

121-04 SEX OFFENSES—PROCEDURAL GUIDELINES

1. PURPOSE

The purpose of these procedural guidelines is to outline 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.

2. SEX OFFENSE REPORTING GUIDELINES

1. 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).
2. 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.
3. A victim reporting a sexual offense and/or assault to a College official, Security or CSA as defined in Procedural Guideline 121-01, will be advised to take action that ensures the preservation of evidence as may be necessary for proof of criminal sexual assault.
4. 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.
5. The College will take whatever action is needed to prevent, correct, and if necessary, bring proceedings against persons whose behavior violates these guidelines and Policy and Procedural Guideline 105-01 (Sexual Harassment).
6. 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 13-1401.5, a. through d.

3. 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.

4. 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.

5. SEXUAL OFFENSE AND/OR ASSAULT DISCIPLINARY ACTION

1. 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.
2. Student disciplinary guidelines are outlined under Policy and Procedural Guideline 503-01 (Student Code of Conduct).
3. Employee disciplinary guidelines are outlined under Policy and Procedural Guideline 450-01 (Employee Discipline and Dismissal).
4. 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 and will have no restrictive conditions related to the disclosure.
5. 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.
6. 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.
7. Victims will not be asked to sign a non-disclosure agreement and the College does not prohibit them from discussing the case.

6. BACKGROUND

1. References: Arizona Revised Statute, Title Thirteen, Chapter 14, Sexual Offenses
2. Revision history: none
3. Legal review: none
4. Sponsor: Facilities

Guidelines effective: 02/19/2010