislation; and The University of California Report to the UC Regents and President Janet Napolitano.

Not Alone Legislation

On January 22, 2014, President Barack Obama signed the Presidential Memorandum establishing the White House Task Force to Protect Students From Sexual Assault (*Appendix B1*). In April 2014, the report was disseminated and included the following recommendations:

1. Identifying the Problem: Campus Climate Surveys

The first step in solving a problem is to name it and know the extent of it. Administering a campus climate survey is the best way to gather data. Colleges are being provided with a toolkit to conduct surveys, and schools are being urged to conduct their first survey in 2016. The Justice Department has partnered with Rutgers University's Center on Violence Against Women and Children to pilot, evaluate, and further refine the survey.

2. Preventing Sexual Assault – and Engaging Men

Prevention programs can change attitudes, behavior, and the culture. In addition to identifying a number of promising prevention strategies, colleges should also research new ideas and solutions. One preventative strategy educates and engages men in discussions about sexual misconduct. Most men are not perpetrators, and when we empower men to step in when someone is in trouble, they become an important part of the solution.

As the President and Vice President's new Public Service Announcement puts it: **“If she doesn't consent – or can't consent – it's a crime. And if you see it happening, help her, don't blame her, speak up.”** Bystander intervention training and programs can help change the culture and minimize sexual assault.

3. Effectively Responding When a Student Is Sexually Assaulted

When a student is sexually assaulted or harassed at a College, the following practice should be in place:

Someone a survivor can talk to in confidence

While many victims of sexual assault are ready to file a formal (or even public) complaint against an alleged offender right away, others want time and privacy to sort through their next steps. Having a confidential place to go can mean the difference between getting help and staying silent.

Colleges have been provided with a model reporting and confidentiality protocol which, at its heart, aims to give survivors more control over the process. Victims who want to fully investigate an incident will be taken seriously and know where to report, but for those who aren't quite ready, they need to have and know about places to go for confidential advice and support.

Therefore, colleges must make it clear, up front, who on campus can maintain a victim's confidence and who cannot so a victim can make an informed decision about where best to turn. A College's policy will also explain when it will need to override a confidentiality request (and pursue an alleged perpetrator) in order to help provide a safe campus for everyone.

New guidance from the Department of Education also makes clear that on-campus counselors and advocates, like those who work or volunteer in sexual assault centers, victim advocacy offices, women's and health centers, as well as licensed and pastoral counselors, can also talk to a survivor in confidence.

A comprehensive sexual misconduct policy

Colleges have been provided with a checklist to use in drafting (or reevaluating) their own sexual misconduct policies. Although every school will need to tailor a policy to its own needs and circumstances, all schools should be sure to bring the key stakeholders, including students, to the table. Among other things, this checklist includes ideas a college could consider in deciding what is, or is not, consent to sexual activity.

Trauma-informed training for school officials

Sexual assault is a unique crime: unlike other crimes, victims often blame themselves; the associated trauma can leave their memories fragmented; and insensitive or judgmental questions can compound a victim's distress. The Justice Department, through both its Center for Campus Public Safety and its Office on Violence Against Women, has developed trauma-informed training programs for school officials, campus programs, and local law enforcement. The Department of Education's National Center on Safe and Supportive Learning Environments has done the same for campus health centers. This kind of training has multiple benefits: when survivors are

treated with care and wisdom, they start trusting the system, and the strength of their accounts can better hold offenders accountable.

Better school disciplinary systems

Many sexual assault survivors are wary of their school's adjudication process, which can sometimes subject them to harsh and hurtful questioning (such as their prior sexual history) by students or staff unschooled in the dynamics of these crimes. Some schools are experimenting with new models like having a single, trained investigator do the majority of the fact-finding. The Justice Department has been assessing different models for investigating and adjudicating campus sexual assault cases with an eye towards identifying best practices.

The Department of Education's new guidance also urges some important improvements to many schools' current disciplinary processes: questions about the survivor's sexual history with anyone other than the alleged perpetrator should not be permitted; adjudicators should know that the mere fact of a previous consensual sexual relationship does not itself imply consent or preclude a finding of sexual violence; and the parties should not be allowed to personally cross-examine each other.

Partnerships with the community

Because students can be sexually assaulted at all hours of the day or night, emergency services should be available 24 hours a day. Other types of support can also be crucial, like longer-term therapies and advocates who can accompany survivors to medical and legal appointments. Many schools cannot themselves provide all these services; therefore, partnership with a local rape crisis center is beneficial. For instance, when both the college and the local police are simultaneously investigating a case (a criminal investigation does not relieve a school of its duty to investigate and respond), coordination can be crucial.

4. Increasing Transparency and Improving Enforcement

More transparency and information

The government is committed to making College's enforcement efforts more transparent by getting students and schools more resources to help bring an end to violence. As part of this effort, the Federal Administration will post enforcement data on their new website "NotAlone.gov" and give students a roadmap for filing a complaint if they think their school has not lived up to its obligations.

Among many other things on the website, sexual assault survivors can also locate an array of services by typing in their zip codes, learn about their legal rights, see which colleges have had enforcement actions taken against them, get "plain English" definitions of some complicated legal terms and concepts, and find their state's privacy laws. Schools and advocates can access Federal guidance, learn about relevant legislation, and review the best available evidence and research.

Improved Enforcement

The Department of Education's Office for Civil Rights (OCR) released a 52-point guidance document that answers many frequently asked questions about a student's rights, and a school's obligations, under Title IX. Among many other topics, the new guidance clarifies that Title IX protects all students, regardless of their sexual orientation or gender identity, immigration status, or whether they have a disability. It also makes clear that students who report sexual violence have a right to expect their school to take steps to protect and support them, including while a school investigation is pending. The guidance also clarifies that recent amendments to the Clery Act do not alter a school's responsibility under Title IX to respond to and prevent sexual violence.

Originally known as the Campus Security Act, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f)) is the landmark federal law that requires colleges and universities across the United States to disclose information about crime on and around their campuses. The law is tied to an institution's participation in federal student financial aid programs and it applies to most institutions of higher education both public and private. The Clery Act is enforced by the United States Department of Education.

The Departments of Education and Justice, which both enforce Title IX, have entered into an agreement to better coordinate their efforts just as the Department of Education charged with enforcing Title IX and the Clery Act have collaborated on the reporting on the reporting of incidents.

Although the White House has launched the *Not Alone* initiative, in April of 2014, President Barack Obama recently launched the "*It's on Us*" campaign designed to heighten awareness of sexual assault on college campuses.

Yes Means Yes Legislation (State of California)

The following is taken from the SB967-Yes Means Yes legislation recently signed by Governor Jerry Brown on Sunday, September 28, 2014, which took effect on January 1, 2015. (*Appendix B2*)

Policies and protocols shall cover:

- A policy statement on how the institution will provide appropriate protections for the privacy of individuals involved, including confidentiality.
- An initial response by the institution's personnel to a report of an incident, which should include a specific requirement to assist the victim, provide information in writing about the importance of preserving evidence, and address how to identify and locate witnesses.
- A response to stranger and non-stranger sexual assault.

- The development of a victim interview protocol, including the preliminary victim's interview and any comprehensive follow-up to the victims interview(s), as appropriate.
- Contacting and interviewing the accused.
- Identifying and locating any witnesses.
- A written notification to the victim about the availability of, and contact information for, on- and off-campus resources and services, and coordination with law enforcement, as appropriate.
- The participation of victim advocates and other supporting people.
- The investigation of allegations if alcohol or drugs were involved in the incident.
- Providing an individual who participates as a complainant or witness in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for a violation of the institution's student conduct policy at or near the time of the incident, unless the institution 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.
- The role of the institutional staff supervision.
- A comprehensive, trauma-informed training program for campus officials involved in investigating and adjudicating sexual assault, domestic violence, dating violence, and stalking cases.
- Procedures for confidential reporting by victims and third parties.

University of California- Taskforce Recommendations (PEAR Model)

The Task Force reviewed best practices from the University of California System's Report to Janet Napolitano. The UC System has done a great deal of work in implementing Title IX mandates and has made great strides in implementing the mandates required by State and Federal legislation. The Task Force met with members from UCLA to review their best practices as well as identify activities and trainings that can be duplicated at SMC. (*Appendix B3*)

Recommendations from the UC System's PEAR Model:

Prevention

- Recommendation 4: Implement a comprehensive communication strategy to educate the community and raise awareness about UC Programs.

Education

- Recommendation 3: A comprehensive training and education plan
 - Recommendation 3A: Mandatory Education
 - Recommendation 3B: Awareness
 - Recommendation 3C: Ongoing Education

Advocacy

- Recommendation 5: Establish an independent confidential office for sexual violence (dating, violence, domestic violence, stalking and sexual misconduct) and sexual assault. This office would be appropriately staffed and would not be affiliated with the body responsible for investigating and adjudicating sexual assault complaints on campus.

- Recommendation 6: Establish a comprehensive website.

Reporting & Response

- Recommendation 1: Establish a consistent “Response Team” model.
- Recommendation 2: Adopt investigative and adjudication standards
- Recommendation 7: Data Collection

Review of Practices

Before the Task Force could begin to make recommendations, it first identified and reviewed current practices at the college as well as resources available to students and staff.

The following questions were submitted by key student service areas including Campus Police, Counseling, Crisis Prevention Team, Human Resources, Judicial Affairs, Ombudsperson, Psychological Services, Student Health Services, and Student Life.

- What is the referral process if a student has been sexually assaulted on campus/ off campus?
- What are the procedures if a student does not want to file a police report?
- What are the procedures if the respondent is an SMC student? What are the procedures if the respondent is not an SMC student?

Various guests were invited to make presentations about their services, processes, and best practices. The following individuals provided an update on their services.

Savannah Badalich	UCLA- Student Advocate
Brenda Benson	Counseling and Crisis Prevention Team
Allison Brown	Psychological Services
Sandy Chung	Former Director of Human Resources
LaShonda Coleman	Santa Monica Rape Treatment Center
Gail Fukuhara	Center for International Education: Orientation
Nancy Grass Hemmert	Communication Department: Student and staff video
Laurie Guglielmo	Counseling and Counseling Courses
Denise Kinsella	Center for International Education
Gail Livings	Woman’s/Gender Group
Gloria Lopez	Student Health Services
Robert Massey	Woman’s/Gender Group
Delores Raveling	Online Orientation
Sandra Rowe	Psychological Services
Albert Vasquez	Campus Police and Athletics

Trainings

Region 8 Workshop: On Thursday, November 13, 2014, Region 8 of the California Community College system hosted a Gender-Based Discrimination & Sexual Misconduct Workshop. Gail Sakowski- Chief Civil Rights Attorney, Office of Civil Rights provided an update on the new Title IX mandates as well as a list of areas in which colleges have fallen out of compliance. The areas that she highlighted include:

- a. Title IX Information is not easy to find.
- b. Title IX policies are not widely disseminated or easy to find.
- c. Out of date information on websites.
- d. The designation of Title IX Coordinator was not posted or easy to identify.
- e. Lack of training for the Title IX Coordinator and other responsible personnel.
- f. Lack of clarity in the responsibilities of investigators and process for investigations.
- g. Investigations not conducted in a timely manner.

Association for Title IX Administrators Training (ATIXA): The week of February 17-20, 2015, three members from the Title IX Taskforce (Vice President of Student Affairs, Dean of Students, and the Dean of Human Resources) attended a training sponsored by the ATIXA Organization. The training covered Title IX mandates as required for gender equity in Athletics, Sexual Assault and Harassment, and investigation of Title IX complaints.

National Conference on Campus Sexual Assault & Violence: On February 24-25, 2015, four members of the Task Force (2 students, 1 administrator, and 1 Board member) attended a conference sponsored by the University of California System. The conference offered a series of workshops that included enhancing prevention, changing the culture, and moving beyond compliance. Task Force attendees made great connections with local and national organizations. In addition, student attendees identified contacts for developing activities to educate SMC students.

Findings

Based on information provided from SMC Student Services, Federal and State mandates, the ATIXA Training and the UC Conference on Sexual Assault and Violence, The Task Force identified the following needs:

1. To identify Title IX Coordinator (Compliance Officer)
2. To develop a process for effectively responding to reports
3. To create an informational brochure outlining the complaint process and resources (victims and respondents)
4. To conduct Title IX training for students (What is Consent?, Yes Means Yes, What is Title IX?, Bystander intervention)
5. To provide targeted training for student-athletes, clubs, and international students
6. To administer a Climate Survey every 2 years and address the survey outcomes
7. To update and post Title IX policies in high traffic areas (employees and students)
8. To provide a thorough and transparent investigative process with a prompt and equitable resolution (60 day timeline)
9. To identify Deputies/investigators (Key areas include Human Resources, Student Life, Athletics, and Academic Affairs)
10. To identify advocacy groups (community organizations)
11. To identify confidential personnel on-campus (Psychological Services, Ombudsman and Student-Health Services)
12. To identify and train "Responsible Personnel" for reporting violations
13. To share Clery data & information annually with the college community
14. To provide access to Title IX training for all college employees

** As the Task Force began to identify the training needs for the college community, the importance of providing access to Title IX training for all college employees became evident. As we move forward, the Task Force recommends that the District consult with the various bargaining units if mandatory training is to be implemented.*

NUMBER	RECOMMENDATION	TIMELINE	RESPONSIBLE
POLICY			
Recommendation #1	Review and implement Title IX Checklist as appropriate. (ATIXA)	Fall 2015	Title IX Advisory Group
Recommendation #2	Update Board Policies and Administrative Regulations to include new Title IX regulations and non-violence policy (AR3120, AR 3123, BP3123)	Fall 2015	DPAC
Recommendation #3	Develop new Board Policy and Administrative Regulations (BP/AR 3122) to address Title IX and Sexual Misconduct.	Spring 2015	DPAC
Recommendation #4	Administer Campus Climate Survey every 2 years.	Spring 2015	Institutional Research
Recommendation #5	Update policies to support a comprehensive training program for employees, investigators, students, and peer educators.	Fall 2015	DPAC-Human Resources
Recommendation #6	Post District policies and Sexual Misconduct information posters on campus. Make information available through multiple media platforms.	Fall 2015	Campus Community
EDUCATION & PREVENTION			
Recommendation #7	Student Affairs/Associated Students: Plan and sponsor educational activities that teach prevention, education, and advocacy.	Fall 2015	Student Affairs
Recommendation #8	Update student orientations to include new Title IX Regulations (Online Orientation, Counseling 20, International Student Orientation, Associated Student Directors Retreat, Student-Club Officers Trainings, Student-Athletes Orientation and VIP Welcome Day)	Spring 2016	Student Affairs
Recommendation #9	Develop a comprehensive training program for SMC employees.	Fall 2015	Human Resources & Professional Development
Recommendation #10	Identify and train Responsible Personnel (as designated).	Fall 2015	DPAC
Recommendation #11	Develop informational brochures that include the duties and services of the Title IX Coordinator, Title IX Deputies, and other college advocates (Responsible Personnel).	Summer 2015	Student Affairs and Human Resources
Recommendation #12	Develop Informational brochures and posters for both victims and respondents.	Summer 2015	Student Affairs and Human Resources
Recommendation #13	Create reference materials for employees (purple folder).	Summer 2015	Human Resources
ADVOCACY			
Recommendation #14	Establish and hire a Compliance Officer position (Title IX) to address Title IX investigations and reporting. Identify Title IX Deputies in the areas of Human Resources, Student Affairs, Academic Affairs, and Athletics.	Summer 2015	Human Resources
Recommendation #15	Hire a Care Advocate/Advisor Position to work with students.	Fall 2015	Student Affairs
Recommendation #16	Establish a comprehensive website that is accessible on the District's main page.	Spring 2015	Human Resources & Student Affairs
Recommendation #17	Identify and establish relationships with community partners that can serve as resources and advocates.	Summer 2015	Human Resources & Student Affairs
REPORTING & RESPONSE			
Recommendation #18	Collect and disseminate data from Campus Climate Survey administered by Institutional Research.	Spring 2015	Institutional Research

Recommendation #19	Collect, publish, and disseminate data related to Federal and State laws.	Spring 2015	Human Resources and Campus Police
Recommendation #20	Develop and implement an investigation process.	Spring 2015	Human Resources, Campus Police, and Student Judicial Affairs
Recommendation #21	Develop a Title IX Investigative and Response Team (Title IX Coordinator, Title IX Deputies, CARE Advocate/Advisor and Campus Police)	Fall 2015	Human Resources, Campus Police, and Student Judicial Affairs
Recommendation #22	Develop a Resource Advisory Group		Human Resources and Student Affairs

RECOMMENDATIONS (Narrative):

Policy

Recommendation #1:

Review and implement Title IX Checklist as appropriate. (ATIXA)

The Association for Title IX Administrators (ATIXA) has developed a check list for colleges and universities. The checklist is broken down into four sections: Notice of Nondiscrimination, Investigation, Prevention & Remedies and Enforcement. (Appendix E)

Recommendation #2:

Update Board Policies and Administrative Regulations to include new Title IX regulations and non-violence policy (AR3120, AR3123, and BP3123)

Current policies and regulations are being reviewed by the District Planning and Advisory Council (DPAC). Once the policies have been vetted through the appropriate constituencies, they will be posted and disseminated via multiple media platforms.

Recommendation # 3:

Develop new Board Policy and Administrative Regulations (BP/AR 3122) to address Title IX and Sexual Misconduct.

The District will develop a comprehensive Board Policy and Administrative Regulation that outlines the mandates from both Federal and State legislation.

Recommendation # 4:

Administer Campus Climate Survey every two years

Based on Federal recommendations, all institutions of higher education must administer a campus climate survey every two years. The survey must be implemented and administered by spring 2016. Santa Monica College administered a pilot survey in spring 2015 in which 1766 surveys were collected.

Recommendation #5:

Update policies to support a comprehensive training program for employees, investigators, students, and peer educators.

Recommendation # 6

Post District policies and Sexual Misconduct information posters on campus. Make information available through multiple media platforms.

Education & Prevention

Recommendation #7:

Student Affairs/Associated Students: Plan and sponsor educational activities that teach prevention, education, and advocacy.

The month of April is recognized as Sexual Assault Awareness Month. The Associated Students will work with the District to sponsor educational activities. Activities include: Prevention & Consent Workshops, lectures, movies, etc.

Recommendation #8:

Update student orientations to include new Title IX Regulations (Online Orientation, Counseling 20, International Student Orientation, Associated Student Directors Retreat, Student-Clubs Officers Trainings, Student-Athletes Orientation and VIP Welcome Day)

At a minimum, the following topics must be included in training for students:

- Title IX and what constitutes sexual violence, including same-sex sexual violence, as outlined in District policies;
- definition of consent applicable to sexual conduct, including examples;
- definition of sexual harassment, including examples;
- how the college analyzes whether conduct was unwelcome under Title IX;
- how the college analyzes whether unwelcome sexual conduct creates a hostile environment;
- reporting options, including formal reporting and confidential disclosure options and any timeframes set by the school for reporting;
- the college's grievance procedures used to process sexual violence complaints;
- disciplinary code provisions relating to sexual violence and the consequences of violating those provisions;
- effects of trauma, including neurobiological change;
- the role drugs and alcohol often play a part in sexual violence incidents, including the deliberate use of drugs and/or alcohol to perpetrate sexual violence;
- strategies and skills for bystanders to intervene to prevent possible sexual violence;
- how to report sexual violence to campus or local law enforcement and the ability to pursue law enforcement proceedings simultaneously with a Title IX grievance; and
- Title IX's protections against retaliation.
- False Reporting

Other Trainings for Students:

- International Students: Orientations should include information on human trafficking. Once students are in the United States, they register for Counseling 11 where they are shown a 5-minute informational video on Sexual misconduct. During individual counseling sessions, counselors can distribute brochures about unlawful discrimination.
- Online: Students read about sexual harassment in a five segment online orientation.
- Bystander Intervention Training
- Peer educators
- Video presentations
- Workshops

Recommendation #9:**Develop a comprehensive training program for SMC employees.**

The Department of Human Resources, in conjunction with the Faculty Professional Development Committee, the Classified Professional Development Committee, and the Management Association, will develop trainings on Title IX regulations for college employees.

**Mandatory trainings will be developed in consultation with bargaining units.*

Examples of Trainings:

- Invite keynote speakers to College Flex days and Professional Development days
- Develop an online training module
- Offer workshop and lecture series

Information Dissemination

TOPICS	STUDENTS	STAFF	FACULTY	MANAGERS
What is Title IX?	X	X	X	X
What is the Sexual Misconduct Reporting Structure at SMC?	X	X	X	X
Where can Title IX Information be found?	X	X	X	X
Who is the Title IX Coordinator?	X	X	X	X
What is Affirmative Consent, Yes Means Yes legislation, and Not Alone information?	X	X	X	X
Who are Responsible Employees?	X	X	X	X
What Resources are Available for Complainants and Respondents?	X	X	X	X
What is the Investigation Process?	X	X	X	X
Prevention- (Bystander Approach)	X	X	X	X
Campus Policies and Procedures	X	X	X	X
Title VII (Workplace Sexual Harassment)		X	X	X
Who are Mandated Reporters?		X	X	X
Resources (Confidential, Law Enforcement, and Community)	X	X	X	X
Glossary of Terms	X	X	X	X

Recommendation #10:**Identify and Train Responsible Personnel (as designated)**

Responsible Personnel are individuals who are obligated to report incidents of sexual misconduct, sexual abuse, or sexual harassment. The following types of employees are considered to be “responsible employees” who have responsibility for reporting allegations of sexual misconduct to the District’s Title IX Coordinator:

- Academic Administrators (including project managers)
- Classified Managers

Excluded employees: Employees of the Health Service Center, Ombuds Office, and Psychological Services shall not be designated as responsible employees to ensure that students have a mechanism to confidentially report incidents of sexual misconduct.

Responsible employees do not have any responsibility to verify or gather facts about alleged sexual misconduct, and should refrain from doing so. However, responsible employees must report any details that they observe or hear about to the District's Title IX Coordinator.

This section is not intended to negate the mandatory reporting responsibilities required under any other provision of law such as California's child abuse reporting law.

Informational Materials

Recommendation # 11:

Develop informational brochures that include the duties and services of the Title IX Coordinator, Title IX Deputies, and other college advocates (Responsible Personnel).

Informational brochures, which outline the reporting process and identify responsible personnel, should be distributed on campus and translated into the most common languages.

The areas that are bound by confidentiality include the Student-Health Center, Psychological Services, College Ombudsman and the Santa Monica Rape Treatment Center. These resources will be included in training materials, listed on the college's webpage, and printed in brochures or handouts.

Recommendation #12:

Develop Informational brochures and posters for both victims and respondents.

In addition to brochures that cover general information about college policies on sexual misconduct, informational brochures specific to both the complainant (victim) and the respondent (accused) should also be developed and include:

- College policies and regulations on sexual misconduct
- Investigation process for both complainant and respondent
- Timeline of investigation
- Referral to community resources
- Referral to legal resources

Recommendation #13:

Create reference materials for employees (purple folders)

Develop a purple resource folder that includes information on Title IX, the complaint process, sexual misconduct, The Santa Monica Rape Treatment Center and other community resources. The folder can be distributed to faculty and staff at the beginning of employment, during Faculty Flex days and at Professional Development days.

Advocacy

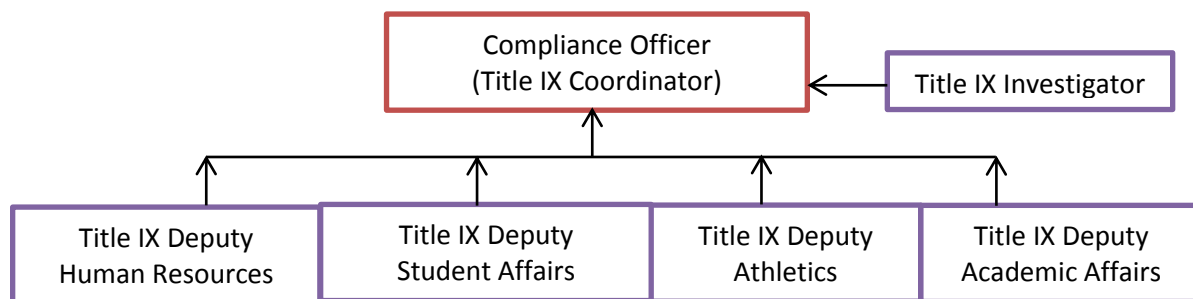
Recommendation #14:

Establish and hire a Compliance Officer position (Title IX Coordinator) to address Title IX investigations and reporting. Identify Title IX Deputies and investigators in the areas of Human Resources, Student Affairs, Academic Affairs, and Athletics.

Title IX Coordinator: The person designated by the Superintendent-President to be responsible for oversight and implementation of Title IX compliance. The District will publicize the identity of the District's Title IX Coordinator to the entire District community. The Title IX Coordinator is responsible for overseeing the District's compliance with Title IX and all other related and applicable Federal and California laws regarding sex discrimination, stalking, and relationship violence involving students or employees. Other Federal and California laws include, without limitation, VAWA, the SaVE Act, the Clery Act, Education Code Section 67386, and applicable sections of Title 5 of the California Code of Regulations.

Title IX Deputy: The Title IX Deputy is the designated person(s) responsible for assisting in the oversight and implementation of Title IX compliance.

Title IX Investigator(s): The Title IX Investigator is the designated person(s) responsible for the investigation of sexual misconduct complaints.



Recommendation #15:

Hire a CARE Advocate/Advisor Position to work with students.

The CARE Advocate/Advisor's primary responsibilities are to provide resources to students during a crisis situation. The CARE Advisor/Advocate serves as a liaison to help students navigate the process for sexual assault, sexual harassment, sexual violence, and sexual misconduct.

In addition, CARE Advocate/Advisor supports students in pursuing avenues of healing and advocacy by providing crisis intervention, emergency assistance, navigating the student conduct process, orientation and hearing support, criminal justice system orientation and court support, case status and disposition notification, and assistance in filing for State compensation under Victim of Violence Crimes. The CARE Advocate/Advisor will also facilitate referrals to Psychological Services for emotional needs resulting from trauma.

Recommendation #16:**Establish a comprehensive website that is accessible on the District's main page.**

The District's website on Sexual Misconduct has been updated. A link to the webpage has been added to the District's main page. Information on Sexual Misconduct can easily be identified through the webpages search engine. <http://www.smc.edu/StudentServices/SVPE/Pages/default.aspx>

Recommendation #17:**Identify and establish relationships with community partners that can serve as resources and advocates.**

The District will collaborate with community agency partners for the referrals of students. These agencies will also serve as confidential advocates and front-line resources.

Reporting & Response

Recommendation #18:**Collect data from Campus Climate Survey administered by Institutional Research.**

The Campus Climate Survey will be administered every 2 years. The survey was piloted in spring 2015 in a paper format. Future surveys will be administered online. Data from the survey will be shared with the college community.

Recommendation #19:**Collect, publish, and disseminate data related to Federal and State laws.**

Clery Information will be easily accessible on the college's webpage. This data will be shared with the college community on an annual basis.

Recommendation #20:**Develop and implement an investigation process.**

A flow-chart will be developed to outline the investigation process.

The process will include student-to-student complaints, student-to-employee complaints, employee-to-student complaints, and employee-to-employee complaints.

Recommendation #21:**Develop an Title IX Investigative and Response Team**

To ensure that issues and services pertaining to Title IX and sexual misconduct are constantly reviewed on an on-going basis, the team will meet quarterly to review data and cases.

Committee members will include the Title IX Coordinator, Title IX Deputies, CARE Advocate/Advisor and Campus Police.

Recommendation #22:**Develop a Resource Advisory Group**

The Resource Advisory Group would consist of a network of individuals from students, faculty, staff, managers, other interested groups from the college, and community agencies. The advisory group would meet on a quarterly basis to address issues and discuss resources.

Other Considerations

Offer Safe Zone Training for SMC Employees and Students

The goal of the Safe Zone Program is to provide a welcoming environment for lesbian, gay, bisexual, transgender, or queer/questioning persons by establishing an identifiable network of supportive persons who can provide support, information and a safe place for LGBTQ persons within our campus community. Those who have committed to being Safe Zone Allies indicate that bigotry and discrimination, specifically regarding LGBTQ persons will not be tolerated.

New Assembly Bills - Proposed

Assembly member Das Williams held three roundtable discussions at several University of California campuses in response to reports of campus sexual assaults. Based on those discussions, the 'Committee on Higher Education' proposed the following Campus Sexual Assault Legislative Package.

AB 967 (Das Williams) Sexual Assault Case Procedures

AB 967 requires the governing board of each community college district to adopt and carry out a uniform process for disciplinary proceedings relating to any claims of sexual assault. This uniform process would be required to include a 2-year minimum suspension for violations of rape, forced sodomy, forced oral copulation, and rape by a foreign object.

The bill would additionally require the governing board of each community college district to report data relating to cases of alleged sexual assault. The data required includes:

- The number of sexual assault, domestic violence, dating violence, and stalking complaints that were received by the institution.
- The number of complaints that were investigated by the institution and the number that were not investigated.
- The number of investigations in which the respondents were found responsible at the disciplinary proceedings of the institution and the number of investigations in which the respondents were not found responsible.
- The number of disciplinary sanctions imposed on respondents who were found responsible disaggregated by following categories: expulsion, suspension of at least two years, suspension of fewer than two years, probation.

Status: AB 967 passed in the Assembly Committee on Higher Education and was sent to the Appropriations Committee.

AB 968 (Das Williams) Transcripts: Expulsion Note

AB 968 requires the governing board of each community college district to indicate on a student's transcript when the student is ineligible to reenroll due to suspension or expulsion. The indication on the transcript would remain there as long as the student is suspended or expelled.

Status: AB 968 passed in the Assembly Committee on Higher Education and was sent to the Appropriations Committee, where it was placed in the Suspense File.

AB 969 (Das Williams) Community College: Removal, Suspension, Expulsion

Similar to SB 186, this bill extends the authority of a district to discipline a student for an offense that happens off campus but threatens the safety of students and the public, whether that conduct occurs on or off campus.

AB 969 expands a district's authorization to deny enrollment to include an individual who has been expelled in the last 5 years or is currently suspended for a sexual assault or sexual battery offense from another community college district.

The bill would also authorize a community college district to require a student seeking admission to inform the community college district if he or she has been previously suspended from a community college in the State for rape, sexual assault, or sexual battery. A hearing to appeal the district's decision would be required if a district chose to deny enrollment.

Status: AB 969 passed in the Assembly Committee on Higher Education and was sent to the Appropriations Committee.

SB 186 (Jackson) Community College Districts: Removal, Suspension, or Expulsion

SB 186 clarifies that State law (ed. Code 76034) does not prohibit districts from taking disciplinary action against students for off campus behavior if the district is doing so to comply with federal law (such as Clery Act, Title IX, Violence Against Women Act, etc).

The bill also adds sexual assault to the list of "good cause" reason to remove suspend or expel a student and defines sexual assault for those purposes. It should be noted that the definitions used in this bill are the definitions provided by the White House's Task Force on Campus Sexual Assault.

Status: SB 186 passed the Senate Education Committee and was passed off Senate Floor on a 35-0. It will next be heard by the Assembly Higher Education Committee.

SB 665 (Block) Postsecondary Education: preventing and addressing incidents of rape and sexual assault

SB 665 would establish a Title IX Oversight Office within the California Department of Justice and requires that colleges provide sexual assault awareness training to all students on an annual basis.

Status: SB 665 passed the Senate Education Committee and was sent to the Senate Appropriations Committee. (SB 665 is being amended significantly, which the summary does not reflect.)

Appendices

Appendix A: Letter from the President

To Members of the President's Title IX Task Force:

I am appointing you to be a member of the President's Title IX Task Force my office is putting together. This Task Force is an important group that will review the District's current policies, procedures, and practices as they relate to Title IX (Sexual Violence and Sexual Assault) as well as, recommend necessary improvements that must be adopted to bring the college into compliance with the newly enacted laws and regulations.

You are selected based on your knowledge and your experience in working with issues on campus concerning Title IX. I have also appointed two student leaders to represent the viewpoints of students.

The Task Force will review some of the existing practices, such as the University of California's (PEAR) Model and will provide a report to my Office with key findings and recommendations. These recommendations should address the areas including Prevention, Education, Advocacy, and Reporting & Response. In the process of your work, you will provide occasional reports to the college community and solicit their input and concerns. The Task Force shall not explore matters that impact or relate to salary, benefits, or working, conditions of college employees.

Vice-President Mike Tuitasi is charged with leading this special taskforce. You will need to convene regularly and present recommendations to me so that the college is able to meet the effective dates of the newly enacted laws and regulations. The following initial meeting dates have been designated for the group to convene your discussions. All phases of the work of the Task Force should be completed by mid-Spring 2015.

Meeting Dates:

- *Friday, October 24, 2014 at 1:00 pm*
- *Friday, November 7, 2014 at 1:00 pm*
- *Friday, November 21, 2014 at 1:00 pm*
- *Friday, December 5, 2014 at 1:00 pm*
- *If needed, Friday, December 19, 2014 at 1:00 pm*
- *Friday, January 30, 2015 at 9:00am*

I am confident that with your assistance, Santa Monica College will adopt the most respectful and helpful policies and practices for every person of this institution. Vice-President Tuitasi will be providing more details about the upcoming meetings.

*Sincerely,
Chui L. Tsang*

Appendix B: RESOURCES

- **Appendix B1:** Not Alone www.notalone.gov
- **Appendix B2:** Yes Means Yes Legislation
https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB967
- **Appendix B3:** University of California (PEAR Model)
http://www.universityofcalifornia.edu/sites/default/files/report_9152014.pdf

Appendix C: REFERENCE INFORMATION

- Campus Climate Survey (2015):
http://www.smc.edu/EnrollmentDevelopment/InstitutionalResearch/Documents/Reports/Other_Reports/Student%20Climate%20Sexual%20Assault%20Survey%20S15%20Main%20Findings%20FINAL.pdf
- Clery Act: <http://clerycenter.org/summary-jeanne-clery-act>
- Dear Colleague Letter (2011) <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.html>
- Dear Colleague Letter (2015) <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201504-title-ix-coordinators.pdf>
- Love is Respect- *stopping the cycle of domestic violence and assault* www.loveisrespect.org
- Men Can Stop Rape- *empowering and educating men to use their strength to help stop sexual violence* www.mencanstoprape.org
- National Hotline www.rainn.org/get-help/national-sexual-assault-hotline
- National Domestic Violence Assault Hotline www.thehotline.org
- SaVe Act/ Clery <http://clerycenter.org/campus-sexual-violence-elimination-save-act>
- The Trevor Project *an LGBTQ crisis intervention hotline* www.thetrevorproject.org
- Violence Against Woman Act (VAWA)
https://www.whitehouse.gov/sites/default/files/docs/vawa_factsheet.pdf

Appendix D: WEBSITES (Best Practices):

- UCLA <http://www.sexualharassment.ucla.edu/default.htm>
- UC San Diego <http://www.ucsd.edu/catalog/front/shpp.html>
- UC Berkeley <http://ophd.berkeley.edu/>
- UC Santa Cruz <http://www2.ucsc.edu/title9-sh/>
- Stanford <https://titleix.stanford.edu/>
- Rancho Santiago Canyon Community College District
<http://www.rscdd.edu/Departments/Risk-Management/TitleIX/Pages/default.aspx>
- Orange Coast Community College
http://www.orangecoastcollege.edu/student_services/Pages/Title-IX.aspx

Appendix E: ATIXA TITLE IX COMPLIANCE BEST PRACTICES CHECKLIST FOR SEXUAL MISCONDUCT

(Title VII, Title IX, Clery Act, VAWA, Campus Sexual Violence Elimination (SaVE Act), SB 967, Survivor Outreach & Support Campus Act)

C: Completed IP: In process/initial work done NS: Not Started

Section 1: NOTICE OF NONDISCRIMINATION

A. Publish and disseminate a notice of nondiscrimination

- ☐ Includes Title IX coordinator contact information.
- ☐ Nondiscrimination policy includes sexual harassment and sexual violence
- ☐ Designates a Title IX Coordinator as compliance officer to coordinate efforts and comply with and carry out responsibilities under Title IX.
- ☐ Adopts and publishes grievance procedures providing for prompt and equitable resolution of student and employee sex discrimination complaints.
- ☐ Procedures may include informal mechanisms and administrative hearings as described in the Dear Colleague Letter.
- ☐ Provides employee training on reporting of/responding to harassment/violence to appropriate College officials.
- ☐ Student conduct process includes off campus conduct when reported.
- ☐ College implements initial remedies for victims of on and off campus sexual misconduct to protect from further sexual harassment or retaliation from the alleged perpetrator or his/her associates.
- ☐ Reports about harassment/violence are promptly, thoroughly and impartially investigated and action steps determined.
- ☐ College informs and obtains consent from the complainant (or the complainant parents if the complainant is under 18) before beginning an investigation. If the complainant requests confidentiality or asks that the complaint not be pursued, the College takes reasonable steps to investigate and respond (but ability to respond may be limited).
- ☐ If the complainant continues to ask that his/her name or other identifiable information not be revealed, the College evaluates the request in the context of its responsibility to provide a safe and nondiscriminatory environment for all students. The College informs complainant if it cannot ensure confidentiality.

Section 2: INVESTIGATION

B. Provide adequate, reliable and impartial investigation of all complaints

- ☐ The complainant will be notified of the right to file a criminal complaint.
- ☐ College investigates independently of city police.
- ☐ College takes immediate steps to protect the victim and assure his/her well-being.
- ☐ In the investigation and resolution, the standard of proof to assess complaints is a preponderance of the evidence standard
- ☐ Throughout the investigation and conduct process all parties have an equitable opportunity to participate and to present relevant witnesses and other evidence including having similar and timely access to any relevant information.
- ☐ In conduct proceedings, parties will be offered a separate room or other accommodations to avoid in-person confrontation and may be prevented from direct questioning of each other

during the hearing, at the discretion of the Chair.

- ☐ An appeals process is provided for both the complainant (or alleged victim) and the respondent.
- ☐ Documentation of all proceedings is made, which may include written findings of fact, transcripts, or audio recordings.
- ☐ All persons involved in investigating and adjudicating grievance procedures will be comprehensively trained on sexual harassment and sexual violence cases.
- ☐ All investigation and hearing processes are impartial and devoid of conflicts of interest that would compromise the objectivity of the process.
- ☐ Due (or fair) process is provided to alleged perpetrators and alleged victims.

C. Provide designated and reasonably prompt time frames

- ☐ Grievance procedures specify time frames for 1) investigation of complaints (immediately, but full resolution of process within 60 calendar days unless a 10-14 day delay occurs to allow police to gather evidence, or other delay is agreed by all parties), 2) time when both parties will receive the report of the investigation and/or outcome, and 3) time frame for filing an appeal, if applicable.
- ☐ Parties are updated on the status of the investigation and process by the Coordinator or designee at regular intervals and/or upon request.

D. Provide written notice of outcome

- ☐ All parties are notified concurrently in writing about the outcome.
- ☐ College may publicly disclose results of disciplinary proceedings if the student is found to commit a crime of violence or a non-forcible sex offense
- ☐ College complies with all Clery Act regulations

Section 3: PREVENTION

E. Education and Prevention

- ☐ College includes sexual harassment/violence education in 1) orientation programs for new students, faculty, staff, and employees; 2) training for resident assistants; 3) training for student athletes and coaches; 4) campus-wide awareness programs.
- ☐ Information is included in curriculum; to be implemented in general education courses for all undergraduate students.
- ☐ In encouraging students to report incidents of sexual misconduct, College will not bring charges against complainants if they were involved with collateral alcohol and/or other non-violent violations of campus policy.
- ☐ College has specific sexual violence materials for policies, rules, and resources, including employee and student handbooks, protocols, website and brochures.
- ☐ Materials and implementation of policies and procedures will include information on what constitutes sexual harassment/violence, what to do and how to report, information for resources, how to contact Title IX coordinator, and measures the school will take.

Section 4: REMEDIES AND ENFORCEMENT

F. Remedies and Enforcement

- ☐ College will take immediate action to eliminate hostile environments, prevent reoccurrence and address any effects on the victim and community.
- ☐ College will take immediate steps to protect complainants even before the final outcome of investigations, including prohibiting the alleged perpetrator from having any contact with the complainant. Steps should minimize the burden on the complainant while respecting (due process) rights of the accused individual unless there is a direct conflict, in which case Title IX protections control.
- ☐ Remedies for the complainant might include but are not limited to campus escort, ensuring complainant and alleged perpetrator do not attend the same classes if possible, moving either or both parties to a different residence hall, counseling services, advocacy, medical services, academic support services, course withdrawal without penalty, review of disciplinary actions.
- ☐ Remedies for campus student populations might include counseling services, on-call victim assistance, policy review, educational, awareness and prevention programs, Title IX coordinator training, school law enforcement Title IX training, and other employee Title IX training.
- ☐ College will have policies and procedures to protect against retaliatory harassment including how to report any subsequent problems.
- ☐ Provide notification and assistance in reporting to local law enforcement.
- ☐ Title IX coordinator reviews all evidence and sexual harassment/violence cases to ensure prompt and equitable remedies.
- ☐ College will create a committee to identify and implement education strategies.
- ☐ Issue and review policy Statement and all faculty/staff/student grievance procedures to ensure equitable processes and compliance with Title IX.
- ☐ Investigations and reports are aligned with Title IX guidelines.
- ☐ Respond immediately to all grievances and allegations