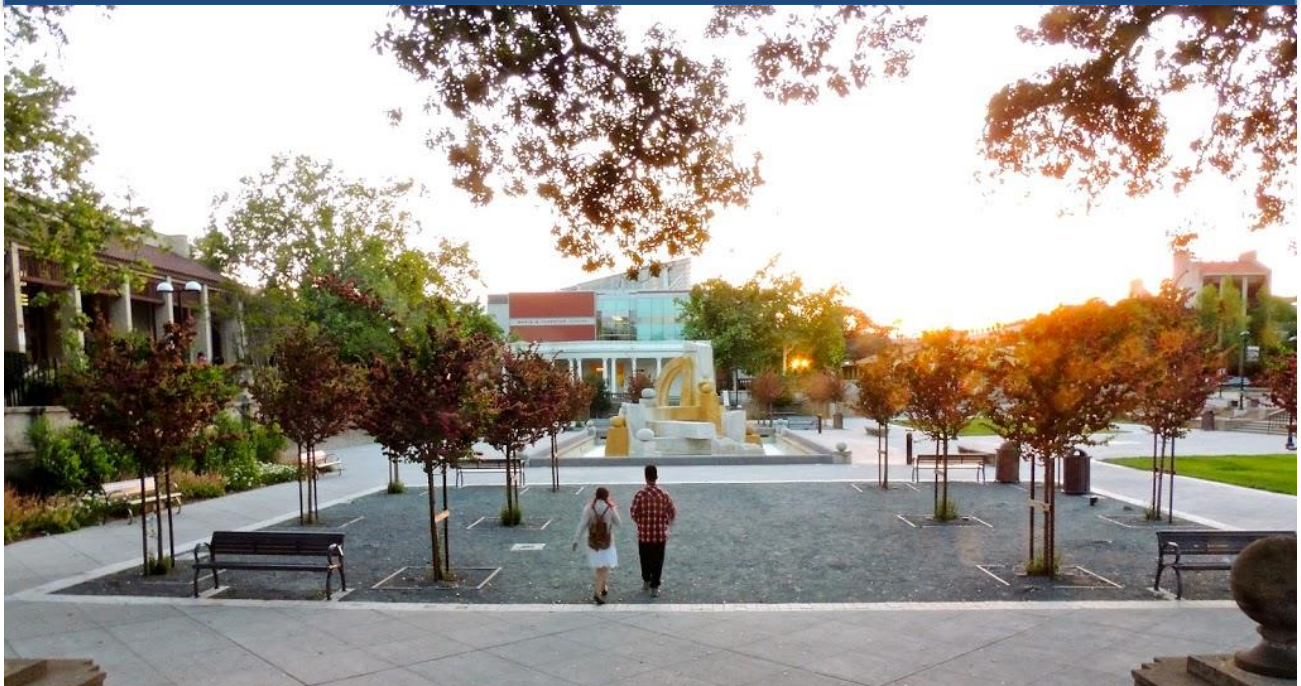




**FOOTHILL – DE ANZA**  
**COMMUNITY COLLEGE DISTRICT**  
**2024 Annual Safety & Security Report**  
Clery Act Information for the 2023 Calendar Year





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## MESSAGE FROM THE CHANCELLOR

For more than 65 years, Foothill-De Anza Community College District has demonstrated excellence and innovation in academic programs and student services in the heart of Silicon Valley. As one of the largest community college districts in the United States, Foothill-De Anza provides credit classes for about 50,000 students a year.

We are committed to cultivating a safe, welcoming learning and working environment that promotes the well-being of all individuals within our community. Part of our commitment includes keeping the community informed and engaged on important issues that affect the campus environment. The Annual Safety & Security Report prepared in compliance with the Jeanne Clery Act is just one component of our ongoing and multidimensional efforts to keep campus communities informed.

Ensuring a safe environment across our district is a shared responsibility that involves all members of our community. We rely on the entire Foothill-De Anza community to help identify and report potential safety concerns to increase the safety of and reduce the likelihood of crimes occurring on our campuses.



The mission of the Foothill–De Anza Community College District is student success and educational excellence. The district and its colleges provide access to affordable, quality educational programs and services that develop a broadly educated and socially responsible community that supports an equitable and just future for California and the global community.

Every member of our district contributes to a dynamic instructional and learning environment that fosters student engagement, equal opportunity, and innovation in meeting the various educational and career goals of our diverse students. Foothill-De Anza is driven by an equity agenda and core values of integrity, inclusion, care for our students' well-being, and sustainability.

The Foothill-De Anza Community College District Police Department contributes to the district's mission by providing services that assist in maintaining a safe and secure environment. I am very thankful to the members of the police department for their dedication to our safety and well-being.

Sincerely,

Lee D. Lambert, J.D.

Chancellor

## MESSAGE FROM THE CHIEF

I would like to extend a warm welcome to all new and returning faculty, staff, and students of the diverse Foothill-De Anza Community College District. The Foothill-De Anza College Police Department is here to support you in your academic journey and career development. We are committed to your safety and building trust by connecting with our community and fostering positive relationships.

The primary goal of the Police Department is your safety. As members of this diverse community, we all share the responsibility to collaboratively work together to maintain the safest environment possible.

The Foothill-De Anza Police Department is a fully accredited Commission on Peace Officer Standards and Training (POST) participating agency within the State of California whose authority is granted from 830.32 of the California Penal Code. The Foothill-De Anza Police Department prides itself on our community-oriented approach to solving problems and enforcing laws. Our Services are available every calendar day of the year to protect all persons and property throughout the district.



In addition to law enforcement services, the Foothill-De Anza Police Department provides outreach events, training, crime prevention tips, safety escorts, vehicle battery boosts, assistance with vehicle lockouts and safety programs. The Foothill-De Anza Police Department maintains two stations located below. You can also connect to our site at <https://police.fhda.edu/>.

- Foothill College, Campus Center  
Room #2103  
12345 El Monte Road  
Los Altos Hills, CA 94022
- De Anza sub-station  
Hinson Campus Center, Lower Level  
21250 Stevens Creek Boulevard  
Cupertino, CA 95014

The Foothill-De Anza Community College District Police Department prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The full text of this report can be located on our website <https://police.fhda.edu/resources-top-menu/b-crime-statistics.html> and each of the colleges' websites. A paper copy of this report may be obtained at either of the Police Department stations mentioned above. Each year, an e-mail notification is sent to all enrolled students that provides the website information to access this report. Faculty and staff receive similar notification via e-mail. All prospective employees may obtain a copy from Human Resources in the District Office, D700, Suite 220 or by calling (650) 949-6210. A partial version of this report is also located in the class schedule for both Foothill College and De Anza College.

This report is prepared in cooperation with the local law enforcement agencies surrounding our campuses and education center, along with the Office of Student Affairs at each college. Each entity provides information on their educational efforts and programs to comply with the Clery Act.



Campus crime, arrest and referral statistics include those reported to the Foothill-De Anza Police Department, designated campus officials (including but not limited to directors, deans, department heads, judicial affairs, advisors to students/student organizations, athletic coaches), and other local law enforcement agencies.

California law (section 11160 of the California Penal Code) requires prompt, mandatory reporting to the local law enforcement agency by

health care practitioners (such as those at Student Health Services) when they provide medical services to a person they know, or reasonably suspects is suffering from wounds inflicted by a firearm or as a result of assaultive or abusive conduct.

Counseling and Psychological Services staff inform their clients of the procedures to report crime to the District Police on a voluntary or confidential basis, should they feel it is in the best interest of the client. A procedure is in place to anonymously capture crime statistics disclosed confidentially during such a session.

If you have any questions about this report, have a safety concern, witness unusual activity on campus, or want to report a crime, please contact Foothill-De Anza Police Department at (650) 949-7313 or email [police@fhda.edu](mailto:police@fhda.edu).

Your safety is the primary concern of the Foothill-De Anza Police Department. A safe and welcoming campus requires mutual cooperation, shared responsibility, respect, and integrity. Let's each do our part to foster a supportive and safe environment for all.

Sincerely,

Danny Acosta

Chief of Police

## DISTRICT POLICE DEPARTMENT

The Foothill-De Anza Police Department is a full-service law enforcement agency, employing sworn police officers whose law enforcement authority is granted under Section 830.32 of the California Penal Code. The authority of these officers extends anywhere within the State of California. The Police Department also employs non-sworn Community Service Officers and Police Student Aides.

The Foothill-De Anza Community College District Board of Trustees created the District Police Department in 2001, by combining the Foothill College Police Department and the De Anza Campus Safety and Security Department. The current department operates in accordance with district board policies 6870 Police Department and 3321 Local Law Enforcement. Education Code 72330 et seq., authorizes the district to create and maintain a community college district police department.



Our mission is to provide the highest quality service to fulfill the needs of the college community. We commit our resources in partnership with the community to promote a safe and secure environment. This is effectively achieved through community engagement and partnerships.

We provide law enforcement services for the district from 6 a.m. to 12 a.m. (midnight) seven days a week at the Foothill and De Anza campuses. Patrol operations are managed by sergeants and staffed with ten full-time police officers working 10-hour shifts. The Santa Clara County Sheriff's Office provides police services from 12 a.m. (midnight) to 6 a.m.



Through our close, professional working relationship with the Santa Clara County Sheriff's Office (who provide service in Cupertino and Los Altos Hills), Foothill-De Anza Police Officers are available to render aid for calls surrounding the Foothill and De Anza campuses.

To fulfill the responsibility of providing public safety and security for Foothill and De Anza colleges, the Foothill-De Anza Police Department utilizes a multifaceted approach and high visibility vehicular, motorcycle, bicycle, and foot patrols.

Our full-service department balances reactive responses to criminal incidents and emergencies with a proactive focus on reducing or preventing criminal activity that may compromise public safety and security.

Through our mission and core values, we are committed to providing the highest quality service to promote a safe and secure environment.

## Core Values

### **P.R.I.D.E.**

**PROFESSIONALISM** - We are dedicated to training, education, and individual self-discipline.

**RESPECT** - We treat all persons with dignity and in a courteous manner, exhibiting understanding of ethnic and cultural diversity, both in our professional and personal endeavors.

**INTEGRITY** - Integrity is the foundation of the Foothill-De Anza Community College District Police Department. We maintain the highest standards of ethical conduct in all relations.

**DUTY** - We provide quality service in an efficient and accessible manner. We treat each event and citizen interaction as though the entire success of the department rests upon our performance.

**EQUITY** - We respond to all people impartially, with consideration and compassion. We provide an equity-minded response to the needs of our faculty, staff, students, and the community we serve.

## CLERY CRIME STATISTICS 2021-2023

De Anza College, Cupertino, CA

CRIMINAL OFFENSES	ON CAMPUS			PUBLIC PROPERTY			NON-CAMPUS PROPERTY		
	2021	2022	2023	2021	2022	2023	2021	2022	2023
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	3	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	1	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	1	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	2	0	0	0	0	0	0	0
Arson	0	0	1	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Stalking	0	1	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>1</b>	<b>3</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Hate Crimes	1	0	0	0	0	0	0	0	0

SPECIAL CATEGORY ARRESTS	ON CAMPUS			PUBLIC PROPERTY			NON-CAMPUS PROPERTY		
	2021	2022	2023	2021	2022	2023	2021	2022	2023
Weapons Violations	0	2	0	0	0	0	0	0	0
Drug Violations	2	1	3	0	0	0	0	0	0
Liquor Laws	2	0	1	0	0	1	0	0	0
<b>TOTAL</b>	<b>4</b>	<b>3</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>

Foothill College – Los Altos Hills, CA

CRIMINAL OFFENSES	ON CAMPUS			PUBLIC PROPERTY			NON-CAMPUS PROPERTY		
	2021	2022	2023	2021	2022	2023	2021	2022	2023
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	2	3	1	0	0	0	0	0	0
Motor Vehicle Theft	0	1	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Domestic Violence	0	2	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>2</b>	<b>6</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Hate Crimes	0	0	0	0	0	0	0	0	0

SPECIAL CATEGORY ARRESTS	ON CAMPUS			PUBLIC PROPERTY			NON-CAMPUS PROPERTY		
	2021	2022	2023	2021	2022	2023	2021	2022	2023
Weapons Violations	0	2	0	0	0	0	0	0	0
Drug Violations	1	0	0	0	0	0	0	0	0
Liquor Laws	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Sunnyvale Education Center – Sunnyvale, CA

CRIMINAL OFFENSES	ON CAMPUS			PUBLIC PROPERTY			NON-CAMPUS PROPERTY		
	2021	2022	2023	2021	2022	2023	2021	2022	2023
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	1	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Hate Crimes	0	0	0	0	0	0	0	0	0

SPECIAL CATEGORY ARRESTS	ON CAMPUS			PUBLIC PROPERTY			NON-CAMPUS PROPERTY		
	2021	2022	2023	2021	2022	2023	2021	2022	2023
Weapons Violations	0	0	0	0	0	0	0	0	0
Drug Violations	0	0	0	0	0	0	0	0	0
Liquor Laws	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

## COLLEGE INFORMATION

### College Statistics

<b>Foothill College</b>	<b>De Anza College</b>
12345 El Monte Rd. Los Altos Hills, CA	21250 Stevens Creek Blvd. Cupertino, CA
Founding Date: 1957	Founding Date: 1967
Campus Size: 122 acres	Campus Size: 112 acres
Enrollment (Fall, 2023) 11,518	Enrollment (Fall 2023) 17,572

### Housing

Both Foothill and De Anza colleges are commuter campuses, with no on-campus or district affiliated housing.

## DISTRICT SECURITY POLICIES

### Reporting Crimes and Other Emergencies

Foothill–De Anza community members should make a report in a timely manner whenever they observe anything suspicious, believe they have discovered a crime, or come across a hazard, which could cause harm to them or others.

### Immediate Assistance – Emergency Call Boxes

Blue Light Call Boxes are located in all parking lots on the main campuses. These phones dial directly into our 24-hour Emergency Dispatch Center, located at San Jose State University Police Department. The same 24-hour Emergency Dispatch Center can be reached by cell phone at 408-924-8000.

### Limited Confidential Reporting Procedures

The Foothill-De Anza Police Department encourages anyone who is the victim or witness to any crime to promptly report the incident to the police. Because police reports are public records under state law, the Foothill-De Anza Police Department cannot hold reports of crime in confidence.

Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can generally be made to other Foothill-De Anza campus authorities. Confidential reports of crime may also be made to Crime Stoppers at 408-947-STOP (7867).

### Telephone Reporting

9-1-1: For emergencies or non-emergency criminal violations, dial 9-1-1 from any district phone. You do not need to dial “9” before dialing 9-1-1. Emergency phones: Use any of the designated call boxes strategically placed on the campus for immediate connection to the Foothill-De Anza Police. From cell phones, dial 408-924-8000 for emergencies only. To report non-emergencies, or for general information, please call 650-949-7313 or extension 7313 from district phones.



### In Person Reporting

Contact an officer on patrol, or go to the Police Department:

<b>Foothill College</b>	Campus Center, Lower Level, Room #2103 Monday – Friday, 7 a.m. to 11 p.m.
<b>De Anza College</b>	Hinson Campus Center, Lower Level, Room #HCC 175 Monday – Friday, 7 a.m. to 11 p.m.

### Anonymously Reporting

408-947-STOP (7867) Crime Stoppers: Report information to a community organization law enforcement representative without giving your identity.

### District Police Law Enforcement Support

The Foothill-De Anza Police Department maintains a working relationship with local, county, city, state and federal law enforcement agencies. It often partners with the Santa Clara County Sexual Assault Task Force, Regional Auto Theft Task Force (RATTF), Rapid Enforcement Allied Computer Team (REACT), Santa Clara County Law Enforcement Executive Council and the Santa Clara County College and University Police Chief’s Association and others. These relationships are essential and an important part of the department’s strategy to protect students, faculty and staff.

## Local Law Enforcement

Each college or center of the district shall enter into a written agreement with local law enforcement agencies. The agreement shall clarify operational responsibilities for investigations of Part I violent crimes, defined by law as willful homicide, forcible rape, robbery, and aggravated assault, occurring at each location.

The written agreement shall designate which law enforcement agency shall have operational responsibility for violent crimes and delineate the specific geographical boundaries of each agency's operational responsibility, including maps as necessary.

The written agreements required by this policy shall be public records and shall be made available for inspection by members of the public upon request.

The Foothill–De Anza Community College District maintains written agreements with the Santa Clara County Sheriff's Office and Sunnyvale Department of Public Safety, in compliance with the Education Code. *Reference: California Education Code Section 67381.*

## District Police Education and Prevention

The Foothill-De Anza Police Department encourages members of the community to assist in preventing crime by minimizing opportunities to become a victim by using good judgment and safety practices and by encouraging students and employees to be responsible for their own and others' security.

A variety of crime prevention handouts are available at the Foothill and De Anza police stations, as well as designated bulletin boards on campus. Refer to Appendices A & B for each college.

## Emergency Response, Notification, and Evacuation Procedures

The district maintains an Emergency Operations Plan (EOP) that contains provisions to provide immediate emergency response and evacuation in the event of an emergency. This plan provides that if there is an immediate threat to the health and safety of students or employees, occurring on campus; the Foothill-De Anza Police Department, district and college communications offices, and the Office of the President/Chancellor may, in due consideration of the prevailing circumstances, follow aspects of the EOP notification procedures.

The EOP also implements the Emergency Response Electronic Communications Procedure, which allows for the immediate notification of the campus community upon confirmation of designated incidents pertaining to the safety of students or staff on campus.

The Police Department, County Office of Emergency Services, and/or California Office of Emergency Services conduct an annual exercise of the Emergency Operations Plan, and document such exercises. Additionally, an Emergency Guide is published and distributed at each college that provides emergency response and evacuation procedures for each building on campus.

## **EMERGENCY RESPONSE PLAN**

Foothill-De Anza board policy 3315, the Chancellor shall establish procedures that ensure that the district implements a program or plan to be activated in the event of an emergency or when a natural disaster or hazardous condition occurs. The program or plan must comply with applicable requirements of federal, state, and local emergency management agencies and any other relevant programs. The program must incorporate cooperation with appropriate federal, state, and local agencies to facilitate the coordination between and among agencies in the event of an emergency or natural disaster.

Compliance with federal, state, and local mandates include:

- Establishing a disaster preparedness program or plan
- Completion of training sessions by college personnel in compliance with federal, state, and local guidelines

District employees must be informed that as public employees they are also disaster service workers during national, state, and local emergencies. The Chancellor should ensure that an Incident Command System team is created to carry out compliance with federal, state, and local mandates.

Current policies include mandates from the National Incident Management System (NIMS) and the Standardized Emergency Management System (SEMS).

### **Emergency Notifications**

It is the policy of the Foothill-De Anza CCD and Police Department, to maintain an emergency management program to protect lives (human and animal), property, and to continue necessary critical functions. The Foothill-De Anza CCD shall notify affected members of the campus community of an emergency or urgent situation as rapidly as possible. The Foothill-De Anza CCD



shall provide timely information or instruction to members of the campus community on matters related to emergency or urgent situations. Notification for emergency and urgent events may be made by way of the following methods:

- Emergency text message alerts
- Foothill and De Anza websites
- Broadcast email
- Telephone/cell phone notifications
- Social media sites
- Prominent posting of fliers and other informational materials on campus buildings/notification boards.

Emergency notifications include Emergency, Urgent, and Important Information situations. An Emergency is an event, expected or unexpected, that threatens life or safety and requires immediate action. An urgent situation is an incident or condition that does not pose an immediate threat to life or safety, but that is of a nature where timely receipt of information or instructions may directly affect the well-being of the recipient.



Important Information is defined as information about an emergency or urgent situation that does not present a threat but where the campus community may be concerned about safety or security. This may include all-clear messages proceeding building evacuations.

The following personnel are authorized to order a notification: Chief of Police or designee, Chancellor or designee and College President or designee. The following procedures are to be used for emergency notifications.

### Confirming Emergencies

Before an emergency notification is sent, the authorized individual will take prudent measures to confirm the threat of, or actual emergency condition exists. Depending upon the nature of the event, the authorized individual will contact the appropriate personnel to:

- Verify the threat/event is credible.
- Identify the potential or actual location(s), scope and impact upon life, safety and or property.
- Determine the imminence of the threat/event.

## Timeliness of Emergency Notifications

Emergency notifications shall be sent without delay, unless in the professional judgment of the authorized campus official(s), sending a mass notification warning may compromise efforts to protect life, safety or property.

If the process of contacting sources to confirm a threat or emergency is creating delays based upon the available information, its source, the imminence of the threat to life, safety or property, and the professional judgment of the authorized individual, an emergency notification may be issued immediately when in the best interest of public safety.

The Notifications System shall be activated for emergency or urgent communications or important related information. The Chief of Police or authorized individual shall direct the activation of the Notification System and designate the appropriate staff to deliver said message.

Reasonable follow-up communications shall be sent regularly for the duration of the emergency to inform the general population of significant updates. Follow-up communications shall be sent to emergency personnel and Emergency Operations Center staff for the duration of the emergency to inform them of any important changes of emergency status or other information deemed necessary for emergency operations.

Informational communication shall be sent when the emergency, urgent, or important situation has ended.

## Emergency Situations

*Unexpected emergencies* that would activate the Notification System include, but are not limited to the following:

- Natural disasters (e.g., earthquake, fire, flood) that put the campus in immediate danger
- Chemical spills or accidents that require evacuation of the campus
- Hostage or violent situations requiring evacuation, lockdown, or closure of campus (e.g., Active Shooter)

*Urgent situations* that would activate the Mass Notification System include, but are not limited to, the following:

- Natural disasters that do not pose an immediate danger but do pose a potential future danger to the campus
- Local emergencies or events that could eventually lead to evacuation, lockdown, closure, or major disruption on or off campus that could affect normal operations or threats against staff, faculty, students, affiliates, facilities, or property.

Appropriate campus officials shall be consulted as needed to determine the urgency, timing, and nature of the communication to be distributed. The Chief of Police or other authorized personnel shall develop the content of the urgent communication. Important information that would activate the Notification System includes, but is not limited to, the following:

- Local emergencies or events that have concluded and do not affect normal operations but will likely be visible to the community and external audiences via the news media
- Information related to an ongoing or concluded event that does not pose a likely threat to safety or security
- Locations of disaster aid or assistance (first aid, shelters, transportation, etc.), when appropriate

The content of the communication shall be developed by members of the EOC determined by the nature of the event. Pre-scripted, approved messages for the most likely emergencies are to be used whenever possible. If pre-scripted messages do not meet the emergency situation, message content is to be determined by the Chief of Police or other authorized individuals.

#### Email and Phone Notification

Emergency and urgent communications shall minimally contain the following information:

- Subject - With the first words indicating the type of communication (i.e., "THIS IS AN EMERGENCY" or "URGENT MESSAGE")
- Type and location of incident
- Immediate action required, and
- Any additional details necessary to preserve safety and security.

The messages would be sent via web site(s), social media or contact information for additional information regarding incident and short message service (SMS) notification - This notification method allows for only 140 characters per message.

The most critical information shall be sent with the first notification message. After the first message is sent, additional information as detailed in section 3 above may be sent using follow-up notifications.

Informational communications, including follow-up communications, shall minimally contain the following information: A subject line with the word "IMPORTANT," date and time of the update, current situation status and continued action (if any) required. Website(s), social media or contact information would be used for additional information regarding the incident. Informational communications sent at the conclusion of an event shall minimally contain the following information:

- Date and time of all-clear notice (if applicable)
- Actions required to resume normal campus operations
- Explanation of the resolution/conclusion of incident
- Where to get disaster aid if applicable
- Website or contact information for additional information regarding incident

### Timely Warning Notification

In the event of an incident which may pose a serious or ongoing threat to members of the Foothill-De Anza community, a timely warning would be distributed to the campus community without delay. As circumstances allow, the decision to distribute a timely warning notice will be based on the confirmation and judgment of the Chief of Police, Chancellor, President or their designee, in consultation with relevant district or college staff.

Any of the following may be used to issue immediate warnings about serious emergencies on campus: Emergency text message alerts, district, Foothill College and De Anza College websites, broadcast email and voicemail, social media sites, and prominent posting of fliers.

### Safety of Building and Grounds

Foothill-De Anza buildings are monitored and patrolled by officers of the Foothill-De Anza Police Department 6 a.m. to 12 a.m. (midnight) seven days a week. The Santa Clara County Sheriff's Office patrols both main campuses between 12 a.m. (midnight) and 6 a.m. Sunnyvale Department of Public Safety patrols the Sunnyvale Education Center between 12 a.m. (midnight) and 6 a.m. The District Police Department regularly patrols each campus and reports malfunctioning lights and other unsafe physical conditions to Plant Services.

Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. Campus lighting typically meets or exceeds the industry standard for pedestrian walkways. Shrubbery and other vegetation are kept trimmed to avoid obstructing visibility. Parking lots throughout campus are well lit and routinely patrolled by district police officers.

In addition, the parking garage and campus elevators are equipped with a communication system that is connected to the Emergency Dispatch Center. Other members of the Foothill-De Anza community are helpful when they report equipment problems to the District Police Department or to Plant Services.

California law prohibits possession and use of weapons on both Foothill and De Anza campuses (Pen. Code, § 626.9.)

## Access to Campus Facilities

During business hours, Foothill and De Anza colleges will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours, access to all college facilities is by key, if issued, or by admittance via the Foothill-De Anza Police Department with proper credentials. In the case of periods of extended closing, the colleges will admit only those with prior written approval to all facilities.

Some facilities may have individual hours, which may vary at different times of the year. Examples are the Physical Education facilities, the Library and Smithwick Theatre. In these cases, the facilities will be secured according to schedules developed by the department responsible for the facility. Emergencies may necessitate changes or alterations to any posted schedules.

## Campus Security for Non-Campus Locations

The Foothill-De Anza Police Department does not patrol at non-campus locations but does work cooperatively with the local law enforcement agencies on any report of an incident or crime. The Foothill-De Anza Police Department works with the appropriate Office of Student Affairs to address problems that may arise.

## Campus Security for Satellite Locations and Occasional Instruction Sites

Foothill College has one satellite-learning center: Sunnyvale Education Center in Sunnyvale, California. Foothill-De Anza Police Department provides law enforcement services to this center from 6 a.m. to 12 a.m. (midnight) seven days a week. Sunnyvale Department of Public Safety provides services to the surrounding area 24 hours a day. Sunnyvale Department of Public Safety patrols the Sunnyvale Education Center between 12 a.m. (midnight) and 6 a.m.

## Safety on Campus - Reporting of Crimes

As part of its commitment to provide a safe and secure campus, each Office of Student Affairs encourages students to report any sexual assaults, domestic violence, or stalking, whether on or off campus. Reports can be made to the following entities on each campus:

- Foothill-De Anza Police Department
- Campus Health Services
- Counseling and Student Development Center - Access is free and confidential
- Respective Title IX office

## Interpersonal Violence Prevention Education

Foothill and De Anza colleges maintain websites with violence prevention information and resources.

At Foothill: <https://foothill.edu/titleix/>

At De Anza: <https://www.deanza.edu/titleix/>

## Student Safety Escort Service

Police Student Aides and Community Service Officers, under the direct supervision of the Foothill-De Anza Police Department, provide safety escorts for students Monday through Friday, from 7 a.m. to 11 p.m. Call the District Police Department at (650) 949-7313 (x7313 from campus phones) to request an escort on campus. We do not provide escorts to off-campus locations.

## ALCOHOL AND DRUG POLICIES

### Alcoholic Beverages

The possession, sale, or furnishing of alcohol on Foothill-De Anza district property is governed by board policy, administrative procedure 3500 and California state laws. Violators are subject to disciplinary action and criminal prosecution. Foothill-De Anza prohibits the possession of open containers of alcoholic beverages on any district property, with the exception of fund-raising events sponsored by the Foothill-De Anza Foundation or special events with proper permits.

District administrative procedure (AP 3500) and California state law state that persons under the age of 21 may not possess alcohol at any time. Students, staff and faculty age 21 or older are prohibited from providing, delivering, or hosting the serving of alcohol on district properties to persons under the age of 21.

### Illegal Drugs

The possession, use, sale, manufacture, or distribution of illegal drugs, narcotics, or controlled substances is a violation of district policy and state laws, and violators are subject to disciplinary action and criminal prosecution. Foothill-De Anza recognizes the dangers of drug use in the workplace. The policy of the district is to provide a drug-free workplace (board policy 4500).

### Links to Drug Education and Prevention

Each college maintains a webpage detailing drug education and prevention programs.

Foothill College: <https://foothill.edu/handbook/alcohol-drugs.html>

De Anza College: <https://www.deanza.edu/healthservices/wellness/drugs-alcohol.html>

## SEXUAL ASSAULT POLICIES

### Sexual Assault Reporting and Assistance

The Foothill-De Anza Police Department advises victims of sexual assault to 1) Contact police as quickly as possible, 2) Preserve evidence, and 3) Seek medical care. Incidents of sexual assault should be immediately reported to the law enforcement agency where the crime occurred.

The district's board policy and administrative procedure on sexual assault (located on the Foothill-De Anza Community College District website at <http://go.boarddocs.com/ca/fhda/Board.nsf/goto?open&id=9TUUMB7965C2>) proclaims the Foothill-De Anza Community College District will not tolerate sexual assault of any kind and details the district's complaint system. The policy includes students' options for notifying on-campus and local police, and a statement that the institution will comply with a student's request for assistance in notifying authorities.

The district provides support for victims of sexual assault. The colleges will change the victim or suspect's academic schedule if changes are requested, appropriate to the situation, and reasonably available.

The policy states the accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding, and the accuser and accused shall be informed of the outcome of any institutional disciplinary proceeding alleging a sex offense.

Sanctions available to be imposed through the district and each college's judicial proceedings after a finding of guilt range from a reprimand to expulsion from the district.

### Education and Prevention

In an effort to reduce the risk of sexual misconduct as well as the crimes of rape, sexual assault, sexual harassment, stalking, dating violence and domestic violence occurring among its students, both Foothill College and De Anza College utilize a range of campaigns, strategies, and initiatives to provide awareness, educational, risk reduction and prevention programming.

It is the policy of the Foothill-De Anza Community College District to offer programming to prevent domestic violence, dating violence, sexual assault (including stranger and known offender assaults) and stalking each year. Educational programs are offered to raise awareness for all incoming students and employees and are often conducted during new student and new employee orientation.

These programs and others offered throughout the year include strong messages regarding not just awareness, but also primary prevention (including normative messaging, environmental management, and bystander intervention) and discuss institutional policies on sexual misconduct as well as the California Penal Code definitions of domestic violence, dating violence, sexual assault, stalking and consent in reference to sexual activity. Bystander engagement is encouraged through safe and positive intervention techniques and by empowering third-party intervention and prevention such as calling for help, identifying allies and/or creating distractions.

The following are district wide, De Anza College and Foothill College outreach efforts conducted in 2023:

- De Anza College has conducted Safe Zone training and other trainings to increase awareness of LGBTQ and other diverse populations. De Anza offers a LGBTQ+ Support Group every Tuesday for one hour at the Pride Center.
- De Anza college offers Real Talk: Your Wellness Matters workshops focusing on mental health topics and provide long-term strategies for well-being through grounding exercises, storytelling and art.
  - February 13, 2023
- De Anza College and Foothill College use the Santa Clara County Behavioral Health College collaborative as an informal way to exchange information and arrange referrals for mental health and substance abuse prevention and treatment.
- De Anza College and Foothill College collaborate on Mental Health Awareness Week in May of each year to address mental health, mindfulness, suicide prevention and substance abuse prevention topics among others.
- Foothill College conducted Question, Persuade, and Refer (QPR) suicide prevention training to recognize suicidal thoughts and behaviors and be able to refer to professional resources for employees and students.
  - May 18, 2023
- De Anza and Foothill colleges conducted district-wide online Movies for Mental Health opportunities to connect through short films about mental health.
  - February 15, 2023 = 54 students
  - May 10, 2023 = 6 students
- Foothill College conducted workshops to provide information on how to build healthy relationships with the people in our lives covering the following topics:



- Healthy vs Unhealthy Relationships
- The power of media
- Who's influencing our relationships?
- 4 parts of accountability
- Supporting survivors of dating abuse
  - May 25, 2023 = 11 students
  - June 1, 2023 = 5 students
- De Anza College conducted a Health and Safety Fair that included screenings for diabetes, blood pressure readings, free flu shots and health resources.
  - November 14, 2023 = 350 students
- De Anza College promotes Kognito, which provides online training simulations about suicide prevention, how to help students in psychological distress, ways to build a community of respect for all students, including LGBTQ students, and information about aiding veterans in transitioning to school to help students and staff of De Anza College.
- Foothill College presented Introduction to Psychological Services and Mindfulness to students and staff.
  - January 12, 2023 = 30 students
  - January 24, 2023 = 28 students
  - February 2, 2023 = 16 students
  - September 19, 2023 = 28 students
- De Anza College offers Psychological Services Drop-In Group virtually every Monday for one hour.
- De Anza College hosted Denim Day, Sexual Violence Awareness and Substance Use Prevention Event with a variety of guests from De Anza College, Santa Clara County Behavioral Health Programs and Services, and community clinics.
  - April 26, 2023 = 350 students
- Foothill College presented Women's History Month workshops throughout the month of March where students learned tools to understand assertiveness, express their needs, and take steps to get them met.
- Foothill College presented HealthyU Resource Fair hosted by Psychological Services for students to learn about wellness resources, safe drinking, safe sex, mental health and general wellness.
  - April 25, 2023 = 160 students

- The Foothill-De Anza Police Department conducted several district-wide Run Hide Defend two-hour sessions providing campus safety awareness, how to report suspicious or concerning behavior and how to respond in the event of an active assailant.
- The Foothill-De Anza Police Department conducted several Community Forums, intended to bring simple to complex issues open for discussion, address various concerns, and create a great opportunity for the police department to share important safety information and updates and maintain partnerships and continuous working relationships.
- The Foothill-De Anza Police Department provided Coffee with a Cop events to bring police officers and the community members together—over coffee—to discuss issues and provide safety information, training opportunities, and updates.

### District and College Services and Departments

In the event that sexual misconduct, gender-based violence or the crimes of sexual assault, stalking, dating violence or domestic violence do occur, the college district takes the matter very seriously. The college district employs interim protection measures such as interim suspension and/or no contact orders in any case where a student’s behavior represents a risk of violence, threat, pattern or predation.

If a student is accused of sexual misconduct, other gender-based violence or the crimes of rape, sexual assault, sexual harassment, stalking, dating violence or domestic violence, s/he is subject to action in accordance with the “Student Code of Conduct” procedures in the student handbook for the respective colleges.

The district and colleges will provide individuals with information about services for counseling, health, mental health, victim advocacy, legal assistance, visa/immigration assistance, student financial aid, and other services both within the institutions and community.

A student wishing to officially report such an incident may do so by contacting any of the following:

Foothill-De Anza Police Department	650-949-7313 <a href="http://www.police.fhda.edu">http://www.police.fhda.edu</a>

Foothill College Health Services	650-949-7243 <a href="https://foothill.edu/healthservices/">https://foothill.edu/healthservices/</a>
De Anza College Health Services	408-864-8732 <a href="https://www.deanza.edu/healthservices">https://www.deanza.edu/healthservices</a>
Foothill College Psychological Services	650-949-7910 <a href="https://foothill.edu/psychservices">https://foothill.edu/psychservices</a>
De Anza College Psychological Services	408-864-8868 <a href="https://www.deanza.edu/psychologicalservices">https://www.deanza.edu/psychologicalservices</a>
Foothill College Office of Student Affairs	650-949-7241 <a href="https://foothill.edu/studentaffairs">https://foothill.edu/studentaffairs</a>
De Anza College Office of College Life	408-864-8756 <a href="https://www.deanza.edu/collegelife/">https://www.deanza.edu/collegelife/</a>

Anyone with knowledge about sexual misconduct or gender-based violence or the crimes of rape, sexual assault, sexual harassment, stalking, dating violence or domestic violence is encouraged to report it immediately.

If you are the victim of sexual misconduct, gender-based violence or the crimes of rape, acquaintance rape, sexual assault, sexual harassment, stalking, dating violence or domestic violence, some or all of these safety suggestions may guide you after an incident has occurred:

1. Go to a safe place and speak with someone you trust. Tell this person what happened. If there is any immediate danger, contact Foothill-De Anza Police if you are on campus, or call 911 if you are off campus.
2. Consider securing immediate professional support (e.g. counseling, victim advocacy, medical services, etc.) to assist you in the crisis.
3. If you are on campus during regular business hours, you may go to Health Services, as well as to Counseling Services, for support and guidance. These are both confidential resources.
4. For your safety and well-being, immediate medical attention is encouraged. Further, being

examined as soon as possible, ideally within 72 hours, is important in the case of rape or sexual assault. The hospital will arrange for a specific medical examination at no charge.

- To preserve evidence, it is recommended that you do not bathe, shower, douche, eat, drink, smoke, brush your teeth, urinate, defecate or change clothes before receiving medical attention. Even if you have already taken any of these actions, you are still encouraged to have prompt medical care, and evidence may still be recoverable.
  - Typically, if police are involved or will be involved, they will obtain evidence from the scene, and it is best to leave things undisturbed until their arrival. They will gather bedding, linens or unlaundered clothing and any other pertinent articles that may be used for evidence. It is best to allow police to secure items in evidence containers, but if you are involved in transmission of items of evidence, such as to the hospital, secure them in a clean paper bag or clean sheet, to avoid contamination.
  - If you have physical injuries, photograph or have them photographed, with a date stamp on the photo.
  - Record the names of any witnesses, and their contact information. This information may be helpful for the proof of a crime, to obtain an order of protection or to offer proof of a campus policy violation.
  - Try to memorize details (physical description, names, license plate number, car description, etc.), or even better, write notes to remind you of details if you have time and the ability to do so.
  - If you obtain external orders of protection (e.g. restraining orders, injunctions, protection from abuse), please notify Foothill-De Anza District Police or the campus Title IX Coordinator so that those orders can be observed on campus.
5. Even after the immediate crisis has passed, consider seeking support from campus or community counseling center(s), and/or the local Victim/Witness Assistance Programs; 408-295-2656 <https://www.sccgov.org/sites/da/victimservices/vsu/pages/default.aspx>
  6. Contact the Office of Student Affairs (Foothill) or the Office of College Life (De Anza) if you need assistance with concerns, such as no-contact orders or other protective measures. The staff will also assist in any needed advocacy for students who wish to obtain protective or restraining orders from local authorities. The college is able to offer reasonable academic accommodations, transportation accommodations, safety escorts, no contact orders, counseling services access and other support and resources as needed by a victim.

## Legal Definitions

Rape is generally defined as forced sexual intercourse. It may also include situations where the victim is incapable of giving consent due to incapacitation by means of disability or alcohol or other drugs. Many rapes are committed by someone the victim knows, such as a date or friend. The essential guilt of rape consists in the outrage to the person and feelings of the victim of the rape. Any sexual penetration, however slight, is sufficient to complete the crime.

Definition of Rape According to the California Penal Code 261:

*(a) Rape is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances:*

*(1) Where a person is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent.*

*(2) Where it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.*

*(3) Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused.*

*(4) Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, "unconscious of the nature of the act" means incapable of resisting because the victim meets any one of the following conditions:*

*(A) Was unconscious or asleep.*

*(B) Was not aware, knowing, perceiving, or cognizant that the act occurred.*

*(C) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.*

*(D) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.*

*(5) Where a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by*

*any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.*

*(6) Where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.*

*(7) Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.*

*(b) As used in this section, "duress" means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed, or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and his or her relationship to the defendant, are factors to consider in appraising the existence of duress.*

*(c) As used in this section, "menace" means any threat, declaration, or act, which shows an intention to inflict an injury upon another.*

"Consent" means positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved. A current or previous dating or marital relationship shall not be sufficient to constitute consent where consent is at issue in a prosecution. In prosecutions in which consent is at issue, evidence that the victim suggested, requested, or otherwise communicated to the defendant that the defendant use a condom or other birth control device, without additional evidence of consent, is not sufficient to constitute consent.

In California, Penal Code section 261.6 defines consent as:

*In prosecutions under Section 261, 262, 286, 288a, or 289, in which consent is at issue, "consent" shall be defined to mean positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved. A current or previous dating or marital relationship shall not be sufficient to constitute consent where consent is at issue in a prosecution under Section 261, 262, 286, 288a, or 289.*

"Duress" means a direct or implied threat of force, violence, danger, or retribution sufficient to

coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and his or her relationship to the defendant, are factors to consider in appraising the existence of duress.

"Menace" means any threat, declaration, or act which shows an intention to inflict an injury upon another.

### **Other Sexual Offenses**

Besides rape, other sexual offenses include the following:

- Sodomy (forced anal intercourse)
- Oral copulation (forced oral-genital contact)
- Rape by a foreign object (forced penetration by a foreign object, including a finger)
- Sexual battery (the unwanted touching of an intimate part of another person for the purpose of sexual arousal)

### **Links to District Administrative Procedures: Sexual Assault and Prevention**

AP 4630A - Foothill-De Anza Sexual Assault, including Rape: Procedures  
<http://fhdafiles.fhda.edu/downloads/aboutfhda/4630apa.pdf>

AP 4630B - Foothill Sexual Assault, including Rape, Educational Program  
<http://fhdafiles.fhda.edu/downloads/aboutfhda/4630apb.pdf>

AP 4630C - De Anza Sexual Assault, including Rape, Educational Program  
<http://fhdafiles.fhda.edu/downloads/aboutfhda/4630apc.pdf>

\*\*Sexual assault is an umbrella term for all forms of sexual violence

## **HARASSMENT**

Foothill-De Anza Community College District administrative procedure 4640 - Harassment and Discrimination prohibits sexually violent acts, termed "Sexual Misconduct" (district administrative procedure AP5510 Student Code of Conduct) by the Foothill-De Anza College District, which can be crimes as well. Sexual misconduct includes non-consensual sexual intercourse, non-consensual sexual contact, sexual exploitation, interpersonal relationship violence, sex/gender-based stalking and sexual harassment.

While Foothill-De Anza Community College District utilizes different standards and definitions than the California Penal Code, sexual misconduct often overlaps with crimes of rape, sexual assault, sexual harassment, stalking, dating violence and domestic violence.

Sexual harassment is a form of misconduct that undermines the integrity of the academic environment. It is the policy of the Foothill-De Anza Community College District that sexual harassment is prohibited. All members of the Foothill-De Anza Community College District community, especially officers, faculty and other individuals who exercise supervisory authority, have an obligation to promote an environment that is free of sexual harassment. Sexual harassment is defined in board policy 4640 Harassment and Discrimination as follows.

### Harassment and Discrimination: District Board Policy 4640

Members of a college community, including students, faculty, staff and visitors, must be able to study and work in an atmosphere of mutual respect and trust. Foothill-De Anza Community College District is actively committed to creating and maintaining an environment which respects the dignity of individuals and groups.

The Board of Trustees supports an educational and employment environment where diverse cultures, abilities and needs are respected and where diversity offers opportunities for learning and for personal and professional fulfillment.

The district is committed to providing an educational and employment environment free of unlawful harassment and discrimination. Faculty, staff and students must be assured that the district will take action to prevent misconduct.

Accordingly, the Board adopts the following:

It is the Policy of the Foothill-De Anza Community College District to provide an educational and employment environment free of unlawful harassment and discrimination. The Board shall not discriminate against any person in the provision of any program or service based on ethnic group identification, race, religion, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex or gender, age, sexual orientation, or any other legally protected status, or on the basis of these perceived characteristics or based on association with a person or group with one or more of these actual or perceived characteristics.

Anyone who engages in unlawful harassment or discrimination shall be subject to sanctions up to and including termination of employment or expulsion in accordance with applicable contractual, procedural and statutory requirements.

### Harassment

Harassment based on ethnic group identification, race, religion, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex or gender, age, sexual orientation, or any other legally protected status, or harassment based on the perception that a



person has one or more of these statuses or associates with a person or persons perceived as having one or more of these statuses constitutes unlawful harassment and violates District policy.

Unlawful harassment comes in many forms and may include but is not limited to the conduct described below:

**Verbal**, inappropriate or offensive remarks, slurs, jokes or innuendoes based on a person's race, gender, sexual orientation, or other legally protected status. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status, or sexual orientation; unwelcome flirting, whistling, or propositions; demands for sexual favors; verbal abuse, threats or intimidation.

**Physical**, inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to kissing, patting, lingering or intimate touches, grabbing, pinching, unnecessarily brushing against or blocking another person, or sexual gestures. It also includes any physical assault or intimidation directed at an individual due to that person's race, gender, sexual orientation, or other legally protected status. It may also include leering and staring.

**Visual or Written:** The display or circulation of visual or written material that degrades an individual or groups based on race, gender, sexual orientation, or other legally protected status. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics, or electronic media transmissions.

**Environmental:** A hostile academic or work environment exists where it is permeated by innuendo or insults, or abusive comments directed at an individual or group based on race, gender, sexual orientation, or other legally protected status. An environment may in some circumstances also be hostile toward anyone who merely witnesses unlawful harassment in his or her immediate surroundings, although the conduct is directed at others.

For an unlawful harassment or hostile environment claim to be valid, in general the conduct must be sufficiently severe or pervasive so as to alter the conditions of the employment or educational environment.

Subjective perception alone is insufficient evidence for a claim to be valid; an objective appraisal must be considered as well.

The conduct shall be evaluated from the objective viewpoint of a reasonable person facing the same conditions.

## Sexual Harassment

As noted throughout the preceding section of this Policy, sexual harassment may be verbal, visual, written, physical or environmental and, as such, is a form of unlawful harassment. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other conduct of a sexual nature when submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment or academic status or progress.

“Quid pro quo” harassment occurs when submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual.

“Hostile environment” harassment occurs when the conduct has the purpose or effect of having a negative impact upon the individual’s work or academic performance, or of creating an intimidating, hostile or offensive work or educational environment.

## Retaliation

The district seeks to foster an environment in which all employees and students feel free to report incidents of harassment or discrimination without fear of retaliation or reprisal. Therefore, the District also strictly prohibits retaliation against any individual for filing a complaint of harassment or discrimination or for participating in an investigation of such complaints. Such conduct is illegal and constitutes a violation of this Policy. All allegations of retaliation will be investigated. Any individual found to have violated this Policy will be subject to disciplinary sanctions, up to and including termination of employment or expulsion in accordance with applicable contractual, procedural and statutory requirements.

## Academic Freedom

While the Board recognizes that academic freedom does not allow harassment or any other form of unlawful discrimination, the Board reaffirms its commitment to academic freedom as established in Board Policy on Academic Freedom (4190). The lecture, content and discourse (including rhetorical strategies) that are an integral part of the course or which serve a legitimate pedagogical purpose shall in no event constitute harassment or other forms of unlawful discrimination. In cases involving questions of academic freedom, the district shall consult with the Academic Senates whenever possible or with other appropriate faculty representatives as needed, consistent with Administrative Procedures 4640.

## Complaints

Appropriate action shall be taken immediately against individuals determined to be in violation of this Policy. Any individual who believes that he or she has been a victim of harassment or

discrimination or retaliation in violation of this Policy may file a complaint in accordance with the District's Procedures regarding investigation and resolution of complaints regarding harassment and discrimination.

The district has developed procedures to address complaints of discrimination, harassment and retaliation. Complaints are handled pursuant to the district's "Procedures to Resolve Complaints Regarding Harassment and Discrimination."

Complaints filed by students or employees regarding harassment or discrimination by third parties who are not themselves students or employees in the district shall be investigated. Additionally, the District shall forward written notice to the responsible party with a request for an investigation of the incident(s) and a report of the findings to be sent to the district.

Copies of the District's Procedures to Resolve Complaints Regarding Harassment and Discrimination and the District's Unlawful Harassment and Discrimination Complaint forms are available in the District Human Resources Office, the District Chancellor's Office, the President's Office at each campus, the Office of the Vice President for Student Services (De Anza), and the Office of the Vice President of Student Development and Instruction (Foothill).

*Approved 5/3/82 Amended 11/15/93; 5/1/95, 12/12/05, 3/3/09 Approved 8/31/09 Reference: Education Code §§ 212.5; 44100; 66281.5 Title IX, Education Amendments of 1972 Title 5, §§ 59320 et seq. Title VII of the Civil Rights Act of 1964, 42 U.S.C.A. § 2000E Board Policy 4190*

Any complaints or inquiries regarding sexual harassment of a student by an officer, faculty member or staff member should be brought to the immediate attention of Dean of Student Affairs (Foothill) or Dean of Student Development and EOPS (De Anza).

Any complaints or inquiries regarding sexual harassment of a student by another student should be brought to the immediate attention of Dean of Student Affairs (Foothill) or Dean of Student Development and EOPS (De Anza). The Foothill-De Anza Community College District will investigate such claims promptly and thoroughly.

If, for any reason, a student wishes to complain or inquire regarding sexual harassment but feels it would not be appropriate to raise such issues with the deans, the student may inquire or complain to any department chair or any officer of the college at the level of vice president or above, and such inquiries or complaints will receive a prompt and thorough investigation.

If harassment is established, the college will discipline the offender. Disciplinary action for violations of this policy can range from verbal or written warnings, up to and including immediate termination from employment or dismissal from the Foothill or De Anza colleges for serious or repeated violations.

To review the complete procedures to resolve complaints regarding harassment and discrimination, please see district administrative procedure AP 4640 at:

<http://fhdafiles.fhda.edu/downloads/aboutfhda/AP4640ProceduresToResolveCom.pdf>

## DOMESTIC/DATING VIOLENCE

California Penal Code section 273.5 defines Domestic Violence as:

- (a) Any person who willfully inflicts corporal injury resulting in a traumatic condition upon a victim described in subdivision (b) is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not more than one year, or by a fine of up to six thousand dollars (\$6,000) or by both that fine and imprisonment.
- (b) Subdivision (a) shall apply if the victim is or was one or more of the following:
  - (1) The offender's spouse or former spouse.
  - (2) The offender's cohabitant or former cohabitant.
  - (3) The offender's fiancé or fiancée, or someone with whom the offender has, or previously had, an engagement or dating relationship, as defined in paragraph (10) of subdivision (f) of Section 243.
  - (4) The mother or father of the offender's child.
- (c) Holding oneself out to be the husband or wife of the person with whom one is cohabiting is not necessary to constitute cohabitation as the term is used in this section.
- (d) As used in this section, "traumatic condition" means a condition of the body, such as a wound, or external or internal injury, including, but not limited to, injury as a result of strangulation or suffocation, whether of a minor or serious nature, caused by a physical force. For purposes of this section, "strangulation" and "suffocation" include impeding the normal breathing or circulation of the blood of a person by applying pressure on the throat or neck.

For offenses including sexual misconduct or other gender-based violence, which typically include the crimes of domestic violence, dating violence, sexual harassment, sexual misconduct and stalking, sanctions range from warnings through expulsion. Serious and violent incidents and acts of non-consensual sexual intercourse (the policy equivalent to the crime of rape) usually result in suspension, expulsion, or termination of employment. Please refer to Administrative Procedure AP 4630A for additional information:

<http://go.boarddocs.com/ca/fhda/Board.nsf/goto?open&id=9U3KYJ54288B>

## Procedures for Addressing Violations and Discipline

Procedurally, when Foothill College or De Anza College receives a report of sexual misconduct, gender-based violence, or other sex or gender discrimination the campus Title IX Coordinator is notified. If the victim wishes to access local community agencies and/or law enforcement for support, the college will assist the victim in making these contacts.



The Title IX Coordinator will offer assistance to victims in the form of interim or long-term measures such as opportunities for academic accommodations, visa and immigration assistance, changes in working situations and other assistance as may be appropriate and available on campus or in the community (such as no contact orders, campus escorts, transportation assistance, targeted interventions, etc.).

If the victim so desires, they will be connected with a counselor on- or off-campus, as well as an on-or off-campus victim's advocate program. No victim is required to take advantage of these services and resources, but Foothill College and De Anza College provide them in the hopes of offering help and support without condition or qualification. A summary of rights, options, supports and procedures, in the form of this document, is provided to all victims, whether they are a student, employee, guest or visitor.

When appropriate upon receipt of notice, the Title IX Coordinator will cause a prompt, fair and impartial process to be initiated, commencing with an investigation, which may lead to the imposition of sanctions based upon a preponderance of evidence (what is more likely than not), upon a responding student or other accused individual. Procedures detailing the investigation and resolution processes of Foothill De Anza Community College can be found online here: <http://go.boarddocs.com/ca/fhda/Board.nsf/goto?open&id=9U2UGB7BD19B>.

The Title IX Coordinator is ultimately responsible to assure in all cases that the behavior is brought to an end, the college acts to reasonably prevent its recurrence and the effects on the victim and the community are remedied. The coordinator is also responsible to assure that training is conducted annually for all advocates, investigators, hearing officers, panelists and appeals officers that encompasses a hearing process that protects the safety of victims and promotes accountability. Training will focus on sexual misconduct, domestic violence, dating violence, sexual assault, stalking, sexual harassment, retaliation and other behaviors that can be forms of sex or gender discrimination covered by Title IX and Clery Act. Training will help those decision-

makers in the process to protect the safety of victims and to promote accountability for those who commit offenses.

The investigation and records of the resolution conducted by Foothill College or De Anza College are maintained confidentially. Information is shared internally between administrators who have a need to know and a right to know, while maintaining strict confidentiality. Where information must be shared to permit the investigation to move forward, the person bringing the accusation will be informed. Privacy of the records specific to the investigation are maintained in accordance with California State law and the federal FERPA statute.

Any public release of information to comply with the open crime logs or timely warning provisions of the Clery Act will not release the names of victims or information that could easily lead to a victim's identification. Additionally, Foothill College and De Anza College maintain privacy in relation to any accommodations or protective measures afforded to a victim, except to the extent necessary to provide the accommodations and/or protective measures.

In any complaint of sexual misconduct, sexual assault, stalking, dating violence, domestic violence or other sex or gender-based discrimination covered under the federal law, Title IX, the person bringing the accusation and the responding party are entitled to the same opportunities for a support person or advisor of their choice throughout the process, including any meeting, conference, hearing or other procedural action.

Once complete, the parties will be informed, in writing, of the outcome, including the finding, the sanctions (if any) and the rationale therefore. Delivery of this outcome to the parties will occur without undue delay between notifications. All parties will be informed of college appeal processes, and their rights to exercise a request for appeal.

Should any change in outcome occur prior to finalization, all parties will be timely informed in writing and will be notified when the results of the resolution process become final.

Sanctions may include verbal/written warnings up to termination/expulsion from college. The following is a list of possible sanctions: reflective essay, disciplinary probation, behavior plan, psychological counseling, community services, suspension or expulsion.

## **SEX OFFENDER REGISTRATION POLICY**

### **The Federal Campus Sex Crimes Prevention Act**

The Federal Campus Sex Crimes Prevention Act requires the Foothill–De Anza Community College District to inform the campus community where to find information on registered sex offenders. California law requires sex offenders to register with their local police or sheriff, which places

their names in a statewide database. The State of California Registered Sex Offenders database can be accessed at <https://www.meganslaw.ca.gov/>.

If you need more information, contact your local law enforcement agency or contact the Foothill-De Anza Police Department at 650-949-7313, or on-line at <https://police.fhda.edu/resources-top-menu/d-megans-law.html>.

## Sex Offender Registration

California Penal Code Section 290.01 requires every person who was convicted of a sex offense to register with the Campus Police Department of a College or University within Five (5) days where he/she is:

- Enrolled as a Full-time student.
- Enrolled as a Part-time Student.
- Employed as a Full-time Staff, Faculty, or Instructor.
- Employed as a Part-time Staff, Faculty, or Instructor.
- Employed as a Full-time or Part-time Classified employee.
- Employed as a volunteer.
- A contractor who is contracted by the College or University to work on campus.
- A carrier driver who delivers to that College or University more than 14 consecutive days or 30 days in a calendar year (i.e. Water delivery, Mail, VTA drivers, Outreach drivers, Armored car drivers, Telephone, Gas, and Electricity technicians, Computer technicians, Office supply drivers, and others).

This section does not relieve the person to register as a Sex Offender with the jurisdiction where he/she is residing. The registrations as a Sex Offender with a College or University Police Departments are in addition to the registration with the local police and sheriff's departments.

Anyone needing to register per Section 290 of the California Penal Code must call the Foothill-De Anza District Police Department – Foothill Station to make an appointment at (650) 949-7313.

## MISSING STUDENT NOTIFICATION PROCEDURE

### Missing Persons

If a person has not returned home, failed to appear for work, class, an appointment as anticipated, or there is a belief that something is suspicious about his or her absence, report the situation to law enforcement.

**You need not – and should not – wait 24+ hours to report a missing person.** Anyone can file a missing person report, but campus officials who become aware of a potentially missing student must report the information immediately to the Foothill-De Anza Police Department.

Pursuant to California Penal Code 14205(a), a law enforcement agency must take a missing person report without delay. When a report is filed with the Foothill-De Anza Police Department, a complete and thorough investigation surrounding the incident will be conducted by the appropriate jurisdiction.

In compliance with federal law, during registration, students have the option to specify contact(s) to be notified in the event the police determine someone is a missing person. This contact information is kept confidential and only accessible by authorized college officials for disclosure to law enforcement personnel during a missing person investigation.

Federal law also requires the college to inform students that an emergency contact will be notified within 24 hours of a person being determined as missing. For non-emancipated minors, a custodial parent or guardian will be notified in addition to any listed emergency contact(s). The college may make additional notifications as necessary, and as provided for by FERPA, to resolve a safety emergency; including notifying parents or guardians, even when they were not specifically listed by a student as an emergency contact.

## **CRIME STATISTICS**

The crime statistics required under the Clery Act were compiled by the Foothill–De Anza Community College District Police Department in cooperation with the Foothill–De Anza Community College District, campus officials having responsibility for oversight of student activities, and relevant local agencies. Crime definitions are from the Uniform Crime Reporting (UCR) Handbook and sex offense definitions are from the National Incident Based Reporting System (NIBRS) edition of the Uniform Crime Reporting Program. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported. A written request for statistical information is made on an annual basis to all Foothill College and De Anza College deans, directors, and known campus security authorities.

All of the statistics are gathered, compiled, and reported to the Foothill-De Anza community via this report. This information is available at the Foothill-De Anza Police Department website at <https://police.fhda.edu/resources-top-menu/b-crime-statistics.html>. Foothill-De Anza campus authorities submit the annual crime statistics published in this report to the United States Department of Education (DOE). The statistical information gathered by the United States Department of Education is available to the public through the DOE website.



## Clery Act Crimes Definitions

*(Crime Definitions from the Uniform Crime Reporting Handbook and Sex Offenses Definitions from the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Program)*

**Murder and Non-Negligent Manslaughter:** The willful (non-negligent) killing of one human being by another. *Note:* Deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides are excluded.

**Negligent Manslaughter:** The killing of another person through gross negligence.

**Sex Offenses–Forcible:** Any sexual act directed against another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent.

### **A. Forcible Rape**

The carnal knowledge of a person, forcibly and/or against the person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).

### **B. Forcible Sodomy**

Oral or anal sexual intercourse with another person, forcibly and/or against that person’s will; or not forcibly against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

### **C. Sexual Assault with An Object**

The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

### **D. Forcible Fondling**

The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person’s will; or, not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

**Sex Offenses–Non-forcible:** Unlawful, non-forcible sexual intercourse.

### **A. Incest**

Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

### **B. Statutory Rape**

Non-forcible sexual intercourse with a person who is under the statutory age of consent.

**Robbery:** The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.

**Burglary:** The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access, even though the vehicles are later abandoned – including joy riding).

**Arson:** The willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another kind.

**Liquor Law Violations:** The violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

**Drug Abuse Violations:** Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

**Weapon Law Violations:** The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

## Hate Crime Definitions

**Hate Crimes:** Crimes that manifest evidence that the victim was intentionally selected because of the victim's race, gender, religion, sexual orientation, ethnicity/national origin or disability.

Foothill–De Anza Community College District is required to report statistics for hate (bias) related crimes by the type of bias as defined below for the following classifications:

- murder/non-negligent manslaughter
- negligent manslaughter
- sex offenses (forcible and non-forcible)
- robbery
- aggravated assault
- burglary
- motor vehicle theft
- arson
- liquor law violations
- drug violations
- illegal weapons possession
- larceny
- vandalism
- intimidation
- simple assault
- any crimes involving bodily injury to any person

If a hate crime occurs where there is an incident involving intimidation, vandalism, larceny, simple assault or other bodily injury, the law requires that the statistic be reported as a hate crime even though there is no requirement to report the crime classification in any other area of the compliance document.

**Larceny:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

**Vandalism:** To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

**Intimidation:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

**Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

## APPENDICES

### APPENDIX A:

#### Foothill College Campus 2023 Information

##### Primary & Preventative Education Regarding Sexual Misconduct on Campus

Foothill-De Anza Community College District (the district) and Foothill College (the college) have taken action to comply with §485(f) of the Higher Education Act of 1965 (20 U.S.C. 1092(f), the “Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act” to inform both students and employees about the prevention of crimes, and in particular, programs to prevent the occurrence of sexual assault as well as domestic violence, dating violence, and stalking (collectively, “sexual misconduct”).

Beginning with board policy 4640 1, which prohibits sexual harassment and other sexual misconduct, the college has developed procedures and protocols that flow from board policy 4640 that require the interaction of a number of college offices and departments. This policy addresses sexual assault and other sexual misconduct. Coordination efforts to address incidents of sexual assault and other sexual misconduct include, but are not limited to, representatives from the Office of Public Safety, Student Health Services, Student Development, the Title IX Compliance Officer, the Women’s Studies, the Counseling Division, the Office of Equity, Social Justice, and Multicultural Education Department.

#### A. Primary Prevention & Awareness Education Programs:

Beginning in spring 2015, the college initiated a comprehensive online training for all new students and new employees (in addition to in-person training for new and current employees), that includes information designed to prevent incidents of sexual violence including sexual assault, domestic violence, dating violence, and stalking. This training continues each year.

The online training includes a number of specific modules that meet the requirements of the statute, including (1) consent/sexual assault, (2) bystander intervention, (3) verbal defense, (4) effects of the use/abuse of alcohol, and how it can lead to sexual assault and other violence, (5) dating/domestic violence, (6) sexual harassment, (7) stalking, (8) and how students and employees can/should address any of these issues as they arise.

In addition to online training, students and employees are referred to the Title IX Compliance (Sexual Misconduct) website <http://www.foothill.edu/titleix/> for awareness education. The website has information on the district policies that expressly prohibit unlawful discrimination,

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<sup>1</sup>BP 4640 Harassment and Discrimination Including Sexual Harassment.

sexual harassment, sexual violence and other assaults on campus, as well as the district's policies promoting a drug and alcohol-free workplace and environment. The webpage also provides information about procedures to follow after an occurrence. The Title IX Compliance (Sexual Misconduct) webpage includes information about the college's Title IX Compliance Officer, a contacts and sexual assault response coordinator, who they are, where they are located, and contact information. The Title IX Compliance (Sexual Misconduct) webpage identifies the college's Title IX Compliance Officer, Sexual Assault Response Coordinator, and all related contacts, including who they are, where they are located, and contact information.

The Title IX Compliance (Sexual Misconduct) webpage has a document entitled "Harassment, Sexual Violence, and Discrimination," which includes the definition of sexual harassment and other sexual misconduct, district activities that are covered under Title IX, as well as information regarding involvement by law enforcement and requests for confidentiality. "Harassment, Sexual Violence, and Discrimination" also describes the actions the district should take once it becomes aware of an incident of sexual harassment and/or other sexual violence or sexual misconduct, including taking prompt and effective steps to:

- a. End the sexual violence/sexual harassment,
- b. Prevent its recurrence, and
- c. Address its effects, whether or not the sexual violence/sexual harassment is the subject of a criminal investigation.

In addition, the Title IX Compliance (Sexual Misconduct) webpage also includes two documents, "Unlawful Harassment, Discrimination" and "Sexual Misconduct on Campus – FAQ's,<sup>2</sup>" which discuss all the procedures that the college will follow in the event that an incident of sexual assault or other sexual misconduct has been reported, as well as resources available to a victim of sexual assault or other sexual misconduct.

The webpage defines what is considered sexual misconduct, protocols, procedures, and resources, and lists the college's procedures regarding the confidentiality of victims of sexual assault or other misconduct, to the extent required by law, as well as to the extent that requires the college to protect other students and employees. The webpage also discusses notification of resources to victims, including the availability of counseling, as well options to provide assistance to victims (e.g., change in academic schedule, work sites, etc.). The site also provides that with regard to the college's response to sexual assault (and other sexual misconduct), college representatives shall provide to a victim the district's policies on sexual assault, as well as additional information regarding what to do after an assault, and information on the victim's rights.

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<sup>2</sup> Unlawful Harassment, Discrimination, and Sexual Misconduct on Campus – FAQ's

The webpage provides specific information regarding procedures a victim of sexual assault or other sexual misconduct should follow with regard to (1) preservation of evidence, (2) to whom the offense should be reported, and (3) options for notification to law enforcement authorities. The site also provides information about the rights of the victim and the responsibilities of the college with regard to legal processes such as no contact orders, restraining orders, or actions brought to or by a civil or criminal court.

The webpage provides information regarding the college's procedures regarding due process and disciplinary actions taken against an alleged perpetrator of a sexual assault or other sexual misconduct, including (1) the provision of prompt, fair and impartial investigations and resolutions, (2) investigations conducted by officials who receive annual training, (3) the provision of opportunities to both the victim and the accused to representatives during the investigation and during any disciplinary hearing and (4) simultaneous written notification to both victim and accused of the outcome of any (a) college disciplinary proceeding, (b) rights to appeal, (c) results in any change in outcome, and (d) notification when results are final. The webpage also provides information regarding possible sanctions or discipline that may be imposed upon a student or employee found to have committed sexual assault or other sexual misconduct, which includes discipline up to and including expulsion or termination, respectively.

The Title IX Compliance (Sexual Misconduct) webpage <http://www.foothill.edu/titleix/> includes the administrative procedure (AP 4640) on how to resolve harassment and discrimination complaints and provides information to a victim regarding the procedures that the college undertakes in an investigation of a sexual assault, sexual harassment or other sexual misconduct. AP 4640 provides information regarding procedures for investigation of informal and formal complaints, the use of the "preponderance of the evidence" standard, administrative determinations, appeal process, retaliation, as well as information regarding resolution of complaints.

#### B. Ongoing Prevention and Awareness Education:

The college offers ongoing prevention and awareness education through general college orientations, specific program orientations, classroom presentations and discussions. Health educators and counselors, both women and men, suggest resources and information to help students build intimate relationships based on respect and trust.

In addition, prevention and awareness education will be provided as to how alcohol and/or other substance abuse can lead to sexual assault and other sexual misconduct.

Foothill College provides a Mental Health and Wellness Center <https://foothill.edu/mentalhealthwellness/index.html> which offers students strategies for

identifying, avoiding, and leaving abusive relationships. The center offers online services, available anytime:

- [TimelyCare](#) – speak online with a mental health professional, **24/7**
- [Wellness Central](#) – get health and wellness information
- [eCheckup To Go](#) – learn how to support your own well-being and healthy behavior

Foothill college’s Behavioral Intervention Team (BIT) is a team comprised of faculty and staff representatives from throughout the campus. They are also part of programs and departments representing geographic areas of the campus. The BIT members are peers who offer information and make resource referrals for faculty and staff seeking assistance for students in crisis. BIT members have received training in threat assessment and mental health. <https://foothill.edu/bit/>

The Foothill College Student Handbook includes the district's sexual harassment policy and where to report incidents. The handbook also defines sexual harassment, and that immediate action will be taken to resolve complaints.

## APPENDIX B:

### De Anza College Campus 2023 Information

#### Primary & Preventative Education Regarding Sexual Misconduct on Campus

Foothill-De Anza Community College District (the district) and De Anza College (the college) have taken action to comply with §485(f) of the Higher Education Act of 1965 (20 U.S.C. 1092(f), the “Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act” to inform both students and employees about the prevention of crimes, and in particular, programs to prevent the occurrence of sexual assault as well as domestic violence, dating violence, and stalking (collectively, “sexual misconduct”).

Beginning with board policy 4640, which prohibits sexual harassment and other sexual misconduct, the college has developed procedures and protocols that flow from board policy 4640 that require the interaction of a number of college offices and departments. This policy addresses sexual assault and other sexual misconduct. Coordination efforts to address incidents of sexual assault and other sexual misconduct include, but are not limited to, representatives from the Office of Public Safety, Student Health Services, Student Development, the Title IX Compliance Officer, the Women’s Studies, the Counseling Division, the Office of Equity, Social Justice, and Multicultural Education Department.

#### C. Primary Prevention & Awareness Education Programs:

In spring 2015, the college initiated a comprehensive online training for all new students and new employees (in addition to in-person training for new and current employees), that includes information designed to prevent incidents of sexual violence including sexual assault, domestic violence, dating violence, and stalking.

The online training includes a number of specific modules that meet the requirements of the statute, including (1) consent/sexual assault, (2) bystander intervention, (3) verbal defense, (4) effects of the use/abuse of alcohol, and how it can lead to sexual assault and other violence, (5) dating/domestic violence, (6) sexual harassment, (7) stalking, (8) and how students and employees can/should address any of these issues as they arise.

In addition to online training, students and employees will be referred to the Title IX Compliance (Sexual Misconduct) website <https://www.deanza.edu/titleix/> for awareness education. The website has information on the district’s policies that expressly prohibit unlawful discrimination, sexual harassment, sexual violence and other assaults on campus, as well as the district’s policies promoting a drug and alcohol-free workplace and environment. The webpage also provides information about procedures to follow after an occurrence. The Title IX Compliance (Sexual Misconduct) webpage includes information about the college’s Title IX Compliance Officer, a



contacts and sexual assault response coordinator, who they are, where they are located, and contact information. The Title IX Compliance (Sexual Misconduct) webpage identifies the college's Title IX Compliance Officer, Sexual Assault Response Coordinator, and all related contacts including who they are, where they are located, and contact information.

The Title IX Compliance (Sexual Misconduct) webpage has a document entitled "Harassment, Sexual Violence, and Discrimination," which includes the definition of sexual harassment and other sexual misconduct, district activities that are covered under Title IX, as well as information regarding involvement by law enforcement and requests for confidentiality. "Harassment, Sexual Violence, and Discrimination" also describes the actions the district should take once it becomes aware of an incident of sexual harassment and/or other sexual violence or sexual misconduct, including taking prompt and effective steps to:

- End the sexual violence/sexual harassment,
- Prevent its recurrence, and
- Address its effects, whether or not the sexual violence/sexual harassment is the subject of a criminal investigation.

In addition, the Title IX Compliance (Sexual Misconduct) webpage also includes two documents, "Unlawful Harassment, Discrimination" and "Sexual Misconduct on Campus – FAQ's,<sup>3</sup>" which discuss all the procedures that the college will follow in the event that an incident of sexual assault or other sexual misconduct has been reported, as well as resources available to a victim of sexual assault or other sexual misconduct.

The webpage defines what is considered sexual misconduct, protocols, procedures, and resources, and lists the college's procedures regarding the confidentiality of victims of sexual assault or other misconduct, to the extent required by law, as well as to the extent that requires the college to protect other students and employees. The webpage also discusses notification of resources to victims, including the availability of counseling, as well options to provide assistance to victims (e.g. change in academic schedule, work sites, etc.). The site also provides that with regard to the college's response to sexual assault (and other sexual misconduct), college representatives shall provide to a victim the district's policies on sexual assault, as well as additional information regarding what to do after an assault, and information on the victim's rights.

The webpage provides specific information regarding procedures a victim of sexual assault or other sexual misconduct should follow with regard to (1) preservation of evidence, (2) to whom the offense should be reported, and (3) options for notification to law enforcement authorities. The site also provides information about the rights of the victim and the responsibilities of the

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<sup>3</sup> Unlawful Harassment, Discrimination, and Sexual Misconduct on Campus – FAQ's

college with regard to legal processes such as no contact orders, restraining orders, or actions brought to or by a civil or criminal court.

The webpage provides information regarding the college's procedures regarding due process and disciplinary actions taken against an alleged perpetrator of a sexual assault or other sexual misconduct, including (1) the provision of prompt, fair and impartial investigations and resolutions, (2) investigations conducted by officials who receive annual training, (3) the provision of opportunities to both the victim and the accused to representatives during the investigation and during any disciplinary hearing and (4) simultaneous written notification to both victim and accused of the outcome of any (a) college disciplinary proceeding, (b) rights to appeal, (c) results in any change in outcome, and (d) notification when results are final. The webpage will also provide information regarding possible sanctions or discipline that may be imposed upon a student or employee found to have committed sexual assault or other sexual misconduct, which includes discipline up to and including expulsion or termination, respectively.

The Title IX Compliance (Sexual Misconduct) webpage <https://www.deanza.edu/titleix/> includes the administrative procedure 4640 on how to resolve harassment and discrimination complaints which provides information to a victim regarding the procedures that the college undertakes in an investigation of a sexual assault, sexual harassment or other sexual misconduct. AP 4640 provides information regarding procedures for investigation of informal and formal complaints, the use of the "preponderance of the evidence" standard, administrative determinations, appeal process, retaliation, as well as information regarding resolution of complaints.

#### D. Ongoing Prevention and Awareness Education:

The college offers ongoing prevention and awareness education through general college orientations, specific program orientations, classroom presentations and discussions (e.g. PE99 a required course for all De Anza College athletes, which promotes healthy relationships and trains students to make appropriate, socially responsible decisions). Health educators and counselors, both women and men, suggest resources and information to help students build intimate relationships based on respect and trust.

In addition, prevention and awareness education will be provided as to how alcohol and/or other substance abuse can lead to sexual assault and other sexual misconduct. They also offer students strategies for identifying, avoiding, and leaving abusive relationships.

De Anza College provides a Mental Health and Wellness Center which offers students strategies for identifying, avoiding, and leaving abusive relationships. The center offers online services, available anytime:

- [TimelyCare](#) – speak online with a mental health professional, **24/7**
- [Wellness Central](#) – get health and wellness information
- [eCheckup To Go](#) – learn how to support your own well-being and healthy behavior

De Anza College’s Harm Evaluation Assessment Reduction Team (HEART) is a team comprised of faculty and staff representatives from throughout the campus; <https://www.deanza.edu/judicial-affairs/heart.html>. They are also part of programs and departments representing geographic areas of the campus. The HEART members are peers who offer information and make resource referrals for faculty and staff seeking assistance for students in crisis. HEART members have received training in threat assessment and mental health.

The Women’s Studies Department has been active over many years in addressing the issue of sexual violence for students and the De Anza College community. Students, faculty and colleagues work together to inform the campus community of issues related to sexual violence. The college continues its commitment to support an environment in which all employees and students can work and learn free of harassment, discrimination, and sexual violence.

The Office of Equity, Social Justice, and Multicultural Education and the Equity Council according to its mission help facilitate campus-wide development and support, engagement, and implementation of programs that are in line with De Anza College’s vision of equity, social justice and multicultural education. Examples of their efforts are:

Three gender-neutral restrooms have been added at De Anza College. These single occupancy gender-neutral restrooms provide a safe and discrimination free restroom for people who are not comfortable using single-sex restrooms. The restrooms meet the De Anza goal of having all people feel safe and included. The hope is to have more gender-neutral restrooms in the future.

“Men Addressing Violence: A Peace & Justice Summit” workshop was offered to students and staff as an effort to address men’s issues. Topics included domestic violence, teen and dating violence, and raising boys to manhood. The intent was to present a workshop which provided information and encouraged dialogue about men’s issues. Better informed participants make wiser decisions in regard to sexual appropriate behavior.

Psychological Services staff, after attending a training workshop developed a series of three LGBTQIA workshops. The workshops focused on reducing the stigma of publicity and helped attendees recognize when micro aggression and sexual violence had been directed against them. The workshops were offered in 2016 and continue to be available.

## Appendix C

### RELEVANT STATE AND FEDERAL WEBSITES

U.S. Department of Education – Campus Security

<https://www2.ed.gov/admins/lead/safety/campus.html>

U.S. Department of Education – Safe Supportive Learning

<https://safesupportivelearning.ed.gov/training-technical-assistance/education-level/higher-education>

U.S. Department of Education – The Campus Safety and Security Data Analysis Cutting Tool

<https://ope.ed.gov/campussafety/#/>

Institutional Security Policies and Crime Statistics

<https://www2.ed.gov/policy/highered/reg/hearulemaking/2014/vawa3-finalconsensus.pdf>

White House – Violence Against Women Act

[https://obamawhitehouse.archives.gov/sites/default/files/docs/vawa\\_factsheet.pdf](https://obamawhitehouse.archives.gov/sites/default/files/docs/vawa_factsheet.pdf)

U.S. Department of Justice – Office on Violence Against Woman <http://www.justice.gov/ovw>

U.S. Department of Education – Family Educational Rights and Privacy Act (FERPA)

<http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

California Codes Education Code – Sections 67380-67385.7

<https://leginfo.legislature.ca.gov/faces/codesTOCSelected.xhtml?tocCode=EDC&tocTitle=+Education+Code+-+EDC>

State of California Department of Justice – Megan’s Law Home <http://www.meganslaw.ca.gov/>

California Community Colleges Chancellor’s Office <http://www.cccco.edu/>

Clery Act - Security on Campus <http://clerycenter.org/>

## Appendix D

### ABBREVIATIONS

Clery Act:	Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act
CCD:	Community College District
CSA:	Campus Security Authority
DUI:	Driving under the influence
DWI:	Driving while intoxicated
ED:	U.S. Department of Education
HEA:	Higher Education Act of 1965
HEOA:	Higher Education Opportunity Act
EOP:	Emergency Operations Plan
FERPA:	Family Educational Rights and Privacy Act
FBI:	Federal Bureau of Investigation
FHDA:	Foothill–De Anza
FSEOGs:	Federal Supplemental Educational Opportunity Grants
GO:	General Order
LEAP:	Leveraging Educational Assistance Partnership
MOA:	Memorandum of Agreement
MOU:	Memorandum of Understanding
NIBRS:	Uniform Crime Reporting National Incident-Based Reporting System
PPA:	Program Participation Agreement
SOP:	Standard operating procedure
UCR:	Uniform Crime Reporting

## Appendix E

### Higher Education Act of 1965 Safety and Security related Laws and Regulations

A-1. *Federal Register*, Nov. 1, 1999 (Vol. 64, No. 210), Student Assistance General Provision; Final Rule. 34 CFR 668.41, Reporting and Disclosure of Information 34 CFR 668.46, Institutional Security Policies and Crime Statistics

A-2. *Federal Register*, Oct. 31, 2002 (Vol. 67, No. 211), Student Assistance General Provision; Final Rule. 34 CFR 668.46, Institutional Security Policies and Crime Statistics

A-3. *Federal Register*, Oct. 29, 2009 (Vol. 74, No. 208), General and Non-Loan Programmatic Issues; Final Rule. 34 CFR 668.41, Reporting and Disclosure of Information 34 CFR 668.46, Institutional Security Policies and Crime Statistics 34 CFR 668.49, Institutional Fire Safety Policies and Fire Statistics

A-4. Higher Education Opportunity Act, Aug. 14, 2008. Program Participation Agreement Requirements

A-5. *Federal Register*, Nov. 1, 1999 (Vol. 64, No. 210), Student Assistance General Provision; Final Rule. 34 CFR 668.41, Reporting and Disclosure of Information 34 CFR 668.46, Institutional Security Policies and Crime Statistics

## Appendix F

### IMPORTANT TELEPHONE NUMBERS

# EMERGENCY

**9-1-1**

CELL PHONES FOR **ON-CAMPUS EMERGENCIES ONLY**

**408-924-8000**

Foothill-De Anza POLICE DEPARTMENT - BUSINESS

650-949-7313

Foothill-De Anza POLICE DEPARTMENT – RECORDS

650-949-7513

Foothill-De Anza POLICE DEPARTMENT – LIVE SCAN (Fingerprinting)

650-949-7925

Foothill-De Anza POLICE DEPARTMENT – FAX

650-941-4963

## Appendix G

### SOCIAL MEDIA LINKS

Website – <https://police.fhda.edu>

Twitter – @FHDA\_Police

Facebook – @FHDAPolice

Instagram - @fhdapolice

