

AP 3515 Reporting of Crimes

Reference:

Penal Code Section 245;
Education Code Section 212; 87014, 67383;
Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998;
20 U.S.C. 1232g; 34 C.F.R. 99.31 (a) (13), (14);
Campus Security Act of 1990

- 1.0 Whenever any employee of the District is attacked, assaulted or menaced, the employee shall promptly report the attack or assault to the Office of Campus Safety. Any employee so assaulted or attacked shall notify his or her supervisor as soon as practical after the incident.
- 2.0 The supervisor of any employee who is attacked, assaulted or menaced shall assist the employee to promptly report the attack or assault to the Office of Campus Safety. The supervisor himself or herself shall make the report if the employee is unable or unwilling to do so.
- 3.0 Each campus shall annually collect and distribute statistics concerning crimes on campus. An annual security report that includes crime statistics identified by the Campus Security Act of 1990, statements about campus law enforcement policies, campus security education and prevention programs, alcohol and drug policies, sexual assault education and prevention programs, procedures for reporting sexual assaults, and procedures explaining how sexual assaults will be handled shall be published and made available to students, employees, and applicants for enrollment or employment. All college staff with significant responsibility for student and campus activities shall report crimes about which they receive information.
- 4.0 Each campus shall publish timely warnings to the campus community about crimes that are considered to represent a continuing threat to other students and employees. The information shall be disseminated by the Office of Campus Safety in a manner that aids the prevention of similar crimes.
- 5.0 Campus Security Authority Promptly Submitting Reports of Certain Crimes to Law Enforcement:
 - 5.1 Any Campus Security Authority (as defined below) that receives a report of a Part 1 violent crime, sexual assault, or hate crime, committed on or off campus shall immediately, or as soon as practicably possible, forward the report to the appropriate law enforcement agency when the report is made by the victim for purposes of notifying the institution or law enforcement.
 - 5.2 The report identified in section 5.1 above shall be forwarded to the appropriate law enforcement agency without identifying the victim, unless the victim consents to being identified after the victim has been informed of his or her right to have his or her personally identifying information withheld. If the victim does not consent to being identified, the alleged assailant shall not be identified in the information

AP 3515 Reporting of Crimes

disclosed to the local law enforcement agency unless otherwise required by law. Because the District does not have a campus law enforcement agency, the report shall be forwarded to the appropriate local law enforcement agency (see definition below).

5.3 Definitions

5.3.1 Campus Security Authority is defined pursuant to 34 CFR § 668.46 as that section existed on May 15, 2014, which is as follows:

Campus security authority:

- (1) A campus police department or a campus security department of an institution.
- (2) Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department under paragraph 1.0 of this definition, such as an individual who is responsible for monitoring entrance into institutional property.
- (3) Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- (4) An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. If such an official is a pastoral or professional counselor as defined below, the official is not considered a campus security authority when acting as a pastoral or professional counselor.

5.3.2 "Hate Crime" means any offense as described in Section 422.55 of the Penal Code.

5.3.3 "Local law enforcement agency" means a city or county law enforcement agency with operational responsibilities for police services in the community in which a campus is located.

5.3.4 "On or off campus" means the campus and any noncampus building or property as defined in Section 668.46 of Title 34 of the Code of Federal Regulations, as that section existed on May 15, 2014, which is as follows:

Noncampus building or property:

- (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or

AP 3515 Reporting of Crimes

- (2) Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.
- 5.3.5 "Part 1 violent crime" means willful homicide, forcible rape, robbery, or aggravated assault, as defined in the Uniform Crime Reporting Handbook of the Federal Bureau of Investigation.
- 5.3.6 "Sexual assault" includes, but is not limited to, rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or the threat of any of these.
- 5.4 The requirements of section 5.0 shall not constitute a waiver of, or exception to, any law providing for the confidentiality of information.

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