

aimc sexual misconduct & title IX resources

policy procedues &
education

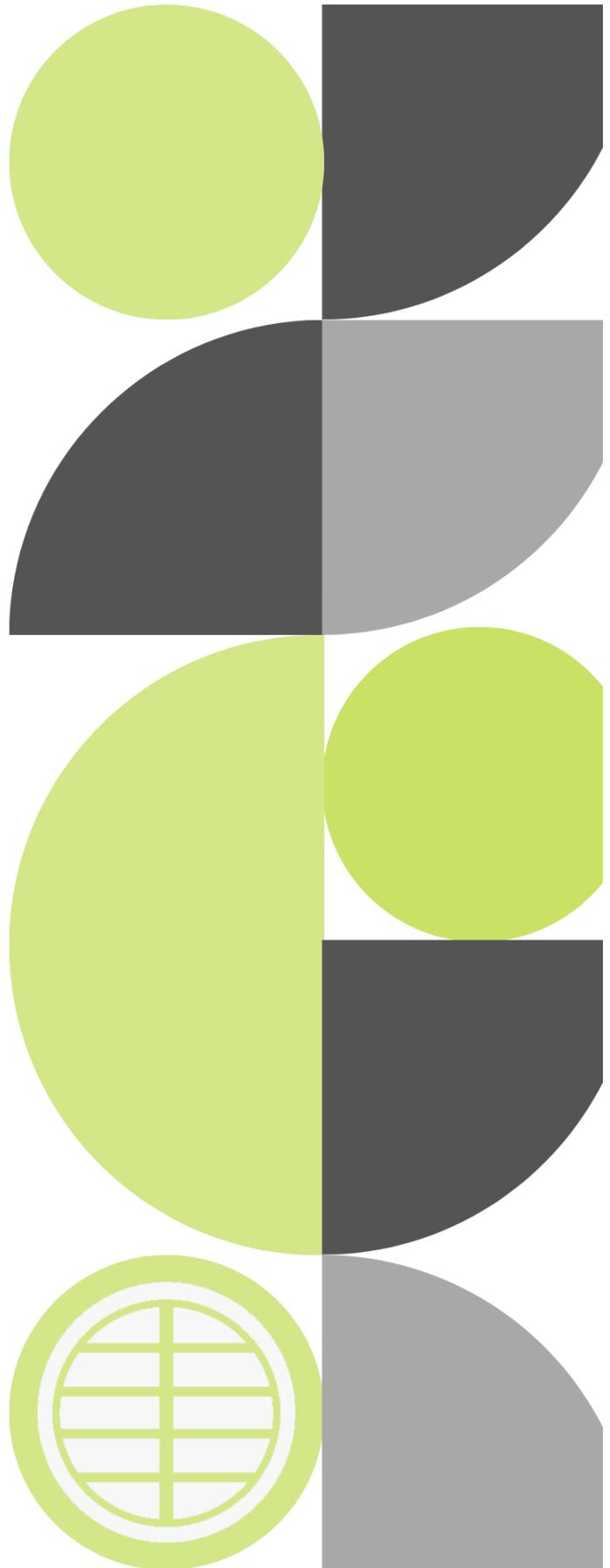


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INTRODUCTION

AIMC Berkeley is committed to creating an environment free from violence and intimidation. The college strictly prohibits any act of sexual assault, domestic violence, dating violence or stalking. These offenses will not be tolerated, and any member of the AIMC community found to have committed such an act will face harsh disciplinary action including, but not limited to, mandated counseling, restricted access to college property and functions, dismissal from the college, termination of employment at the college, and/or prosecution by external authorities.

DEFINITIONS

Consent

Consent means positive cooperation in act or attitude. 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.

Evidence that the victim suggested, requested, or otherwise communicated to the defendant that the defendant use a condom or other birth control device is not sufficient to constitute consent.

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.

Dating violence

Dating violence is when an individual purposely causes physical or psychological harm to a person he or she is dating. Dating violence includes:

- *Physical abuse* like hitting, shoving, kicking, biting, or throwing things
- *Emotional abuse* like yelling, name-calling, bullying, embarrassing, keeping you away from your friends, saying you deserve the abuse, or giving gifts to "make up" for the abuse.
- *Sexual abuse* like forcing you to do something sexual (such as kissing or touching) or doing something sexual when you cannot agree to it (like when you are very drunk).

Dating violence often starts with emotional abuse. You may think that behaviors like calling you names or insisting on seeing you all the time are a "normal" part of relationships. But they can lead to more serious kinds of abuse, like hitting, stalking, or preventing you from using birth control.

Domestic violence

Domestic violence means abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship. It is also when the abused person and the abusive person are closely related by blood or by marriage.

- *Abuse* means intentionally or recklessly causing or attempting to cause bodily injury, or making another person fearful of imminent serious bodily injury to himself or herself, or another.
- *Cohabitant* means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to, (1) sexual relations between the parties while sharing the same living quarters, (2) sharing of income or expenses, (3) joint use or ownership of property, (4) whether the parties hold themselves out as husband and wife, (5) the continuity of the relationship, and (6) the length of the relationship.

Rape

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

- 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.
- 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.
- 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.
- Where a person is at the time unconscious of the nature of the act, and this is known to the accused. "Unconscious of the nature of the act" means incapable of resisting because the victim:
 - Was unconscious or asleep.
 - Was not aware, knowing, perceiving, or cognizant that the act occurred.
 - Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.
 - 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.
- Where a person submits under the belief that the person committing the act is the victim's spouse, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.
- 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.
- 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.

Sexual Assault

The legal definition according to California law defines sexual battery (assault) as, "the act of touching another person's intimate parts for the purpose of sexual arousal, gratification, or abuse, against the will of the person." Intimate parts (private parts) refer to the sexual organs of any person and the breast of a female.

Sexual Harassment

Sexual Harassment is unwelcome conduct on the basis of sex that is, sufficiently severe, persistent or pervasive that it, unreasonably interferes with, denies or limits an individual's ability to participate in or benefit from the college's educational program and/or activities, and is based on power differentials (quid pro quo), the creation of a hostile environment, or retaliation.

Stalking

Any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family is guilty of the crime of stalking. This includes, but is not limited to threats, unwanted attention and gifts, monitoring of behavior, or the use of electronic communication devices to achieve the above.

- "Harasses" means engages in a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, torments, or terrorizes the person, and that serves no legitimate purpose.
- "Credible threat" means a verbal or written threat, including that performed through the use of an electronic communication device, or a threat implied by a pattern of conduct or a combination of verbal, written, or electronically communicated statements and conduct, made with the intent to place the person that is the target of the threat in reasonable fear for his or her safety or the safety of his or her family, and made with the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety or the safety of his or her family. It is not necessary to prove that the defendant had the intent to actually carry out the threat. The present incarceration of a person making the threat shall not be a bar to prosecution under this section.
- "Electronic communication device" includes, but is not limited to, telephones, cellular phones, computers, video recorders, fax machines, or pagers.
- "Immediate family" means any spouse, parent, child, any person related by consanguinity or affinity within the second degree, or any other person who regularly resides in the household, or who, within the prior six months, regularly resided in the household.

PREVENTION

BYSTANDER INTERVENTION

As members of the AIMC community, we all can do things to help prevent sexual violence. There are safe and positive ways that potential witnesses can act to prevent or intervene when there is a risk for sexual violence. This can include naming and stopping situations before they happen, stepping in during an incident, and speaking out against ideas and behaviors that support sexual violence. We each can develop skills to be an effective and supportive ally to survivors after an assault has taken place.

What to do

- 1) Take note and assess the situation
- 2) Determine whether it is an emergency or non-emergency
- 3) Assume responsibility to help

Emergency Helping

- Look for the best exit strategies (getting out of the situation) for those involved.
- Be clear and direct with all of your requests.
- Make *safe* choices; consider the level of risk in choosing an action for intervening.
- Understand boundaries and limits - don't be a hero. Remember verbal fights can quickly turn into physical fights. *****It is often better to WALK AWAY.**
- Intervene *early* – before a problem becomes a crisis or disaster.
- Choose the most *effective* ways of helping for that particular situation. Be sure to not make the situation escalate.
- Publicly state your commitment to helping. "I will do X."
- Engage other bystanders – You do "Y."
- Discuss consequences that the person cares about – Encourage VALUE BASED DECISIONS.
- Assess personal exposure/liability when actions you know about are criminal.
- Call 9-1-1 if it is not safe or prudent for you to help directly.

Non–Emergency Helping (Non-emergency situations unfold more slowly and allow more careful planning of a helping response). Consider both DIRECT and INDIRECT ways to intervene.

- Direct: You speak with the person directly.
- Indirect: Talk to another person who you feel could be helpful or give guidance and direction – group member, counselor, administrator, professional.

If you do not act immediately, don't ignore the situation. Just because you don't act right then and there doesn't mean you can't do it later!

Possible phrases with which to confront a group member or another person:

- "The group needs you and expects more from you."

- “This is (X school). That is not what we are about.”
- “I know you are better than that.”
- “You know that’s not OK.”

Strategies for intervening

- Defensive Split – Step in and separate two people. Let them know your concerns and reasons for intervening. Be a friend and let them know you are acting in their best interest. Make sure each person makes it home safely
- Pick and Roll – Use a distraction to redirect the focus somewhere else: “Hey, I need to talk to you.” or “Hey, this party is lame. Let’s go somewhere else.”
- The Option – Evaluate the situation and people involved to determine your best move. You could directly intervene yourself, or alert friends of each person to come in and help. If the person reacts badly, try a different approach.
- Full Court Press – Recruit the help of friends of both people to step in as a group.
- Fumblersoski – Divert the attention of one person away from the other person. Have someone standing by to redirect the other person’s focus (see Pick and Roll). Commit a party foul (i.e. spilling your drink) if you need to.

Other things to consider

- Conduct conversations in a safe environment
- Determine the priority goal; Formulate a plan
- Be curious/ask questions to understand from their point of view. (Perspective taking)
- Be sensitive, understanding and non-judgmental
- Be ready for a negative reaction. People can feel attacked when confronted and can get angry and defensive. Assure them that you care about them and are concerned about their behavior. Other considerations if you meet resistance:
- Don’t take verbal attacks personally. Stay calm, positive, remember your purpose and try to help your friend understand your point of view.
- Practice the conversation with a friend before holding the real one. Anticipate reactions and think about how to deal with them.
- Take care of yourself – it can be difficult on helpers as well.
- Know your limits as a helper – engage others as necessary
- Follow up.

WARNING SIGNS

Early warning signs: Jealousy, attempts at monitoring activities, not respecting boundaries, possessiveness, threats of destruction of property, questioning beliefs and choices, and putting the person down. *Do not automatically assume that the female is always the victim and the male is always the perpetrator.*

General warning signs of domestic abuse. People who are being abused may:

- Seem afraid or anxious to please their partner
- Go along with everything their partner says and does
- Check in often with their partner to report where they are and what they're doing
- Receive frequent, harassing phone calls from their partner
- Talk about their partner's temper, jealousy, or possessiveness

Warning signs of physical violence. People who are being physically abused may:

- Have frequent injuries, with the excuse of "accidents"
- Frequently miss work, school, or social occasions, without explanation
- Dress in clothing designed to hide bruises or scars (e.g. wearing long sleeves in the summer or sunglasses indoors)

Warning signs of isolation. People who are being isolated by their abuser may:

- Be restricted from seeing family and friends
- Rarely go out in public without their partner
- Have limited access to money, credit cards, or the car

The psychological warning signs of abuse. People who are being abused may:

- Have very low self-esteem, even if they used to be confident
- Show major personality changes (e.g. an outgoing person becomes withdrawn)
- Be depressed, anxious, or suicidal

Warning signs of stalking

- Unwanted Communication. Persistent telephone calls, countless text messages or incessant emails. Unwanted gifts, phone calls and inappropriate letters
- Monitoring Your Home or Workplace. If you are persistently running into a specific person or are being monitored at your home/workplace by this person, you are being stalked.
- Threats or Violence. This behavior is more commonly displayed by a "rejected stalker" who was a former friend or lover, and the stalking is the consequence of the breakup. Because the stalker cannot reconcile the relationship or cope with the humiliation of being rejected, the stalker is prone to harm his victim. If the stalker is violent, they were probably violent during the relationship as well.

- Defamation or Manipulative Behavior. Stalkers may also threaten to harm themselves (i.e., suicide) to prompt a response of concern from their victims. A perpetrator may even try to defame the victim's character by lying to family, co-workers and friends.

RISK REDUCTION

Reduce the Risk of Being Sexually Assaulted

- Know where you are going and speak up if you are uncomfortable with the plans.
- If you drink, drink responsibly: eat a full meal before going out, have a glass of water between each drink, stick to one type of alcoholic beverage, know your limits and don't go beyond them, have a designated driver, and don't let anyone else make the decision of how much you will drink.
- Only drink something that you have poured yourself or that comes in a pre-sealed container. Premixed drinks can have more alcohol in them than you might want to drink. Also, drugs like Rohypnol and GHB are being dissolved in drinks, causing the person who consumes the beverage to lose consciousness quickly. Don't drink something that has been left unattended.
- Don't go anywhere with someone you don't know well. If you do leave a party with a new friend, tell the friends you came with where you are going and when you are coming back.
- Know your sexual intentions and limits. You have the right to say "NO" to any unwanted sexual contact. If you are uncertain of what you want, ask your partner to respect your feelings.
- Communicate your limits firmly and directly. If you say "No," say it like you mean it. Avoid giving mixed messages. Back up your words with a firm voice and clear body language. Do not assume that someone will automatically know how you feel or will eventually "get the message" without you having to say anything.
- Remember that some people think that drinking, dressing provocatively, or going to your or your date's room is saying you are willing to have sex. Be clear up front about your limits in such situations.
- Listen to your gut feelings. If you feel uncomfortable or think you might be at risk, leave the situation immediately and go to a safe place.
- Don't be afraid to "make waves" if you feel threatened. If you feel you are being pressured or coerced into sexual activity, don't hesitate to state your feelings and leave the situation.
- Attend large parties with friends you trust. Agree to "look out" for one another. Leave with the group, not alone. Avoid leaving with people that you don't know very well.
- Attend a workshop on sexual assault risk reduction or take a self-defense course

Reduce the Risk of Committing Sexual Assault

- Listen carefully. Take time to hear what the other person has to say. If you feel s/he is not being direct or is giving you a "mixed message," ask for clarification.
- Don't fall for the cliché "if they say no, they really mean yes." If your partner says "no" to sexual contact, believe them and stop.
- Remember that sexual assault is a crime. It is never acceptable to force sexual activity, no matter what the circumstances.

- Don't make assumptions about a person's behavior. Don't assume that someone wants to have sex because of the way they are dressed, they drink (or drink too much), or agree to go to your room. Don't assume that if someone has had sex with you before that they are willing to have sex with you again. Also don't assume that if your partner consents to kissing or other sexual activities, they are consenting to all sexual activities.
- Be aware that having sex with someone who is mentally or physically incapable of giving consent is rape. If you have sex with someone who is drugged, intoxicated, passed out, or is otherwise incapable of saying no or knowing what is going on around them, you may be guilty of rape.
- Be careful in group situations; resist pressure from friends to participate in violent acts.
- Get involved if you believe that someone is at risk. If you see someone in trouble or someone pressuring another person, don't be afraid to intervene.

Reduce the Risk of an Abusive Relationship

- Listen to yourself if you are sensing "bad vibes", especially if you are feeling down on yourself or find yourself afraid in a relationship. Trust your instincts.
- Know that even one instance of physical, verbal or emotional violence is dating violence.
- Cruelty or physical violence to other people, animals or you, even if it happens just once, is a sure sign that more abuse is to come.
- Be alert to actions which reduce your personal independence and self-control, such as urging you to give up existing friendships or family connections, telling you either what to wear, or what to say or who to hang out with.
- Be alert to signs of jealousy and/or possessiveness. These are signs of insecurity, not love.
- Seek assistance from professionals who can help you learn more about abusive relationships and to explore options that are available to you.

Reduce the Risk of being stalked

- If you are in immediate danger, call 911.
- Do not ignore any threat. Report any instance of stalking to campus security or the local police, immediately. Trust your instincts.
- Don't downplay a sense of danger by thinking "it will just go away". If you feel unsafe, you probably are. Stalking behavior typically does not just stop.
- Limit the distribution of personal information, including home address and phone numbers, and be wary of any person who seeks to obtain too much personal information about you too quickly. Be careful about what you choose to post on public web services, such as Facebook. Fully shred all personal information before disposing of anything in the trash.
- Maintain quick access to critical telephone numbers and the location of safe places.

WHAT TO DO IF YOU ARE A VICTIM

OF SEXUAL ASSAULT OR RAPE

- Find a safe location away from the perpetrator. Ask a trusted friend to be with you for moral support.
- Know that what happened was not your fault.
- Preserve all evidence of the attack. Do not:
 - Do not bathe, wash your hands, brush your teeth, eat, or smoke.
 - Use the restroom
 - Change clothes
 - Comb hair
 - Clean up the crime scene
 - Move anything the offender may have touched
- If you are still in the location at which the crime occurred, do not clean or straighten up or remove anything.
- Write down all the details you can recall about the attack and the perpetrator.
- Report the attack to law enforcement immediately (local authorities can be reached by calling 911)
- Seek medical care as soon as possible. Even if you do not have any visible physical injuries, you may be at risk of acquiring a sexually transmitted disease (women may also be at risk for pregnancy).
 - To find a local hospital or healthcare facility that is equipped to collect forensic evidence, contact the National Sexual Assault Hotline (800.656.HOPE). The hotline will connect you to your local crisis center, which can provide information on the nearest medical facility, and in some instances, send an advocate to accompany you through the evidence collection process.
 - Ask the health care professional to conduct a Sexual Assault Forensic Exam (SAFE).
 - If you suspect you have been drugged, request that a urine sample be collected to preserve evidence.
- Recognize that healing from an attack takes time. Give yourself the time you need and know that it is never too late to get help.
- For free, confidential help 24/7, contact the National Sexual Assault Hotlines (800.656.HOPE or online.rainn.org).

OF STALKING

- Call 911 if you are in immediate danger. Emergency services will transfer you to local police or the fire department to help you right now.
- Listen to your instincts. If you feel threatened by a person you think is stalking you, it is most likely he is a stalker. Listen to what the stalker says. If he talks about suicide or murder, believe that he will harm you.
- If someone is following you, never go home.

- Create a personal safety plan. Think of a plan to use if the stalker shows up at your home or work.
- Do not communicate with the stalker.
- Use an answering machine to screen calls. Save all voicemail messages from the stalker, or record them to a tape recorder and save the tapes.
- To report telephone harassment and get help in documenting harassing phone calls call the Unlawful Call Center at 1 (800) 518-5507
- You can have your phone reject calls from anonymous or unknown callers by contacting your local telephone service provider.
- Acquaint yourself with 24-hour stores and other public, highly populated areas in your neighborhood.
- Inform security at your place of employment that you are being stalked.
- Inform friends, family, neighbors, and other people you know that you are being stalked so that the stalker cannot get information about you from them.
- If you have a picture of your stalker, give one to people you know at the places you frequent.
- Contact a stalker hotline for more information about what to do. The National Center for Victims of Crime and the National Domestic Violence hotline help stalking victims to escape their stalkers and they offer free legal advice.
- Keep all the evidence from the stalking. Record in a notebook when he/she turns up at your job or home or when he/she calls you. Keep letters, emails, gifts, or photographs that the stalker sends you. Note the dates on the items. Photograph any damage the stalker has done to your personal property using a digital camera that displays the date. Find witnesses who are willing to write down what they saw the stalker doing.
- Contact your local police department to find out what your local laws are on stalking. Your stalker may have already broken laws, such as damaging your personal property. Consider filing a restraining order against your stalker to stop him from coming near you.
- If you have a restraining order, make several copies, and carry a copy with you at all times.

OF DOMESTIC VIOLENCE

Prepare for emergencies

- Know your abuser's red flags. Be on alert for signs and clues that your abuser is getting upset and may explode in anger or violence. Come up with several believable reasons you can use to leave the house (both during the day and at night) if you sense trouble brewing.
- Identify safe areas of the house. Know where to go if your abuser attacks or an argument starts. Avoid small, enclosed spaces without exits (such as closets or bathrooms) or rooms with weapons (such as the kitchen). If possible, head for a room with a phone and an outside door or window.

- Come up with a code word. Establish a word, phrase, or signal you can use to let your children, friends, neighbors, or co-workers know that you're in danger and the police should be called.

Make an escape plan

- Be ready to leave at a moment's notice. Keep the car fueled up and facing the driveway exit, with the driver's door unlocked. Hide a spare car key where you can get it quickly. Have emergency cash, clothing, and important phone numbers and documents stashed in a safe place (at a friend's house, for example).
- Practice escaping quickly and safely. Rehearse your escape plan so you know exactly what to do if under attack from your abuser. If you have children, have them practice the escape plan also.
- Make and memorize a list of emergency contacts. Ask several trusted individuals if you can contact them if you need a ride, a place to stay, or help contacting the police. Memorize the numbers of your emergency contacts, local shelter, and domestic violence hotline.

Phone & computer safety

- When seeking help for domestic violence, call from a public pay phone or another phone outside the house if possible. In the U.S., you can call 911 for free on most public phones, so know where the closest one is in case of emergency.
- Avoid cordless telephones. If you're calling from your home, use a corded phone if you have one, rather than a cordless phone or cell phone. A corded phone is more private, and less easy to tap.
- Call collect or use a prepaid phone card. Remember that if you use your own home phone or telephone charge card, the phone numbers that you call will be listed on the monthly bill that is sent to your home.
- Check your cell phone settings. There are cell phone technologies your abuser can use to listen in on your calls or track your location. Your abuser can use your cell phone as a tracking device if it has GPS, is in "silent mode," or is set to "auto answer." So consider turning it off when not in use or leaving it behind when fleeing your abuser.
- Get your own cell phone. Consider purchasing a prepaid cell phone or another cell phone that your abuser doesn't know about. Some domestic violence shelters offer free cell phones to battered women. Call your local hotline to find out more.
- Use a safe computer. If you seek help online, you are safest if you use a computer outside of your home. You can use a computer at work, a friend's house, the library, your local community center, or a domestic violence shelter or agency.
- Be cautious with email and instant messaging. Email and instant messaging are not the safest way to get help for domestic violence. Be especially careful when sending email, as your abuser may know how to access your account. You may want to consider creating a new email account that your abuser doesn't know about.
- Change your user names and passwords. Create new usernames and passwords for your email, online banking, and other sensitive accounts. Even if you don't think your abuser has your passwords, he may have guessed or used a spyware or keylogging program to

get them. Choose passwords that your abuser can't guess (avoid birthdays, nicknames, and other personal information).

Protecting yourself after you leave

- Get an unlisted phone number.
- Use a post office box rather than your home address.
- Apply to your state's address confidentiality program, a service that confidentially forwards your mail to your home.
- Cancel your old bank accounts and credit cards, especially if you shared them with your abuser. When you open new accounts, be sure to use a different bank.
- If you're remaining in the same area, change up your routine. Take a new route to work, avoid places where your abuser might think to locate you, change any appointments he knows about, and find new places to shop and run errands.
- If you have children, they may need to switch schools
- Keep a cell phone on you at all times and be ready to call 911 if you spot your former abuser.
- Consider getting a restraining order or protective order against your abusive partner.

REPORTING

Reporting a sex offense, domestic violence, dating violence, sexual assault or stalking to the police or a campus official does not mean you are obligated to pursue further legal action. Remember that the earlier you report an incident, the easier it will be for the police to investigate the crime, and to prosecute the case successfully if you decide to move ahead with legal action. Even if you initially do not intend to pursue legal action, it helps to have a prompt and strong investigation should you change your mind in the future.

Any member of the AIMC community may choose to file a complaint or report an incident to AIMC Berkeley instead of, or in addition to, seeking legal action outside the college. Someone with a complaint of sexual misconduct may decide to report an incident via the legal system without going through the college's disciplinary process. However, in the interest of community safety, AIMC Berkeley may be obligated to conduct an internal investigation and pursue disciplinary procedures.

If a student believes he or she is a victim of a sexual assault, stalking, or a violent crime, he or she is encouraged to notify the police or campus official immediately. In the initial meeting with police, you will be asked to tell them what happened, where it happened, and what your attacker looked like. If you wish to have the assailant prosecuted, the police and district attorney's office will handle the legal proceedings without expense to you. You do not need to hire an attorney.

Students can also seek assistance from the College President, or Director of Student Services, (Title IX Coordinator), who can guide the student through the reporting process and provide access to important resources and support services. If it is determined that any of the individuals involved need immediate medical care, the first priority is to make sure those individual receive the necessary medical attention.

If a student wishes to pursue internal action within the college, a Complaint and Incident Form should be completed and submitted to the College President or Director of Student Services. The accused also has a right to submit a counter-complaint by completing a Complaint and Incident Form.

PROCEEDINGS

INSTITUTIONAL RESPONSIBILITY

Once a Complaint and Incident Form is received, The Title IX Coordinator shall meet with the complainant and inform them of the availability of supportive measures with or without the filing of a formal complaint. The process for filing a formal complaint is also explained. A formal complaint can be signed by either the complainant or Title IX Coordinator.

A complainant's wishes regarding filing a formal complaint and proceeding with a school investigation will be respected. However, a formal complaint and investigation may be initiated over the wishes of the complainant if the known circumstances indicate that such action is not unreasonable.

If a formal complaint is filed, AIMC must legally respond and initiate a formal investigation if the following conditions are met:

- The harassment or misconduct must be sufficiently severe, persistent, or pervasive and adversely affects a student's education or creates a hostile or abusive educational environment.
- The sexual misconduct occurred on campus or in the context of educational activities, such as college-owned buildings and college-sponsored trips. Off-campus housing, and educational trips outside of the United States such as study abroad programs are excluded.

If the allegations in the formal complaint do not meet the above conditions, the school must dismiss such allegations for purposes of Title IX. However, the college may still address the allegations in any manner the school deems appropriate under the school's own code of conduct.

NOTIFICATION

When a formal complaint is filed and the situation warrants an investigation under Title IX regulations, written notification in electronic format or hard copy is sent to both parties outlining the charges/accusations as well as the disciplinary process. Both parties are also offered supportive measures. The respondent is presumed innocent until/unless the hearing process proves otherwise. Both parties are informed that they should obtain an Advisor (who may be an attorney) to guide and advocate for them throughout the process. A statement of no retaliation is included in the notification.

RETALIATION

Intimidation, threats, coercion, or discrimination against any individual who has made a report or complaint, testified, assisted, participated or refused to participate in Title IX investigations or proceedings is strictly prohibited. In an effort to prevent retaliation, the school will keep

confidential the identity of the individual who made the report or complaint, the individual who has been reported to be the perpetrator, and any actual or potential respondent or witness.

INVESTIGATION

Once the Title IX Coordinator receives the formal complaint, the school Investigator will begin the investigatory process. The process includes fact gathering, and interviews with both parties and any witnesses. A party's medical, psychological, and similar treatment records cannot be accessed or used unless the school obtains the party's voluntary, written consent to do so. Schools must send the parties and their advisors, all the evidence obtained in the investigation and allow them at least 10 days to review and comment in writing. The investigator then prepares an investigative report that summarizes relevant evidence, in electronic format or hard copy, at least 10 days prior to informal resolution or live hearing. Each party has the right to file a written response to the investigative report.

EMERGENCY REMOVAL

When safety and/or time issues mandate the need for an immediate decision, the College President or other member of the Executive Committee will conduct an individualized safety and risk analysis. If the analysis determines there is an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment, the source of the threat may be removed and barred from campus and/or school functions until Informal Resolution or Hearing takes place. The respondent has an opportunity to challenge the decision immediately following removal.

INFORMAL RESOLUTION

AIMC may choose to offer and facilitate informal resolution options, such as mediation or restorative justice, so long as both parties give voluntary, informed, written consent. Informal resolution cannot be offered unless a formal complaint has been filed. Each party has the right to withdraw from the informal resolution process at any point and instead opt for a hearing. The informal resolution process is prohibited in allegations that involve an employee/instructor acting inappropriately against a student.

LIVE HEARING

Both the respondent and complainant appear at the hearing at the same time. Either party can request that the live hearing take place with the parties in separate rooms with technology that allows the decision makers and all parties to see and hear one another in real time. The hearing will be recorded or transcribed. All information gathered during the investigatory, pre-hearing, and hearing process will be taken into consideration.

If a party or witness chooses not to appear at the live hearing, or opts not to answer cross-examination questions, the decision-maker will then exclude that individual's statements and cannot rely on any of that person's statements when making a decision. The decision-maker also cannot make any inferences – positive or negative – about a party's choice not to be cross-examined or to not answer certain questions.

- At the live hearing each party’s advisor is permitted to ask the other party and any witnesses any relevant questions, including follow-up questions and questions challenging credibility. Cross-examination is only permitted by advisors, never any of the involved parties.
- Trained decision maker(s) will determine the relevance of each question.
- The respondent and complainant will be treated with dignity, courtesy, and professionalism.
- In an effort to follow Civil rights laws, and Title IX guidelines, the college will adhere to a preponderance-of-the-evidence standard. There must be substantial evidence showing that the alleged incident/behavior is “more likely than not” to have happened in order for disciplinary action to take place.

DETERMINATION

Following the hearing, the decision maker(s) will issue a written Determination regarding responsibility. The document will include the following:

1. The allegations that could constitute sexual harassment
2. A description of the procedural steps undertaken, including notifications to parties, interviews and site visits, methods used to gather evidence, and hearings
3. Findings of fact that support the determination regarding responsibility
4. Conclusions about the application of the institution’s code of conduct to the facts
5. An explanation regarding the result of each allegation, including the determination of responsibility, any disciplinary actions against the respondent, and any remedies to be provided to the complainant
6. Statement of no retaliation
7. Procedures and bases for appeal.

The determination regarding responsibility will be sent to both parties simultaneously. The Determination is final (1) on the day the appeal deadline has passed if no appeal is filed, or (2) on the day the institution notifies the parties of the written result of an appeal, if one is filed.

APPEALING

Students and employees have the right to appeal by submitting an appeal request. Appeals must be received within 5 business days of receiving the written Determination Regarding Responsibility. When an appeal is filed, the college will notify all parties in writing, identify who will hear and decide the appeal, and ensure that the appeal decider(s) is free of bias and is properly trained. Those involved in the appeal decision will not be the Title IX Coordinator, the investigator(s), or the decision maker(s) from the previous review of the case.

Both parties have the opportunity to submit written statements which will be considered before the appeal decider(s) prepare a written decision outlining the result and rationale of the appeal decision. The decision of the appeal decider/committee is final.

An appeal will be allowed if any of the following is asserted:

- Procedural irregularities affected the outcome
- New evidence that could affect the outcome
- Bias of the Title IX Coordinator, investigator or decision-maker

PENALTIES

The range of college penalties and sanctions shall include, but are not limited to: alteration of class or work schedule, loss of privileges, restitution, conduct probation, mandated counseling, and/or termination from school or the workplace.

Violations of the law regarding rape or sexual offenses may be subject to prosecution through both legal and civil authorities. Such legal decisions are separate from, but may supersede, any AIMC Berkeley disciplinary decisions.

CONFIDENTIALITY

AIMC Berkeley will make every reasonable effort to preserve an individual's privacy and protect the confidentiality of information within parameters imposed by the law. If you decide to report the crime to the police, you can be assured your name will not be made public

The college may issue a safety awareness alert, consisting of brief description including time and location, to notify the community about the occurrence of a serious crime or pattern of crimes that might put the public at risk. AIMC Berkeley is also required by law to tabulate and annually report sexual assault and other campus crime statistics to the public. Names, addresses, or any other identifying information will not be included in this report.

AIMC is required to keep Title IX proceedings confidential except as permitted by FERPA or required by law. All records and materials pertaining to the case must be kept on file for 7 years

RESOURCES

- National Domestic Violence Hotline at 1-800-799-7233 or 1-800-787-3224 or visit www.ndvh.org
- National Teen Dating Helpline at 1-866-331-9474 or visit www.loveisrespect.org
- National Sexual Assault Hotline at 1-800-656-4673 or visit www.rainn.org

Please try to use a safe computer that someone abusive does not have direct access to, or even remote (hacking) access to, such as a computer in a public library, at a trusted friend's house, or at an Internet Cafe. Also, traditional "corded" phones are more private than cellular phones or cordless phones.

ALAMEDA COUNTY

A Safe Place – For Women, Men, and Children
Hotline 24-hours 510-536-SAFE (510-536-7233)
Main Phone 510.986.8600
<http://asafeplacedvs.org/>

A Safe Place is a shelter program for victims of domestic violence and is located in a confidential location. Residents stay a maximum 90 days. Emergency shelter is provided via a residential shelter and motel program. Support services include case management, professional counseling, legal, court and social service advocacy, including CALWORKS services. Basic necessities include meals, clothing, toiletries, and referrals for assistance with emergency medical needs.

Emergency transportation on a 24-hour basis to shelters or other places of safety appropriate for DV victims and their children. Various modes of transportation are provided to clients. The counselors on the 24-hour crisis line offer referrals for crisis counseling, information about domestic violence, shelter services, and referrals to agencies throughout the Bay Area.

Children's Program – The Children's Program is designed to provide a safe environment minors from infant to age 17. The program provides support counseling (individual and group) depending on age appropriateness

Ruby's Place (Formerly Emergency Shelter Program)
Admin. Office: 1180 B street, Hayward, CA 94541
(510) 581-5626
Hotline: (510) 786-1246 or (888) 339-SAFE
<https://www.rubysplace.org/>

Provides shelter and support services to women and their children, who are homeless for any of the following reasons:

- Domestic Violence
- Human Trafficking
- Financial Hardship
- Eviction
- Family Problems
- Loss of Employment

Crisis Services:

- 24-hour crisis hotline: Call 510.786.1246 or 1.888.339.SAFE
- Emergency shelter for women and children
- 24 hour emergency pick-up for incoming clients from a public location

Case Management Services:

- Employment Counseling & job training
- Housing Search and Application Assistance
- Budget and Finance Counseling
- Cal Works, GA, WIC, Food Stamp and other Social Service Assistance and Advocacy-
- Educational Counseling and Assistance in Enrollment
- Restraining Order Services
- Court Accommodation- Accompaniment to court hearings and advocacy when needed
- Immigration Support and Counseling
- Peer Counseling- in all languages.
- Transportation- to appointments, interviews, child care, court and to off-site services.

Therapeutic Services:

- Psychiatric Referrals
- Mental Health Counseling and Therapy (Indiv'l, family, etc.)
- Parenting and Life skills Counseling
- Domestic Violence Counseling and Support
- Substance abuse assessment, therapy and referral.
- Victims of Crime advocacy and application assistance.
- Aftercare mental health services including home visits

Children's Program Services:

- Children's Individual Group Therapy and Educational Play
- Standardized assessment used to coach parents and set developmental goals
- Tutoring Program- twice per week, grades K-12
- Parent and child bonding activities and field trips.
- Advocacy for educational and developmental delayed services.

Other In-Shelter Services:

- Medical and Health Care appointments - Alameda County Health Van on site once every two months to see both adults and children for non-emergency medical issues.
- Perishable and Non-Perishable Food: Basic food items are provided daily. Kitchen is available 24 hours per day.
- Laundry facilities free of charge
- Playground for children

- Entertainment and children's games, arts & crafts, books, for children.
- Clothing closet for shelter clients, free of charge
- Resource center with computer and internet access
- Access to a phone for local calls and longer distance when it pertains to housing, job search, or social services.

Safe Alternatives to Violent Environments (SAVE)

Office: 900 Mowry Ave. Suite 204, Fremont, CA 94538 (near Washington Hospital)

Phone: (510) 574-2250

24-Hour Crisis Hotline: (510) 794-6055

<http://www.save-dv.org/>

Emergency Shelter: SAVE's 30-bed shelter offers a safe home, for up to 90 days, while individuals and families fleeing abuse begin to heal. The basic needs of food, shelter, and clothing are provided, as well as services and support to get them through this time of crisis.

Longer-term Housing: SAVE clients have access to a housing program that also bridges the gap between emergency shelter and independent living.

Temporary Restraining order clinic: SAVE offers free Temporary Restraining Order clinics to guide victims of intimate partner violence through the process of completing a TRO.

TRAINING AND EDUCATIONAL PROGRAMS

Key campus officials and staff members in a position to prevent or respond to incidents of sexual assault receive annual in-service training and education. Training materials can be viewed on the AIMC website. New and incoming staff and students receive information to increase awareness and prevention of sexual violence and stalking.