



Procedure 121-04 Sex Offenses

Sponsor: Facilities

Purpose

The purpose of this procedure is to outline the College's commitment to creating and maintaining an environment in which students and employees can work and learn together which is free of illegal, objectionable, and disrespectful conduct of a sexual nature or other improper/illegal conducts. This procedure also outlines the methods for reporting, receiving and addressing allegations or complaints of illegal, objectionable and disrespectful conduct of a sexual nature or other improper conduct as well as disciplinary actions when the incident involves students or employees.

Definitions

None

Procedure

The College has established this procedure through which the methods for receiving and handling reports of sexual assault, sex offenses or improper/illegal conduct will be addressed by the College.

Any victim of a sexual assault, sex offense, or other improper/illegal conduct is encouraged to report the event to local law enforcement authorities, a College official, and/or Campus Security Authority as defined in Procedure 121-01 Campus Law Enforcement and Reporting Criminal Actions and Emergencies.

The appropriate College division will enact disciplinary procedures against an individual and take whatever action is needed to prevent future similar occurrences, in response to substantiated allegations of an offense outlined in this procedure that occurred on or in College owned or controlled property, or during a College sponsored activity or function.

Sex Offense Reporting Guidelines

If a sexual offense and/or sexual assault occur, the victim is encouraged to report it to local police authorities and a College official or Campus Security Authority (CSA).

A victim reporting a sexual offense and/or assault to a College official will be informed of his/her option to notify proper law enforcement authorities and the option to be assisted by College officials in notifying such authorities. The College official is required to report such an allegation to the appropriate law enforcement official.

A victim reporting a sexual offense and/or assault to a College official, Security or CSA as defined in Procedure 121-01 Campus Law Enforcement and Reporting Criminal Actions and Emergencies, will be advised to take action that ensures the preservation of evidence as may be necessary for proof of criminal sexual assault.

A victim reporting a sexual offense and/or assault will be referred by a CSA to appropriate medical or emergency agencies and/or mental health counseling or crisis intervention services.

The College will take whatever action is needed to prevent, correct, and if necessary, bring proceedings against persons whose behavior violates these guidelines and Procedure 105-01 Sexual Harassment & Misconduct.

Sex offenses are defined as; any sexual act directed against another person, forcibly and/or against that person's will and without that person's consent; or not forcibly or against the person's will where the person is incapable of giving consent. "Consent" is defined in Arizona Revised Statutes 13-1401. 7, a. through d.

Request for Accommodation in the Academic Setting

The victim may request a reasonable accommodation in academic setting following an alleged or substantiated sexual offense and/or assault. If a change in the academic setting requested by the victim is unreasonable, the College is not required to make the change. The appropriate College officials will determine the reasonable accommodations.

Programs Available for Victims of Sexual Offense and/or Assault

A listing of community social service agencies with programs for victims of sexual offenses and/or assault is maintained and available through Student Support Services.

Sexual Offense and/or Assault Disciplinary Action

The College will initiate a disciplinary process against an individual, in response to substantiated allegations of a sexual offense and/or assault on or in College owned or controlled property or during a College sponsored activity or function. As outlined in the guidelines, the accuser and accused are entitled to the same opportunities to have others present (including legal counsel) during a disciplinary proceeding.

Student disciplinary guidelines are outlined under Procedure 503-01 Code of Student Conduct

Employee disciplinary guidelines are outlined under Procedure 450-01 Disciplinary Action.

Both the accuser and the accused will be informed in writing of the outcome of a disciplinary proceeding of an alleged or substantiated sexual offense and/or assault. This will include complete disclosure of the final determination and sanctions imposed against the accused, if applicable. Such notice does not constitute a violation of the Family Educational Rights and Privacy Act (FERPA) and will have no restrictive conditions related to the disclosure.

Violations of rape, acquaintance rape, or other forcible and non-forcible sexual offenses will result in disciplinary action up to and including permanent expulsion from the College.

Students found to have engaged in acts which constitute sexual assault, attempted sexual assault, or other sexually related crimes, whether forcible or non-forcible, will be subject to disciplinary and legal processes to the fullest extent allowed by law.

Victims will not be asked to sign a non-disclosure agreement and the College does not prohibit them from discussing the case.

References

Arizona Revised Statutes Title Thirteen, Chapter 14, Sexual Offenses
Arizona Revised Statutes 13-1401. 7, a. through d
Family Educational Rights and Privacy Act (FERPA)
Procedure 105-01 Sexual Harassment & Misconduct
Procedure 121-01 Campus Law Enforcement and Reporting Criminal Actions and Emergencies
Procedure 121-04 Sex Offenses
Procedure 450-01 Disciplinary Action
Procedure 503-01 Code of Student Conduct

Procedure History

03/02/2004	New
08/24/2007	Revised
02/18/2010	Reformatted
06/14/2021	Combined with Procedural Guidelines

Legal Review

None