

Members of the MiraCosta Community College District who are witnesses to or victims of a crime on college property should immediately report the crime to the MiraCosta College Police Department (MCPD).

In the event an employee is assaulted, attacked, or menaced by a student, the employee shall notify their supervisor as soon as practical after the incident. The supervisor of any employee who is attacked, assaulted, or menaced shall assist the employee to promptly report the attack or assault to the MCPD. The supervisor shall make the report if the employee is unable or unwilling to do so. Reporting a complaint to local law enforcement will not relieve the district of its obligation to investigate all complaints of harassment.

The district will instruct members of the MCPD to notify students and employees complaining of sexual violence of their right to file a sex discrimination complaint with the district, in addition to filing a criminal complaint, and to report incidents of sexual violence to the MiraCosta College Title IX coordinator if the complainant consents.

The district shall publish warnings to the campus community about the following crimes:

- Criminal homicide – murder and non-negligent manslaughter;
- Criminal homicide – negligent manslaughter;
- Sex offenses – forcible and non-forcible sex offenses;
- Domestic violence, dating violence and stalking;
- Robbery;
- Aggravated assault;
- Burglary;

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CCLC Update: #4, 2/03; #19, 8/11; #20, 3/12; #22, 6/13; #26, 4/15; #27, 10/15; #28, 4/16; #29, 10/16

References: Penal Code §245

Education Code §§212, 67380, 67383, and 87014

Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998

20 U.S.C. §1232g

34 C.F.R. §668.46

34 C.F.R. §99.31(a)(13), (14)

Campus Security Act of 1990

Steering:

VPAS / N/A

- Motor vehicle theft;
- Arson;
- Arrests for liquor law violations, drug law violations, and illegal weapons possession;
- Crimes that manifest evidence that the victim was intentionally selected because of the victim's actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability and involve larceny-theft, simple assault, intimidation, destruction/damage/vandalism of property, or any other crime involving bodily injury;
- Those reported to [appropriate law enforcement authorities]; and
- Those that are considered to represent a continuing threat to other students and employees.

In the event that a situation arises, either on or off campus, that in the judgment of the MCPD Chief of Police or designee constitutes an ongoing or continuing threat, a campus-wide "timely warning" will be issued. The warning will be issued via email through the college emergency alert system to students, faculty and staff. The college's student newspaper will also be notified. The information shall be disseminated by the MCPD Chief of Police or designee in a manner that aids the prevention of similar crimes.

Depending on the particular circumstances of the crime, especially in all situations that could pose an immediate threat to the community and individuals, the MCPD Chief of Police or designee may also use the college emergency alert system to text and call students, faculty, and staff, plus post a notice on the front page of the college website and/or on the MCPD website at [miracosta.edu/police](http://miracosta.edu/police), providing the community with more immediate notification. The electronic bulletin board is immediately accessible via computer by all faculty, staff and students. Local news media may also be notified.

Anyone with information warranting a timely warning should report the circumstances to the MCPD by phone at (760) 795-6640, or in person at Building 1100.

The district shall not be required to provide a timely warning with respect to crimes reported to a pastoral or professional counselor.

If there is an immediate threat to the health or safety of students or employees occurring on campus, the district shall follow its emergency notification procedures.

The district shall annually collect and distribute statistics concerning crimes on campus. All college staff with significant responsibility for student and campus activities (e.g., coaches, counselors, health-services staff members, activities directors, and instructors) shall report crimes that occur on district property about which they receive information.

The district shall publish an annual security report (Clery Act) every year by October 1 that contains statistics regarding crimes committed on campus and at affiliated locations for the previous three years. The annual security report shall also include policies pertaining to campus security, alcohol and drug use, crime prevention, the reporting of crimes, sexual assault, victims' assistance program, student discipline, campus resources, and other matters. The district shall make the report available to all current

students and employees. The district will also provide prospective students and employees with a copy of the annual security report upon request. A copy of the annual security report can be obtained by contacting the MCPD or at the website address published in <http://www.miracosta.edu/police>. Postcards will be sent out to all students advising them where and how to obtain this report.

## **To Report a Crime**

Contact the MiraCosta College Police Department at (760) 795-6640 (nonemergency) and dial 6-9-1-1 (emergency only). Any suspicious activity or person seen in the parking lots or loitering around vehicles or inside buildings should be reported to the MCPD. In addition you may report a crime to the following areas:

- Dean of Student Affairs  
(760) 795-6804
- Vice President of Administrative Services  
(760) 795-6653
- Dean of Counseling and Student Development  
(760) 795-6892
- Director - Health Services  
(760) 760- 6676
- Director of Labor Relations/Title IX Coordinator  
(760) 795-6672

Victims of a crime who do not want to pursue action within the district's system or the criminal justice system may still want to consider making a confidential report. With the victim's permission, the director of labor relations/title IX coordinator can file a report on the details of the incident without revealing the victim's identity. The purpose of a confidential report is to comply with the wishes of the victim to keep the matter confidential, while taking steps to ensure the future safety of the victim and others. With such information, the district can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the institution.

The MCPD 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 MCPD 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 campus security authorities as identified below. Confidential reports of crime may also be made to the director of labor relations/title IX coordinator at (760) 795-6672.

The district may disclose the final results of a disciplinary proceeding to a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense (e.g. indecent exposure) regardless of the outcome.

If the disciplinary proceeding results in a finding that a student violated college policy regarding crimes of violence or non-forcible sex offenses, anyone is permitted access to the results of the disciplinary proceeding.

The offenses that apply to this permissible disclosure are:

- Arson
- Assault offenses
- Burglary
- Criminal homicide—manslaughter by negligence
- Criminal homicide—murder and non-negligent manslaughter
- Destruction, damage, or vandalism of property
- Kidnapping or abduction
- Robbery
- Forcible sex offenses

The disclosure may only include the final result of the disciplinary proceeding with respect to the alleged criminal offense. The district shall not disclose the name of any other student, including a victim or witness, unless the victim or witness has waived their right to confidentiality.

### **Required Reports to Local Law Enforcement Agency**

Any report of willful homicide, forcible rape, robbery, aggravated assault, sexual assault, or hate crime, committed on or off campus, that is received by a campus security authority and made by the victim for the purposes of notifying the institution or law enforcement must be immediately, or as soon as practicably possible, disclosed to the local law enforcement agency. The report shall not identify the victim, unless the victim consents to being identified after the victim has been informed of their right to have their personally-identifying information withheld. If the victim does not consent to being identified, the alleged assailant shall not be identified in the information disclosed to the local law enforcement agency unless the institution determines that both of the following apply, in which case the institution shall disclose the identity of the alleged assailant to the local law enforcement agency and notify the victim of the disclosure:

- The alleged assailant represents a serious or ongoing threat to the safety of students, employees, or the institution.
- The immediate assistance of the local law enforcement agency is necessary to contact or detain the assailant.