

**Smith
Chason
College**

Title IX Policy

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TITLE IX POLICY

Smith Chason College, dba WCUI School of Medical Imaging and Smith Chason School of Nursing (“College”) is committed to providing a work and educational environment free of unlawful harassment, discrimination and retaliation. In accordance with this Policy, the College is committed to providing a prompt response to reports of Sexual Harassment and conducting the applicable Grievance Procedures in a manner that is impartial and equitable to all parties.

Statement of Non-Discrimination¹

In accordance with Title IX of the Education Amendments of 1972, the College does not discriminate on the basis of sex/gender in its employment practices or its educational programs or activities. The College also prohibits Sexual Harassment (as defined below) committed against persons in the United States as part of its education programs or activities.

The College prohibits retaliation against any person opposing discrimination or participating in any discrimination investigation or complaint process internally or externally. Reports of misconduct, questions regarding Title IX, and concerns about noncompliance should be directed to the Title IX Coordinator. For a complete copy of the policy or for more information, please contact the Title IX Coordinator or the Assistant Secretary of Education within the Office for Civil Rights, email OCR@ed.gov, website <https://www2.ed.gov/about/offices/list/ocr/index.html>.

If you believe that you have experienced or witnessed other incidents of sexual misconduct or discrimination, please follow procedures outlined in the College’s Non-Discrimination and Code of Conduct policies.

The College reserves the right to make changes to this policy as necessary, and once those changes are posted online, they are in effect. If government laws, regulations or court decisions change requirements in a way that affects this Policy, the Policy will be construed to comply with the most recent government regulations or holdings.

California Senate Bill 493 was signed into law on September 29, 2020, and went into effect on January 1, 2022. The bill modifies the California Education Code and requires postsecondary institutions to implement certain procedures related to sexual harassment and handling of complaints. *The provisions of California SB 493 apply only to the College’s California campuses.* Any provision of SB 493 that conflicts with federal law shall be rendered inoperative for the duration of the conflict and without affecting the remainder of the provision.

Title IX Coordinator

The Title IX Coordinator coordinates the College’s efforts to comply with its Title IX responsibilities. The Title IX Coordinator is responsible for implementing the College’s Title IX

¹ *California Campuses* - Per California SB 493, a notice of nondiscrimination must be disseminated to all (1) employees, (2) volunteers who regularly interact with students, and (3) individuals or entities under a contract involving regular interaction with students.

policy, intaking reports and Formal Complaints of Sexual Harassment, providing Supportive Measures and maintaining accurate Clery Act crime statistics.

Title IX Coordinator
Lisa Ingoldsby, Corporate Director of Compliance
3580 Wilshire Blvd. 4th Floor Los Angeles, CA 90010
(310) 289-5123 x1138 / lisa.ingoldsby@wcu.edu

Deputy Title IX Coordinators

Deputy Title IX Coordinators are available at each campus to intake reports, Formal Complaints and provide Supportive Measures

Campus	Name/Title	Address	Phone Number/Email
Los Angeles	Maria Loja Student Success Advocate	3580 Wilshire Blvd. 4 th Floor Los Angeles, CA 90010	(310) 289-5123 x1204 maria.loja@wcu.edu
Ontario	Deysy Gonzalez Director of Student Services	3700 E. Inland Empire Blvd, Ste 235, Ontario, CA 91764	(909) 483-3808 x252 deysy.gonzalez@wcu.edu
Phoenix	Kallie Gough Director of Student Services	3110 N. Central Ave., Ste L- 100 Phoenix, AZ 85012	(602) 954-3834 x108 kallie.gough@wcu.edu
San Marcos	Elizabeth Archer Student Services Coordinator	300 Rancheros Drive, Ste 100, San Marcos, CA 92069	(760) 418-4200 elizabeth.archer@wcu.edu

Any person can report sex discrimination, including Sexual Harassment (whether or not the person reporting is the alleged victim) in person, by mail, telephone, or e-mail, using the contact information listed above for the Title IX Coordinator/Deputy.² A report can be made at any time,

² *California Campuses* - Per California SB 493, reports of sexual harassment can be given to a “responsible employee”. California SB 493 defines “responsible employee” (CA Education Code section 66281.8) as an employee who has authority to take action to redress sexual harassment or provide supportive measures, or who has the duty to report sexual harassment to an employee with such authority.

Responsible Employees include: Title IX Coordinator, Student life directors, coordinators, or deans; Faculty and associate faculty, teachers, instructors, or lecturers; Graduate student instructors, while performing the duties of employment by the institution; Laboratory directors, coordinators, or principal investigators; Internship or externship directors or coordinators

Responsible Employees do not include: Therapists, including a University of California Center for Advocacy, Resources, and Education (CARE) director, advocate or employee; An individual acting in a professional capacity for which confidentiality is mandated by law. Individuals exempt from status as responsible employees must inform each student who provides the individual with information regarding sexual harassment of the student’s ability to report to a responsible employee and direct the student to those specific reporting resources.

including during non-business hours. However, responses to reports made outside of business hours, including during weekends and holidays, may be delayed.

Key Definitions

Sexual Harassment³: Conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the College conditioning educational benefits or participation on an individual's participation in unwelcome sexual conduct (i.e. quid pro quo);
2. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's Education Program or Activity; or
3. Sexual Assault (as defined in the Clery Act), or Dating Violence, Domestic Violence or Stalking as defined in the Violence Against Women Reauthorization Act of 2013 (VAWA) (collectively referred to as "Sexual Violence")*:

Sexual Assault: As defined in 20 U.S.C. 1092(f)(6)(A)(v), means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation⁴.

Dating Violence: As defined in 34 U.S.C. 12291(a)(10), means violence committed by a person (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on

³ California Education Code Section 66262.5 defines (1) Sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or educational setting, under any of the following conditions: (a) submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, academic status, or progress; (b) submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual; (c) 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; and (d) submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the institution.

California SB 493 expanded the definition of "sexual harassment" to include "sexual violence", "sexual battery" and "sexual exploitation":

(1) "**Sexual violence**" means physical sexual acts perpetrated against a person without the person's affirmative consent. Physical sexual acts include both of the following: (A) Rape, defined as penetration, no matter how slight, of the vagina or anus with any part or object, or oral copulation of a sex organ by another person, without the consent of the victim. (B) Sexual battery.

(2) "**Sexual battery**" means the intentional touching of another person's intimate parts without consent, intentionally causing a person to touch the intimate parts of another without consent, or using a person's own intimate part to intentionally touch another person's body without consent.

(3) "**Sexual exploitation**" means a person taking sexual advantage of another person for the benefit of anyone other than that person without that person's consent, including, but not limited to, any of the following acts:

(A) The prostituting of another person. (B) The trafficking of another person, defined as the inducement of a person to perform a commercial sex act, or labor or services, through force, fraud, or coercion. (C) The recording of images, including video or photograph, or audio of another person's sexual activity or intimate parts, without that person's consent. (D) The distribution of images, including video or photograph, or audio of another person's sexual activity or intimate parts, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to the disclosure. (E) The viewing of another person's sexual activity or intimate parts, in a place where that other person would have a reasonable expectation of privacy, without that person's consent, for the purpose of arousing or gratifying sexual desire.

⁴ The FBI's Uniform Crime Reporting Program (FBI UCR) includes forcible and nonforcible sex offenses such as rape, fondling, and statutory rape, which contain elements of "without the consent of the victim."

a consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.

Domestic Violence: As defined in 34 U.S.C. 12291(a)(8), includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Stalking: As defined in 34 U.S.C. 12291(a)(30), means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

* Please note: In accordance with the Violence Against Women Reauthorization Act of 2013 ("VAWA"), state definitions for Sexual Assault, Dating Violence, Domestic Violence, Stalking and Consent are contained in the College's Annual Safety and Security Report ("ASR"). VAWA crimes are reported in the ASR based on the definitions above.

Affirmative Consent: In accordance with California Education Code Section 67386, means affirmative, conscious and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that the person has the affirmative consent of the others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

Lack of affirmative consent shall not be a valid excuse to the accused that they believed that the complainant consented to the sexual activity under either of the following circumstances: (a) the accused's belief that affirmative consent arose from the intoxication or recklessness of the accused; (b) the accused did not take reasonable steps, in the circumstances known to the complainant at the time, to ascertain whether the complainant affirmatively consented. Additionally, it shall not be a valid excuse that the accused believed that the complainant affirmatively consented to the sexual activity if the accused knew or reasonable should have known that the complainant was unable to consent to the sexual activity under any of the following circumstances: (a) the complainant was asleep or unconscious; (b) the complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the complainant could not understand the fact, nature, or extent of the sexually activity; (c) the complainant was unable to communicate due to a mental or physical condition.

Non Stranger Sexual Assault, someone known to the victim, is much more common than stranger sexual assaults. Non-stranger sexual assaults are no less a crime than those

committed by strangers. The same definition and policies herein applies regardless of whether the responding party is a stranger or a non-stranger.

Complainant: An individual who is alleged to be the victim of conduct that could constitute Sexual Harassment, regardless of whether a Formal Complaint has been filed. A Complainant must be the alleged victim unless a parent or legal guardian has a legal right to act on the alleged victim's behalf.

Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.

Parties: include the Complainant(s) and Respondents(s) collectively.

Advisor: An individual chosen by a party to accompany the party to meetings related to the Grievance Process, to advise the party on that process and to conduct cross-examination for the party at a live hearing, if any. If a party does not have an Advisor at the live hearing portion of the Grievance Process, the College will appoint an advisor.

Formal Complaint: A document (hardcopy or electronic) filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the College investigate. A Formal Complaint must be signed (physical or digital) by the Complainant, the Title IX Coordinator, or otherwise indicate that the Complainant is the person filing the Formal Complaint. At the time of filing a Formal Complaint, the Complainant must be participating in or attempting to participate in the College's education Program or Activity with which the Formal Complaint is filed.

Program or Activity: On or off campus locations, events, or circumstances over which the College exercises substantial control over both the Respondent and the context in which the Sexual Harassment occurred.

Clery Act: Meaning the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (20 U.S.C. Section 1092(f); 34 C.F.R. Part 668.46). In accordance with the Clery Act, the College publishes required crime statistics and policy statements in its Annual Safety and Security Report (ASR) on or before October 1st of each year.

Clery Geography: As defined in the Clery Act, includes (A) buildings and property that are part of the College's campus; (B) the College's non-campus buildings and property; and (C) public property within or immediately adjacent to and accessible from the campus.

VAWA: Meaning the Violence Against Women Reauthorization Act of 2013 (34 CFR Part 668).

Procedure for Reporting

If you believe that you have experienced or witnessed Sexual Harassment (including Sexual Violence), discrimination or retaliation, the College encourages you to notify the Title IX Coordinator/Deputy as soon as possible after the incident.

A report may be made to either or both the police and the Title IX Coordinator/Deputy⁵ The criminal process is separate from the College's Grievance Process. The College does not notify local law enforcement of reported incidents of Sexual Violence, unless a Complainant wishes or there is an emergency threat to health or safety. Complainants have the option to notify law enforcement directly or be assisted in doing so. If requested, the College will assist a victim of Sexual Violence in contacting the police. A Complainant may decline to notify law enforcement. A Complainant is not required to contact the police in order to pursue the College's Grievance Process.

The College does not issue orders of protection. Orders of protection, restraining orders, injunctions or similar lawful orders may be obtained through the court system and can be enforced by the College. Individuals who have obtained an order of protection are encouraged to provide a copy to the Title IX Coordinator/Deputy as soon as possible. Although the College does not issue orders of protection, information on how to obtain a protective order is located in the ASR.

Reporting Considerations⁶

In order to make informed choices, it is important to be aware of confidentiality and reporting requirements when consulting College resources. Campus Directors, Directors of Education, and members of the College's Corporate team have been designated by the College as Mandatory Reporters. All Mandatory Reporters will share knowledge, notice and/or reports of Sexual Harassment (including Sexual Violence), discrimination and/or retaliation with the Title IX Coordinator/Deputy. Other College employees, including faculty members, will only report instances of Sexual Harassment (including Sexual Violence), discrimination or retaliation to the Title IX Coordinator with the Complainant's consent.

The College will keep confidential⁷ the identity of the Complainant, Respondent, and witnesses, except as may be permitted by FERPA, as required by law, or as necessary to carry out the Grievance Process.

⁵ In accordance with the California Education Code, the College grants victims and witnesses amnesty, when appropriate, for potential College policy violations unless the College determines the violation was egregious, including but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating or academic dishonesty.

⁶ *California Campuses* - Per California SB 493, the College must respond to incidents of sexual harassment actually, or that reasonably should be known to the College. With exceptions, the College is presumed to have known of an incident if a responsible employee knew, or in the exercise of reasonable care, should have known about the incident. The College can rebut the presumption if it shows all of the following:

- College provides training and requires all non-confidential responsible employees to report sexual harassment;
- College provided each nonconfidential responsible employee with actual or constructive knowledge of the conduct in question with training and direction to report sexual harassment.
- Each nonconfidential responsible employee with actual or constructive knowledge of the conduct in question failed to report it.

⁷ *California Campuses* - Per California SB 493, in evaluating a confidentiality request, the College may consider various factors: (1) whether there are multiple or prior reports against the respondent; (2) whether a weapon, physical restraints or battery was involved; (3) whether the respondent was a faculty or staff member with student oversight; (4) the power imbalance, if any, between

There is no time limitation on providing notice/complaints to the Title IX Coordinator/Deputy. However, if the Respondent is no longer subject to the College's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide Remedies may be more limited or impossible. Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

Confidential Resources

An individual who seeks completely confidential assistance may do so by speaking with professionals who have legally protected confidentiality. The College does not have confidential reporting resources, such as pastoral or professional counselors on campus. Crisis, mental health and victim resource hotline information is available in the College's ASR (located on the consumer information page of the College's website) at www.wcui.edu/page/consumer-information and www.smithchason.com/consumer-information/. Information shared with confidential resources will not be shared with the College (including the Title IX Coordinator) or anyone else without express, written permission of the individual seeking services unless required by law or court order.

Supportive Measures

The Title IX Coordinator/Deputy will provide Supportive Measures as necessary. Supportive Measures are individualized services reasonably available to ensure equal educational access, protect safety or deter prohibited conduct. Supportive Measures are available, as appropriate to either or both the Complainant and Respondent and are non-punitive, non-disciplinary and not unreasonably burdensome to the other party. Examples include counseling, extensions of time or other course-related adjustments, modifications to work or class schedules, campus escort services, restrictions on contact between the Parties, leave of absence, increased security and monitoring of certain areas on campus, and other similar accommodation.

Supportive Measures are individualized and appropriate based on the information gathered by the Title IX Coordinator. The Supportive Measures needed by the Complainant and/or Respondent may change over time, and the Title IX Coordinator will communicate with each party to ensure that any Supportive Measures are necessary and effective based on evolving needs.

Victims of Sexual Violence will also be provided with written notification about existing counseling, health and/or mental health services, victim advocacy, legal assistance, visa and

the parties; (5) the safety of complainant; and (6) whether a thorough investigation can be completed while maintaining the request for confidentiality.

If the complainant's identity will be disclosed, the complainant must be informed prior to making the disclosure or initiating the investigation. When a complainant's identity is disclosed against their request, the College shall take immediate steps to provide for the safety of complainant when appropriate.

immigration assistance, safety planning, timely warnings, student financial aid and other services available to victims within the College and in the community.

Once the Title IX Coordinator/Deputy receives a report, the Title IX Coordinator/Deputy will promptly contact the Complainant confidentially to discuss the availability of Supportive Measures (available with or without filing a Formal Complaint) and explain the process for filing a Formal Complaint and provide a copy of this Policy. The Title IX Coordinator/Deputy will consider the Complainant's wishes with respect to Supportive Measures.

The College will keep confidential the identity of the victim of Sexual Violence and any accommodations or Supportive Measures provided, to the extent that maintaining such confidentiality will not impair the College's ability to provide the accommodations or Supportive Measures.

Dismissal of A Formal Complaint

Dismissal of a Formal Complaint may occur under several circumstances. The College must dismiss a Formal Complaint if the allegations do not meet the definition of Sexual Harassment, did not occur in the College's education Program or Activity, or did not occur against a person in the United States.

The College may dismiss a Formal Complaint if the Complainant informs the Title IX Coordinator/Deputy, in writing, that he, she, or they withdraw the Formal Complaint or allegations therein; the Respondent is no longer enrolled or employed by College; or if specific circumstances prevent the College from gathering sufficient evidence to reach a determination.

If a Formal Complaint is dismissed, the Parties will be provided written notice of the dismissal outlining the reason(s) for dismissal. A dismissal does not preclude action by the College under Code of Conduct policies.

Grievance Process⁸

The College utilizes a prompt, equitable and impartial Grievance Process to evaluate Formal Complaints. Title IX personnel (Title IX Coordinator/Deputy, Investigators, Decision-Makers,

⁸ *California Campuses* - Per California SB 493, the College must adopt and publish grievance procedures to provide for the prompt and equitable resolution of sexual harassment complaints filed by a student. The requirements include, but are not limited to the following:

- If the College knows or reasonably should know about possible sexual harassment involving individuals subject to the institution's policies at the time, regardless of whether or not any person has filed a complaint, the College must: (1) Promptly investigate to determine whether the conduct more likely than not occurred; or (2) Otherwise respond if the College determines that an investigation is not required. If the College determines that the alleged conduct more likely than not occurred it must immediately take reasonable steps to end the harassment, address the hostile environment, prevent its reoccurrence, and address its effect.
- Describe the obligations of all faculty and staff designated by the College as required to report concerns of sexual harassment to the Title IX Coordinator or other designated employee.
- State that the procedures are not adversarial. The burden to prove the underlying allegation or allegations rests with the College.
- Provide for trauma-informed, impartial investigations.
- Include reasonable and equitable evidentiary guidelines, including page or word limits on party submissions.

individuals who facilitate Informal Resolution process) will be free from conflicts of interest or bias for or against Complainants or Respondents. Title IX personnel will objectively evaluate all relevant evidence and avoid credibility determinations based on a person's status as a Complainant, Respondent or witness.

The Parties will receive equal opportunity to provide information, witness statements, evidence, and other information that may be necessary to fully evaluate the alleged offense. The Parties will be afforded equitable rights and access during the Grievance Process. The Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Grievance Process.

Generally, the Grievance Process consists of a Formal Complaint, investigation, Live Hearing, determination, Disciplinary Actions, Remedies and appeal (if applicable). The Grievance Process, barring extenuating circumstance, will conclude within ninety (90) days from the date a Formal Complaint is filed.

A. Advisor

A party may be accompanied by an Advisor of their choice during the Grievance Process. The Parties may choose Advisors from inside or outside the College community. If the Complainant or Respondent does not have an Advisor present at the Live Hearing, the College will select and provide an Advisor, without fee or charge, to conduct cross-examination of witnesses on behalf of that party. A party may reject a College-appointed Advisor and choose their own Advisor, but they may not proceed to the Live Hearing without an Advisor. The Complainant and Respondent may not conduct cross-examination.

Choosing an Advisor who is a witness in the Grievance Process creates potential for bias and conflict of interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the Decision-Maker.

The Parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the Grievance Process. Advisors are expected to advise without disrupting proceedings. For example, advisors should not address College officials in a meeting or interview unless invited to. An Advisor may not make a presentation during any meeting or proceeding and may not speak on behalf of the party to the investigation or other Decision-Maker except during a

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- Prohibit consideration of evidence regarding past sexual history or the existence of a dating relationship, except in limited circumstances. When such evidence is considered, notice and an explanation of the circumstances leading to its admission must be provided to the complainant.
 - Prohibit repetitive, irrelevant or harassing questions.
 - Provide that parties may not introduce evidence at the hearing a party did not identify during the investigation. However, the hearing officer has discretion, for good cause, to admit the new evidence.
 - Provide that the College will not mandate mediation to resolve allegations of sexual harassment, and shall not allow mediation, even on a voluntary basis to resolve allegations of sexual violence.
 - Require outreach by the Title IX coordinator or other employee to each alleged victim of sexual harassment.
 - Victim-centered requirement: an individual who participates as a complainant or witness in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for a violation of the institution's student conduct policy at or near the time of the incident unless the College determines the violation was egregious.

Live Hearing, during cross-examination. If an Advisor is disruptive or otherwise fails to respect the limits of the Advisor role, the meeting or interview may be ended.

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third Parties, disclosed publicly, or used for purposes not explicitly authorized by the College. The College may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by College privacy expectations.

B. Investigation of Formal Complaints

The College will investigate Sexual Harassment (including Sexual Violence) allegations in a Formal Complaint filed by a Complainant or signed by the Title IX Coordinator/Deputy. The Title IX Coordinator/Deputy will respect the Complainant's wishes as to whether the College investigates an allegation of Sexual Harassment, unless the Title IX Coordinator/Deputy determines that not investigating would be deliberately indifferent or harmful to the College community. The College may consolidate Formal Complaints where the allegations arise out of the same facts.

Upon receipt of a Formal Complaint, written notice will be sent to the Parties. The Notice of Investigation will include:

Details of the allegations, including identities of the Parties involved, specific section of the policy alleged to have been violated, the conduct that would be considered Sexual Harassment, and the date and locations of the incident(s) (if known);

A statement that the Respondent is presumed to be not responsible for the alleged conduct until a determination is made according to the College's Grievance Process;

A statement that the Parties may have an Advisor of their choice;

A reminder of the expectation of truthfulness including consequences for submitting false information.

Information regarding the Investigator and a process for the Parties to object to the Investigator based on conflict of interest or bias.

The Parties will also be provided with separate written notice of any investigative interview, meeting or hearing. Interview/meeting notices will include the date, time, location, participants and purpose of the investigative interview or meeting.

Formal Complaints involving employees will also be referred to Human Resources and simultaneously evaluated under employee conduct policies and procedures.

During the investigation, the Title IX Coordinator/Deputy or his/her designee ("Investigator") will conduct interviews and gather evidence. If applicable, the College will investigate allegations that alcohol or drugs were involved. No unauthorized audio or video recording of any kind is permitted during investigation interviews/meetings. The Parties will be provided an equal opportunity to present fact and expert witnesses or other evidence. The Parties (and their Advisors) will be

provided with evidence directly related to the allegations, in electronic format or hardcopy, with at least 10 days for the Parties to inspect, review, and respond to the evidence. The Investigator will consider the responses received from the Parties before issuing the investigative report.

Once the investigation has concluded, the Investigator will draft an investigative report (hardcopy or electronic) that fairly summarizes relevant evidence. The investigative report will be sent to the Parties (and their Advisors) at least 10 days prior to a Live Hearing. The Parties may provide a written response to the investigative report.

C. Informal Resolution

If determined by the Title IX Coordinator/Deputy, and the Parties voluntarily consent in writing, Formal Complaints can be resolved through Informal Resolution, such as mediation. The Title IX Coordinator will facilitate an appropriate Informal Resolution process depending on the nature of the allegations, the Parties involved, and the overall circumstances. Informal Resolution will be conducted by a facilitator, who may or may not be the Title IX Coordinator. It is not necessary to pursue Informal Resolution first in order to pursue the College's Grievance Process. At any time prior to agreeing to a resolution, any party has the right to withdraw from the Informal Resolution process and resume the Grievance Process. Informal Resolution is unavailable to resolve allegations that an employee sexually harassed a student.

D. Live Hearing

If a Formal Complaint is not or cannot be resolved through Informal Resolution, the College will conduct a Live Hearing. Live Hearings are facilitated by designated Decision-Maker, separate from the Title IX Coordinator/Deputy or Investigator. The Decision-Maker will be selected by the Title IX Coordinator.

Cross-examination during a Live Hearing will be conducted directly, orally, and in real time by the party's Advisor and not by a party personally. The Decision-Maker will permit each party's Advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Only relevant cross-examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Decision-Maker must first determine whether the question is relevant and explain to the party's Advisor asking cross-examination questions any decision to exclude a question as not relevant.

Rape shield protections are applied to Complainants, deeming irrelevant questions and evidence about a Complainant's prior sexual behavior unless offered to prove that someone other than the Respondent committed the alleged Sexual Harassment or offered to prove consent.

If a party or witness does not submit to cross-examination at the Live Hearing, the Decision-Maker will not rely on any statement of that party or witness in reaching a determination regarding responsibility. The Decision-Maker will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the Live Hearing or refusal to answer cross-examination or other questions.

At the request of either party, the College will provide for the entire Live Hearing (including cross-examination) to occur with the Parties located in separate rooms with technology enabling the Parties to see and hear each other. Live Hearings may be conducted with all Parties physically present in the same geographic location or, at the College's discretion, any or all Parties, witnesses, and other participants may appear at the Live Hearing virtually. An audio or audiovisual recording, or transcript, of any Live Hearing will be created and maintained for seven (7) years.

During the Grievance Process, the College will not use, rely on or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege. The College will not access or use a party's medical, psychological, and similar treatment records unless the party provides voluntary, written consent.

E. Standard of Evidence

For all Formal Complaints of Sexual Harassment (including where employees are Respondents), the College utilizes the preponderance of the evidence standard, which means "more likely than not."

F. Disciplinary Actions and Remedies

Disciplinary Actions against the Respondent will not be imposed before completion of the College's Grievance Process. Following a determination of responsibility, appropriate corrective action will be taken, and the College will take steps to prevent recurrence. Disciplinary Actions taken will be determined on a case-by-case basis. Factors considered when determining Disciplinary Action may include but are not limited to: Nature, severity of, and circumstances surrounding the violations(s); Respondent's disciplinary history; Previous allegations or allegations involving similar conduct; Need for disciplinary action to bring an end/prevent future reoccurrence of the violation; Need for disciplinary action to remedy the effects on the Complainant and College community; Impact on the parties; Any other information deemed relevant by the Decision-Maker.

Disciplinary Action for student-related claims may include, but are not limited to, additional training, a restriction on contact, warning, suspension, or termination. Disciplinary Action will be placed in a student's permanent academic file. Any employee determined by the College to be responsible for an act of Sexual Harassment will be subject to appropriate Disciplinary Action, up to and including termination. Disciplinary Action will be placed in an employee's permanent personnel file. Employees are also subject to processes and discipline determined by the Human Resources Department. The HR process is separate and apart from the Title IX process and not constrained by the outcome of the Title IX process.

Failure to abide by imposed Disciplinary Actions (whether by refusal, neglect or any other reason), may result in additional Disciplinary Action, including suspension or termination.

Remedies are provided to a Complainant whenever a Respondent is found responsible. Remedies are implemented by the Title IX Coordinator and may be disciplinary and punitive. Student Remedies are designed to maintain the Complainant's equal access to education. Remedies will be determined on a case-by-case basis and may include supportive measures.

G. False Allegations and Evidence

Deliberately false and/or malicious accusations under this policy, as opposed to allegations which, even if erroneous, are made in good faith, are a serious offense and will be subject to appropriate disciplinary action.

Additionally, witnesses and Parties knowingly providing false evidence, tampering with or destroying evidence after being directed to preserve such evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under the College's Code of Conduct policies.

H. Written Determination

The Decision-Maker will issue a Written Determination regarding responsibility with findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, a description of the procedure from Formal Complaint through the Live Hearing, Disciplinary Actions imposed on the Respondent and whether Remedies will be provided to the Complainant. The determination will be sent simultaneously to the Parties along with information on how to file an appeal.

I. Appeal

Both Parties have the right to appeal a determination regarding responsibility, the College's dismissal of a Formal Complaint or any allegations therein if: (1) procedural irregularity affected the outcome of the matter; (2) there is newly discovered evidence that could affect the outcome of the matter; and/or (3) Title IX personnel had a conflict of interest or bias, that affected the outcome of the matter.

An appeal must be submitted in writing to the Title IX Coordinator/Deputy within ten (10) days of the delivery of the Written Determination.

Retaliation

Retaliation (including intimidation, threats, coercion or discrimination) against an individual for raising an allegation of Sexual Harassment, for cooperating in the Grievance Process is prohibited.

If you believe you have been retaliated against, you should notify the Title IX Coordinator or Campus Director at your campus.

Training⁹

The College ensures that its Title IX personnel have adequate training. The Title IX Coordinator and Investigators are trained on the definition of Sexual Harassment, the scope of the College's

⁹ *California Campuses* - Per California SB 493, at least one trained employee (must include adequate training regarding what constitutes sexual harassment and on trauma-informed investigatory and hearing processes) must be designated to coordinate compliance, which may be the College's Title IX Coordinator. The name, title and contact information of this person and any other official with authority to investigate or institute corrective measures must be published on the institution's website.

education Program or Activity, how to conduct an investigation, the College's Grievance Process (including Live Hearings, appeals, and Informal Resolution processes, as applicable) and how to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Decision-Makers are trained on the definition of Sexual Harassment, the Live Hearing process, technology to be used in Live Hearings, and issues of relevance (including how to apply the rape shield protections provided for Complainants). Informal Resolution facilitators are trained on the Informal Resolution process.

Materials used to train Title IX personnel are posted on the "Consumer Information" tab of the College website at www.wcui.edu/page/consumer-information and www.smithchason.com/consumer-information/.

In accordance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act ("Clery Act") and the Violence Against Women Reauthorization Act of 2013 ("VAWA"), the College will provide primary prevention and awareness programs to prevent Sexual Assault, Dating Violence, Domestic Violence and Stalking to incoming students (during new student orientation) and new employees (upon hire) and generally every year thereafter.

Bias/Conflict of Interest

To raise any concern involving bias or conflict of interest by the Title IX Coordinator/Deputy, contact the College's Chief Operating Officer, Andrew High, at andrew.high@wcui.edu; (310) 289-5123. Concerns of bias or potential conflict of interest by any other Title IX personnel should be raised with the Title IX Coordinator and or Deputy.

Clery Act Reporting

College administrators will issue timely warnings for incidents reported that pose a substantial threat of bodily harm or danger to other members of the campus community. The College will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger. The College reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, or a change in student status.

Personally identifiable information for victims of Sexual Assault, Dating Violence, Domestic Violence and Stalking will not be included in any publicly available recordkeeping, including Clery Act Reporting and disclosures such as the ASR.

Emergency Removal

The College can remove a Respondent entirely or partially from the education Program or Activities on an emergency basis when an individualized safety and risk analysis has determined

All employees must be advised of their obligation to report sexual harassment and be trained on how to identify it. Specified training must additionally be provided to each employee engaged in the grievance procedure.

that an immediate threat to the physical or safety of any student or other individual justifies removal. The risk analysis is performed by the Title IX Coordinator/Deputy in conjunction with the Campus Director.

In cases in which an emergency removal is imposed, the Respondent will be given notice of the action and the option to request to meet with the Title IX Coordinator/Deputy prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified. This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested in a timely manner, objections to the emergency removal will be deemed waived.

The Title IX Coordinator/Deputy has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion or termination.

The College will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator/Deputy, these actions could include, but are not limited to: temporarily re-assigning an employee, restricting a student's or employee's access to the campus, allowing a student to withdraw or take grades of incomplete without financial penalty, and authorizing an administrative leave.

Disability Accommodations

The College is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the College's Grievance Process. Anyone needing an accommodation should contact the ADA Compliance Coordinator to request an accommodation.

ADA Compliance Coordinator
Andrew High
3580 Wilshire Blvd. 4th Floor Los Angeles, CA 90010
(310) 289-5123
adacompliancecoordinator@wcui.edu

Additional Information

Students and employees may contact the Title IX Coordinator/Deputy with any questions related to this Policy. In addition, the U.S. Department of Education Office for Civil Rights ("OCR") investigates complaints of unlawful harassment in educational programs or activities. This agency may serve as a neutral fact finder and will attempt to facilitate the voluntary resolution of disputes with the Parties. For more information, visit the OCR website at <https://www2.ed.gov/about/offices/list/ocr/index.html>. To the extent that an employee or contract worker is not satisfied with the College's handling of a complaint, he or she may also contact the appropriate state or federal enforcement agency for legal relief.

Record Keeping And Privacy

The College's records of investigations and resolutions are maintained for seven years. The College will maintain records of Title IX procedures as required by law, including records of:

- Sexual Harassment investigations, including any determination regarding responsibility and any audio or audiovisual recording or transcript, any Disciplinary Actions imposed on the Respondent, and any Remedies provided to the Complainant designed to restore or preserve equal access to the education Program or Activity;
- Any appeal and the result therefrom;
- Any informal resolution; and
- All materials used to train Title IX coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.

The College will create, and maintain records of any actions (including any Supportive Measures) taken in response to a report or Formal Complaint of Sexual Harassment. In each instance, the College will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the education Program or Activity. If the College does not provide a Complainant with Supportive Measures, the College will document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

Information is shared internally between administrators who need to know in order to complete their job duties. When information must be shared to permit the investigation to move forward, the Parties will be informed. Privacy of the records specific to the investigation is maintained in accordance with state law and the federal FERPA statute. Irrespective of state law or public records access provisions, information about Complainants is maintained privately in accordance with Title IX and FERPA.

Sexual Violence – Immediate Care And Preservation Of Evidence

If you experience Sexual Violence, some or all of these safety suggestions may guide you after an incident has occurred:

1. Go to a safe place. If there is any immediate danger, contact the Campus Director and/or 911 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. The College does not have Personal Counselors available to employees, however, community resources are available in the College's ASR published on the "Consumer Information" tab of the College's website at <https://wcui.edu/consumer-information/> and www.smithchason.com/consumer-information/.
3. For your safety and well-being, immediate medical attention is encouraged. Further, being examined (through a forensic examination) as soon as possible, ideally within 120 hours, is important in the case of rape or Sexual Violence. Completing a forensic examination does not

require someone to file a police report. To find a location near you that performs free forensic examinations, call the National Sexual Assault Hotline at (800) 656-4673. Resources are also available through the Rape Abuse & Incest National Network (RAINN); www.RAINN.org.

- 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 items 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 bedsheet 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 as proof of a crime, to obtain an order of protection, or to offer proof of a college policy violation.
- Try to memorize details (e.g., 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.

Prevention And Education

In accordance with the Clery Act and VAWA, the College offers a range of campaigns, strategies, and initiatives to promote awareness, education, risk reduction, and prevention in an effort to reduce the frequency of sex or gender-based discrimination, harassment, and violence amongst members of the campus community.

The College offers programming to identify and prevent Sexual Assault, Dating Violence, Domestic Violence (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.

Programs and other campaigns offered throughout the year to students and employees include information regarding awareness and primary prevention (including normative messaging, environmental management, and bystander intervention), and discuss the College's policies. Programs also offer information on risk reduction that strives to empower individuals who experience these incidents, how to recognize warning signs, and how to avoid potential attacks, and do so without biased approaches.

Bystander engagement is encouraged through safe and positive intervention techniques and by empowering third-party intervention and prevention such as calling for help, using intervention-

based apps, identifying allies, and/or creating distractions. Bystander empowerment training highlights the need for those who intervene to ensure their own safety in the intervention techniques they choose and motivates them to intervene as stakeholders in the safety of the College community when others might choose to be bystanders.