



# ANNUAL SAFETY & SECURITY REPORT

INCLUDING CLERY ACT DISCLOSURE OF CAMPUS SECURITY POLICY AND CRIME STATISTICS, DRUG AND ALCOHOL ABUSE PREVENTION PROGRAM AND TITLE IX POLICY

## Calendar Year 2020, 2021, 2022 Crime Statistics



**Los Angeles Campus**  
3580 Wilshire Blvd., 4th Floor  
Los Angeles, CA 90010  
(310) 289-5123

**Ontario Campus**  
3700 E. Inland Empire Blvd. STE# 235  
Ontario, CA 91764  
(909) 483-3808

**Phoenix Campus**  
3110 North Central Ave. Suite L-100  
Phoenix, AZ 85012  
(602) 954-3834

**San Marcos Campus**  
300 Rancheros Drive Ste 100  
San Marcos, CA 92069  
(760) 418-4200

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To maintain compliance with Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (“Clery Act”), Higher Education Act (“HEA”) requirements, and related statutes and regulations, and in an effort to continuously promote and improve safety and security measures on campus, Smith Chason College, dba WCUI School of Medical Imaging and Smith Chason School of Nursing, (“the College”), formerly known as Triad Education and West Coast Ultrasound Institute, collects and publishes information regarding its security policies, available services and crime statistics. Once collected, the information is presented annually in this Annual Safety and Security Report (“Report”) to prospective and current students, prospective and current faculty and staff, and to the public. Any questions about this Report should be directed to Lisa Ingoldsby, Corporate Director of Compliance / Campus Security Survey Administrator at (310) 289-5123 x1138; [lisa.ingoldsby@smithchason.edu](mailto:lisa.ingoldsby@smithchason.edu).

## **I. COMPLETION AND DISSEMINATION OF THE REPORT**

Prior to October 1<sup>st</sup> of each year, the College compiles this Report based on crime, arrest and referral information obtained from local law enforcement agencies and as reported to the College’s designated Campus Security Authorities (listed in chart below). The Annual Security Report is published every year by October 1<sup>st</sup> and contains three years of campus crime statistics and campus security policy statements. All crime statistics contained in this Report are for Clery Act reportable crimes occurring on the campus, as defined by 34 C.F.R. § 668.46(a), on public property, including thoroughfares, streets, sidewalks, and parking facilities, within the campus or immediately adjacent to or accessible from the campus, and on non-campus properties which includes off-site MRI laboratory classroom locations. The Report also includes current school policies required pursuant to the current version of 34 C.F.R. § 668.46 and the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act), as amended by the Violence Against Women Reauthorization Act of 2013 (VAWA), Pub. Law 113-4.

College administrators prepare this Report which includes reported campus crime, arrest and referral statistics to local law enforcement agencies and designated campus officials. Additionally, the College reviews crime reports from local law enforcement agencies whenever published and maintains incident reports. Both sources of information are utilized in the review process regarding this Report and this documentation is maintained by the Campus Security Survey Administrator.

The College distributes this Report to all enrolled students and current employees via a notice by electronic mail that the current version of the Report has been posted to the Consumer Information page of the College’s website: [www.wcui.edu/page/consumer-information](http://www.wcui.edu/page/consumer-information) and [www.smithchason.com/consumer-information/](http://www.smithchason.com/consumer-information/) and that a paper copy of the Report will be provided upon request by contacting Lisa Ingoldsby, Corporate Director of Compliance / Campus Security Survey Administrator at (310) 289-5123 x1138; [lisa.ingoldsby@smithchason.edu](mailto:lisa.ingoldsby@smithchason.edu) or the Campus Director on the campus. The School Catalog and Application for Admissions provides written notice to all prospective students prior to enrollment regarding the availability and location of the Report. The Campus Director/Assistant Campus Director provides all prospective employees with information regarding the availability and location of the Report and can also provide the prospective employee with a paper copy of the Report upon request. Additionally, a copy of the current Report is made available to the public on the College’s website. The crime statistics contained in this Report can also be viewed on the U.S. Department of Education’s Campus Safety and Security website at <https://ope.ed.gov/campusafety/#/>.

## II. POLICIES FOR REPORTING AND RESPONDING TO CRIME AND EMERGENCIES

### Description of the Campuses

The Clery Act requires the College to disclose crime statistics that occur on three types of property: campus, non-campus buildings or property, and public property areas.

“Campus” is defined as buildings or property owned or controlled by the College within the same reasonably contiguous geographic area and used by the College in a manner related to the College’s educational purpose. It also includes property in that contiguous area owned by the College but controlled by another person, if that property is used by students and supports institutional purposes (e.g. a food or retail vendor).

“Public property” is property that is located within the same reasonably contiguous geographic areas of the campus, like a sidewalk, street or public parking lot, that is adjacent to a facility owned or controlled by the College for purposes related to the College’s educational purposes. Crimes occurring on “public property” must also be reported in the crime statistics.

A “non-campus building or property” is one that is owned or controlled by a College recognized student organization, or one that is owned or controlled by the College and used by students or by the College for education-related purposes and that is not within the same reasonably contiguous geographic area of the campus. Crimes occurring on “non-campus property” must be reported. However, incidents occurring on public property adjacent to “non-campus buildings or property” do not have to be included.

### Reporting Emergencies

“Emergency” includes any dangerous situation involving immediate threat to the health or safety of students, faculty, staff or guests occurring on or near the campus, including fire. Upon observing or involvement in any type of emergency, students, faculty, staff and guests should immediately **call 911**.

If possible, information about the emergency should also be communicated immediately to the Campus Director/Assistant Campus Director or other available College staff for purposes of expediting the College’s activation of its Emergency Response and Evaluation Procedures as set forth below.

### Reporting Crimes

Students, faculty, and staff are strongly encouraged to report all crimes to local law enforcement, dial 9-1-1 (emergencies only). Any suspicious activity or person seen in the parking lots or loitering around vehicles or inside the building should be reported to the local law enforcement agency.

Local Law Enforcement Agency	Local Phone Number	Emergency Number
Olympic Police Department	(213) 382-9102	911

Ontario Police Department	(909) 395-2001	911
Phoenix Police Department	(602) 262-6151	911
San Diego Sheriff's Department San Marcos Station	(760) 510-5200	911

In addition, crimes that should be reported to the Campus Director/Assistant Campus Director or other Campus Security Authority (CSA) by students, faculty and staff include: criminal homicide, murder and non-negligent manslaughter, manslaughter by negligence, rape, fondling, incest, statutory rape, dating violence, domestic violence, stalking, robbery, aggravated assault, burglary, motor vehicle theft, arson, drug and alcohol violations, and illegal weapons possession. Where there is any question about whether an incident is a crime, a report should be made to the Campus Director/Assistant Campus Director or other CSA for assistance in determining the nature of the incident. Witnesses or victims of crimes may report crimes on a confidential basis for inclusion in the College's annual crime statistics reporting.

Upon observing or involvement in any type of crime on campus or on public property, including thoroughfares, streets, sidewalks, and parking facilities, within the campus or immediately adjacent to or accessible from the campus:

- A student should immediately notify the Campus Director/Assistant Campus Director, other CSA, or the nearest available College employee. All College employees are trained to notify the Campus Director/Assistant Campus Director, or his/her on-site designee, or CSA immediately of all crimes reported to them by students.
- Faculty and staff should immediately notify the Campus Director/Assistant Campus Director, or his/her on-site designee, or other CSA.

### Campus Security Authorities by Campus

Los Angeles Campus		
Brian Chilstrom, Campus Advisor	(323) 483-6426	<a href="mailto:brian.chilstrom@smithchason.edu">brian.chilstrom@smithchason.edu</a>
Lisa Ingoldsby, Corporate Director of Compliance	(310) 289-5123 x1138	<a href="mailto:lisa.ingoldsby@smithchason.edu">lisa.ingoldsby@smithchason.edu</a>
Ontario Campus		
Brian Chilstrom, Campus Director	(323) 438-6426 x2008	<a href="mailto:brian.chilstrom@smithchason.edu">brian.chilstrom@smithchason.edu</a>
Bruce Reiss, SIS Administrator	(323) 473-9731 x2009	<a href="mailto:bruce.reiss@smithchason.edu">bruce.reiss@smithchason.edu</a>
Phoenix Campus		
Sophia Perkovich, Campus Director	(602) 954-3834 x111	<a href="mailto:sophia.perkovich@smithchason.edu">sophia.perkovich@smithchason.edu</a>
San Marcos Campus		

Cynthia Bryson, Campus Director	(760) 418-4200 x2020	<a href="mailto:cynthia.bryson@smithchason.edu">cynthia.bryson@smithchason.edu</a>
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Timely reporting of criminal activity enables the College to respond in a timely manner and potentially reduce the recurrence of that crime. Timely manner shall be defined to mean immediately or as immediately as possible under the circumstances. The College strongly encourages individuals to report all crimes in an accurate and timely manner to local law enforcement agencies. Upon written request, the College will disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the College against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim.

The College works cooperatively with local law enforcement agencies when necessary; however, there are no written memoranda of understanding agreements between the College and local law enforcement agencies to investigate alleged crimes. The College does, in good faith effort, contact local law enforcement agencies to obtain data on Clery Act crimes that occurred on or near the campus. Not all agencies respond to our requests for data.

Always use your eyes, ears, and telephone to keep campus officials advised of what you see and hear. Please notify the Campus Director/Assistant Campus Director or other CSA when you see:

- Strangers loitering in office areas, hallways, classrooms, or lounge areas, etc.
- Unsecured doors or windows in campus buildings that are supposed to be locked.
- Anyone tampering with a motor vehicle or loitering in a parking lot.
- Persons publicly displaying a weapon.
- Persons loitering in dark or secluded areas (like in the back of the campus).
- Suspicious persons carrying articles, equipment, luggage, or other packages out of campus buildings.

**Response to Reports of Crime or Emergency**

Upon receipt of a report of a crime or emergency, the Campus Director/Assistant Campus Director will:

- Immediately assess, based on his/her own judgment or after consultation with other College employees, whether the situation warrants contacting 911 and/or following the emergency response and evacuation procedures contained below.

- Immediately assess, based on his/her own judgment and/or after consultation with other College employees or the local police, whether a “timely warning” to the campus community should be issued pursuant to the Timely Warning policy below.
- With regard to a reported incident that is or may be sexual harassment (including sexual violence), refer to the College’s “Title IX Policy” contained in this Report.
- For all reported crimes, the Campus Director/Assistant Campus Director will contact the Campus Security Survey Administrator within 24 hours of the incident to provide all available and relevant information including the date, time, location, and description of the incident.
- The Campus Director/Assistant Campus Director will cooperate with the Campus Security Survey Administrator and/or Title IX Coordinator to investigate and gather any additional information necessary to determine whether the incident must be reported in the crime statistics contained in this Report.

### **Timely Warning of Reported Crime**

In the event that a situation arises, either on or off campus, that, in the judgment of the Campus Director/Assistant Campus Director, constitutes an ongoing or continuing threat to students, employees and campus community, including with regard to any crime reportable pursuant to the Clery Act, a campus wide “timely warning” will be issued. The Campus Director/Assistant Campus Director has the main responsibility for confirming an instance requiring a timely warning. The Campus Director/Assistant Campus Director will coordinate with outside resources such as the local police department, when applicable, in determining if it is an instance requiring a timely warning. Local authorities will determine when and if necessary to notify the surrounding neighborhood community.

Depending on the particular circumstances of the crime, especially in all situations that could pose an immediate threat to the students and employees, the College will post a warning via one or more of the following means of communication: email or text message and/or other verbal or written notice, including the building’s security or property management, social media, local television station or other appropriate local media. The Campus Director/Assistant Campus Director will create the notification and the IT Department along with the Facility Managers will be responsible for notifying students/employees. If deemed necessary, the front desk personnel and Campus Director/Assistant Campus Director or his/her trained designee will notify the local police, fire, public health agency or other appropriate first responder to assist with the emergency. Local authorities will determine when and if necessary to notify the surrounding neighborhood community. The College’s administrative staff will contact parents, guardians, spouses and those listed as emergency contacts by the student via phone if the situation warrants. Other staff and faculty members may be designated as back-ups and to assist with assigned tasks.

The intent of a timely warning is to provide adequate information necessary to enable the campus community to protect themselves when a significant emergency or dangerous situation occurs. The content of the timely warning will not disclose information that may compromise law enforcement efforts. Anyone with information that warrants a timely warning should report the circumstances



immediately to the Campus Director/Assistant Campus Director in person or by phone (contact information listed above).

### **Emergency Response and Evacuation Procedures**

Emergencies are unexpected events which must be dealt with urgently to protect the health and safety of others. In the event the building needs to be evacuated or locked down for any reason, maps of the evacuation route have been posted in each office, common areas and classrooms.

The College maintains an Emergency and Safety Information Handbook (located on the Consumer Information page of the College's website) that includes emergency response and evacuation procedures and outlines the actions staff, faculty, and students must take to protect their mutual health and safety.

The College will, without delay, and taking into account the safety of the students, faculty and staff, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of the Campus Director/Assistant Campus Director or other responsible authority, compromise efforts to assist victims or to contain, respond to or otherwise mitigate the emergency.

The Campus Director/Assistant Campus Director will create the notification and the IT Department along with the Facility Managers will be responsible for notifying students/employees. Notification may include spoken, verbal, text message or email announcement or any combination of methods determined to be necessary. If deemed necessary, the front desk personnel and Campus Director/Assistant Campus Director or his/her trained designee will notify the local police, fire, public health agency or other appropriate first responder to assist with the emergency. Local authorities will determine when and if necessary to notify the surrounding neighborhood community. The College's administrative staff will contact parents, guardians, spouses and those listed as emergency contacts by the student via phone if the situation warrants. Other staff and faculty members may be designated as back-ups and to assist with assigned tasks. The only reason the College would not immediately issue a notification for a confirmed emergency or dangerous situation would be if doing so would compromise efforts to assist a victim, contain the emergency, respond to the emergency; or otherwise mitigate the emergency.

Evacuations to safe locations will be implemented when necessary and proceed in an organized manner per policy and procedure. All students are required to comply with the plan and the directions given to them by campus safety staff, faculty, or public emergency response teams or law enforcement agencies during actual emergencies and drills for their personal safety.

The College tests its emergency response and evacuation procedures at least once annually on an announced or unannounced basis. All present students, faculty and staff are required to participate and conduct themselves appropriately. When tests are conducted, the College publicizes its emergency response and evacuation procedures to students, faculty, and staff, including making available a copy of this policy. The College maintains documentation of each test exercise including date and time performed and whether it was announced or unannounced.

The plan, including any updates, is reviewed with new students and employees during orientation, at a number of faculty meetings during the year and on days when the emergency response and evacuation procedures are tested.

Students and employees are encouraged to be responsible for their own security and the security of others. Employees and students are expected to follow safe practices while on campus property. Following safe practices will reduce the possibility of accidental emergencies and increase the effectiveness of the campus response to unforeseen emergencies. Students are required to wear their student ID badges at all times when on campus or participating in school related functions.

The campus community should report all unsafe activities, potential and real emergencies, and/or criminal activities to the Campus Director/Assistant Campus Director or other CSA as soon as possible.

### **III. NON-EMERGENCY SCHOOL CLOSURES OR DELAYS**

Upon decision by the Campus Director/Assistant Campus Director, after consultation with other College officials as appropriate, to close a campus or delay opening for any reason, including for weather related reasons; the College will notify students and staff using text message, email, social media, TV and/or radio. Notification for closure or delays will be sent separately for morning, evening, and weekend schedules.

### **IV. POLICY STATEMENT ADDRESSING COUNSELORS AND COUNSELING SERVICES**

There are no Pastoral or Professional Counselors on campus. Crisis, mental health and victim resource hotline numbers are available from the Student Services department. The “Title IX Policy” within this Report addresses the College’s policies with respect to support services and confidentiality for victims of sexual misconduct.

The College provides referrals to students and employees for counseling and treatment services through 2-1-1. Students and employees can dial 211 or find referrals at [www.211california.org](http://www.211california.org) or [www.211arizona.org](http://www.211arizona.org). Services available through 2-1-1 include hotlines, in-patient and out-patient treatment centers and support and counseling services. Services are available 24 hours, 7 days a week.

Additionally, the 988 dialing code Suicide & Crisis Lifeline offers 24/7 call, text and chat access to trained crisis counselors who can help people experiencing suicidal, substance use, and/or mental health crisis, or any other kind of emotional distress.

### **V. ACCESS POLICY, SECURITY OF CAMPUS FACILITIES AND SECURITY CONSIDERATIONS USED IN THE MAINTENANCE OF CAMPUS FACILITIES**

The College does not maintain residential facilities. The campus facilities are open during day, evening and weekend business hours (8:30am to 10:30pm Monday through Friday and 8:30am to 6:30pm on weekends) and are accessible to students, employees, contractors, and guests. The

campus is secured during non-business hours by locking doors and setting alarms and only accessible by issued key and alarm pass code. Maintenance personnel enter the facilities during the evening or early morning non-business hours by issued key and alarm pass code.

Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. The Campus Director/Assistant Campus Director regularly reviews the campus and reports malfunctioning lights and other unsafe physical conditions to the Facilities Department for correction.

## **VI. CAMPUS LAW ENFORCEMENT AND RELATED POLICIES**

The College does not employ campus police. During the evening hours (6:00pm to 10:30pm), while students are on campus, the College has contracted with a security agency at each campus to provide an un-armed security guard. Neither the security personnel nor the College employees have the authority to arrest or detain any individual. The College will assist in notifying appropriate law enforcement authorities if a student requests assistance in contacting police. Students, faculty, and staff are encouraged to accurately and promptly report all crimes and public safety related incidents to the College, as set forth in the “Reporting Crimes” section of this Report and to notify local police.

If you are a victim of or witness to a crime and do not want to pursue action through the College’s procedures or the criminal justice system, the College encourages you to consider reporting the incident to the Campus Director/Assistant Campus Director, other CSA or the Campus Security Survey Administrator for the limited purpose of permitting the College to include the incident in its crime statistic reporting without revealing your identity. With such information, the College can keep an accurate record of the number of similar incidents, 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. The College will make best efforts, to the extent permitted by law, to maintain the privacy of that information and to comply with the Family Educational Rights and Privacy Act of 1974 (FERPA). Police reports are public records under state law, the College cannot hold reports of crime obtained from police records in confidence. Policies with respect to victims of sexual violence are contained in the “Title IX” section of this Report.

## **VII. SECURITY AWARENESS AND CRIME PREVENTION PROGRAMS**

Safety and security awareness programs are in place for students and employees. The common theme of awareness and crime prevention programs are to encourage all members of the College campus community to be aware of their responsibility for their own security and the security of others. During new student and new employee (faculty and staff) orientations, individuals are informed of the College’s current security and crime prevention policies and practices as well as the protection of personal safety and prevention of crime. Such orientations include a PowerPoint presentation and review of the policies contained in this Report and the student catalog/employee handbook. The presentations include training required by Title IX of the Higher Education Act. Additionally, visual emergency exiting layouts are posted at the entrances of all campus rooms.

College faculty and staff are trained in providing a safe and secure environment in which its students can learn. This training includes first aid, emergency procedures, knowledge of the campus, alarm system updates, Title IX, ethics and conduct, and drug free workplace requirements.

The College abides by Orders of Protection (Restraining Orders). Orders of Protection are issued by a Domestic Relations or a Municipal Court to protect a person or entity, and the general public, in a situation involving alleged assault, domestic violence, harassment, stalking or sexual assault. In the State of California, forms can be obtained online at [www.courts.ca.gov](http://www.courts.ca.gov). A person must complete the DV-100 Domestic Violence Description form and the DV101 form. Both completed forms must be submitted to the court clerk. In Arizona, Orders of Protection are filed with the Superior Court: [www.azleg.state.az.us/ars/13/03602.htm](http://www.azleg.state.az.us/ars/13/03602.htm). The College's objective is to provide a safe and secure environment for students, faculty, staff and visitors.

### **Procedures**

- Students, staff and faculty must notify the Campus Director/Assistant Campus Director or other CSA if they have an Order of Protection.
- The front desk person must be provided a copy of the Order of Protection with a picture of the suspect.
- The Campus Director/Assistant Campus Director, faculty, staff and students that are involved with the Order of Protection and campus security guards will be informed of expected actions and security measures.
- If anyone sees the suspect, call 911 immediately.
- In the event of eminent danger or immediate emergency, information is released through the emergency notification system.

## **VIII. POLICY ON POSSESSION, USE AND SALE OF ALCOHOLIC BEVERAGES AND ILLEGAL DRUGS AND THE DRUG AND ALCOHOL ABUSE PREVENTION PROGRAM**

The College is committed to maintaining a drug-free school and workplace. The College is committed to full compliance with the Drug Free Workplace Act and the Drug-Free Schools and Communities Act regulations as contained in 34 C.F.R. Part 86. New students, faculty and staff are provided this information upon enrollment and employment. Annually, students and employees are provided this information by means of the College's publication of this Report and material posted on campus. In accordance with federal regulations, the College conducts reviews at least biennially to determine the effectiveness of this policy to ensure consistent enforcement of applicable drug and alcohol related statutes, ordinances, and institutional policies against students and employees found to be in violation. Annual Review reports and supporting documents will be maintained by the College and made available upon request. Students or employees with any questions concerning this policy should contact the Campus Director/Assistant Campus Director.

All students and employees are prohibited from the unlawful manufacture, distribution, possession, sale or use of illicit drugs and alcohol on College property or as part of any College officially sponsored off-campus activities. Students are also prohibited from being under the influence of alcohol, illegal drugs or any other substance that could adversely affect the health, safety or welfare of students and staff on College property or at any of its officially sponsored activities. This includes all forms of marijuana, regardless of the state legality of the substance. College policy prohibits the possession, use and sale of alcoholic beverages in violation of State underage drinking laws. College management should be immediately notified of any alcohol or drug-related activity in violation of this policy.

### **Reporting of Violations to Local and/or State Law Enforcement**

The College will report to local and/or state law enforcement, as applicable by federal and state drug laws, any student who is found in possession of, using, or selling illegal drugs on campus as well as anyone who is found to have broken the state laws regarding underage drinking.

### **Disciplinary Sanctions**

Illegal possession or use of drugs or alcohol can have penalties, including community service, suspension or loss of driver's license, jail time and fines. Any violation of these policies will result in appropriate disciplinary action up to including expulsion/termination, even for the first offense. The misuse of a prescribed controlled substance cannot impair a student/employee's ability to safely participate in an education program/in the workplace. Students who violate the College's prohibitions against drug and alcohol are subject to disciplinary action up to and including termination of their enrollment.

Employees who are under the influence of drugs and alcohol in the workplace are subject to disciplinary action up to and including termination of their employment. Each employee has access to College employee rules and regulations governing employee conduct in the Employee Handbook. These rules and regulations are in effect when on campus in any capacity and participating in any College sponsored activity. For further guidance, employees are instructed to see the Employee Handbook.

Violations of the law may also be referred to the appropriate law enforcement authorities as may be required by federal and state drug laws.

### **Treatment Programs**

Students and employees are encouraged to seek substance abuse treatment. While no treatment, rehabilitation or re-entry program is available on campus, the College provides referrals through 2-1-1 and 9-8-8. Students and employees can dial 211 or find referrals at [www.211california.org](http://www.211california.org) or [www.211arizona.org](http://www.211arizona.org). Services available through 2-1-1 include hotlines, in-patient and out-patient treatment centers and support and counseling services. Services are available 24 hours, 7 days a week. Students and employees can also call, text, or chat with the Suicide & Crisis Lifeline by dialing 9-8-8 where trained counselors are available to help with people experiencing substance abuse.

Additionally, the following is a list of outside services and support groups available to students and employees:

- Alcohol and Drug Abuse Hotline: 800-444-9999
- Alcohol and Drug Recovery Center: 888-978-3685
- The National Institute on Drug Abuse Treatment Referral Hotline 1-800-662-HELP
- Al Anon for Families of Alcoholics 1-800- 344-2666

### **Health Risks**

There are definite health risks associated with the abuse of alcohol and drugs. Alcohol or any other drug used in excess over time can produce illness, disability, and death. The health consequences of substance abuse may be immediate and unpredictable, such as cardiac arrest with cocaine use, or more subtle and long term, such as liver deterioration associated with the prolonged use of alcohol. In addition to health-related problems, other concerns relating to substance abuse include the following:

- People who abuse alcohol and other drugs often have erratic lifestyles which interfere with sleep, nutrition, and exercise.
- Alcohol and substance use and abuse may lead to financial difficulties, domestic violence, deterioration of the family structure, motor vehicle accident injuries, and reduced job performance.
- Repeated abuse of alcohol can lead to dependence.

### **Descriptions of Dangerous Drugs**

- *Alcohol* is a potentially addictive drug of significant physical and psychological consequence. Alcohol is a central nervous system depressant that affects all neurological functions. At relatively low levels it affects one's judgment and decision-making, and at higher levels it impairs the functioning of one's vital organs and can result in a coma or death. Alcohol is an irritant to the gastrointestinal tract and moderate over-indulgence ordinarily results in nausea, vomiting, and diarrhea. In addition to these significant physical consequences, there are a number of less obvious consequences to alcohol use. For example, the effects of alcohol on sleep have been well documented. Consuming several drinks before bedtime has been found to decrease the amount of REM (rapid eye movement) or dreaming sleep. The consequences of being deprived of REM sleep are impaired concentration and memory, as well as anxiety, tiredness, and irritability. Additionally, research has demonstrated that alcohol tends to decrease fear and increase the likelihood that an individual will accept risks. This lack of inhibition and judgment is a major contributor to the extraordinarily high percentage of serious accidents and accidental deaths related to alcohol use. Prolonged and excessive use of alcohol usually causes progressively more serious erosion of the

gastrointestinal tract lining ranging from gastritis to ulcers and hemorrhage. Damage to the pancreas is frequent among those who have used alcohol.

- ***Marijuana (cannabis) (nicotina glauca)*** is a drug that is illegal federally and impairs memory, perception, judgment, and hand-eye coordination skills. The tar content in cannabis smoke is at least 50% higher than that of tobacco and thus smokers run the added risk of lung cancer, chronic bronchitis, and other lung diseases. Recently, the medical community has diagnosed the existence of an AA motivational syndrome that affects moderate to chronic users and includes symptoms of loss of energy, motivation, effectiveness, concentration, ability to carry out long-term plans, and performance in school and work.
- ***LSD (Lysergic Acid Diethylamide)*** is a semi-synthetic drug regarded as a hallucinogenic. Short-term effects of this drug are generally felt within an hour of consumption and may last from two to 12 hours. Physiologically the user experiences increased blood pressure, rise in body temperature, dilated pupils, rapid heartbeat, muscular weakness, trembling, nausea, chills, numbness, loss of interest in food, and hyperventilation. Fine motor skills and coordination are usually impaired, as are perception, thought, mood, and psychological processes. Long-term effects may include flashbacks, weeks and even months after taking the drug, mental illness, prolonged depression, anxiety, psychological dependence, and suicidal thoughts.
- ***PCP (Phencyclidine Hydrochloride)*** is a white crystalline powder that was originally used as a local anesthetic, but due to extreme side effects, was discontinued in 1967. In humans, PCP is a difficult drug to classify in that reactions may vary from stupor to euphoria and resemble the effects of a stimulant, depressant, anesthetic, or hallucinogen. Short-term effects include hyperventilation, increase in blood pressure and pulse rate, flushing and profuse sweating, general numbness of the extremities, and loss of muscular coordination. At higher doses it causes nausea, vomiting, blurred vision, loss of balance, and disorientation. It produces profound alteration of sensation, mood and consciousness, and can cause psychotic states in many ways indistinguishable from schizophrenia. Large doses have been known to cause convulsions, permanent brain damage, and coma.
- ***Cocaine*** is a naturally occurring stimulant drug which is extracted from the leaves of the cocoa plant. Cocaine is sold as a white translucent crystalline powder frequently cut to about half its strength by a variety of other ingredients including sugars and cleaning powders. It is one of the most powerfully addictive drugs in use today. Short-term effects of cocaine include constricted peripheral blood vessels, dilated pupils, increased heart rate and blood pressure. It also causes appetite suppression, pain indifference, possible vomiting, visual, auditory, and tactile hallucinations, and occasionally paranoia. Long-term effects include nasal congestion, collapse of nasal septum, restlessness, irritability, anxiety, and depression. Overdoses or chronic use may result in toxicity which includes symptoms of seizures followed by respiratory arrest, coma, cardiac arrest, and/or death.

- **Amphetamines** are central nervous system stimulants that were once used medically to treat a variety of symptoms including depression and obesity. They may be taken orally, sniffed, or injected into the veins. Short-term effects disappear within a few hours and include reduction of appetite, increased breathing and heart rate, raised blood pressure, dilation of pupils, dry mouth, fever, sweating, headache, blurred vision and dizziness. Higher doses may cause flushing, rapid and irregular heartbeat, tremor, loss of coordination, and collapse. Death has occurred from ruptured blood vessels in the brain, heart failure, and very high fever. Psychological effects include increased alertness, postponement of fatigue, a false feeling of well-being, restlessness, excitability, and a feeling of power. Long-term effects include drug dependence and the risk of drug induced psychosis. Withdrawal includes extreme fatigue, irritability, strong hunger, and deep depression that may lead to suicide.

## **Drug and Alcohol Laws**

Federal law, California law and Arizona law consider the illegal use of drugs and alcohol to be serious crimes. The sanctions for violations of these laws range from fines to lengthy terms of incarceration, or both. The following provisions of the Federal, state, and municipal law serve as the foundation for the College's policy. (Note: This list is not a complete summary of relevant laws and ordinances regarding alcohol and drugs. It is a brief summary of applicable criminal sanctions)

State laws contain a variety of provisions governing the possession, use, and consumption of alcoholic beverages. In every State it is unlawful to sell, furnish or provide alcohol to a person under the age of 21. Also, the possession of alcohol by anyone less than 21 years of age in a public place or a place open to the public generally is illegal. Driving while intoxicated is also illegal, regardless of age. State laws also prohibit the unlawful possession, distribution, and use of controlled substances and drugs, as defined in each jurisdiction.

In addition to local and state laws, federal laws also prohibit the unlawful possession, distribution, and use of controlled substances and drugs. Among other things, federal laws make it a crime to possess drugs (including in your backpack, car, purse, or house), to hold someone else's drugs, or to be in a house where people are using drugs.

Members of our campus community should be aware of the serious legal penalties applied for conviction in cases of drug or alcohol abuse. Such convictions can lead to imprisonment, fines, and assigned community service. Also, courts do not lift prison sentences in order for convicted persons to attend college or continue their jobs. An offense is classified as a misdemeanor or a felony, depending upon the type and the amount of the substance(s) involved. Specific legal sanctions under local, state, and federal laws may include:

- Suspension, revocation, or denial of a driver's license
- Property seizure
- Mandated community service



- Monetary fines
- Prison sentence

## **Alcohol Laws**

### *Federal Laws*

- Federal law has set 21 as the minimum age to purchase or possess any alcoholic beverage. It is unlawful to sell, furnish or provide alcohol to a person under the age of 21. The possession of alcohol by anyone under 21 years of age in a public place or a place open to the public is illegal.

### *Arizona Laws*

- It is unlawful for a person under the age of twenty-one years, to buy, receive, have in possession or consume spirituous liquor. (A.R.S. 4-241)
- It is unlawful for a person to buy for resale, sell or deal in spirituous liquors in this state without first having procured a license duly issued by the Arizona State Liquor Board. (A.R.S. 4-244(1))
- It is unlawful to consume spirituous liquor in a public place, thoroughfare or gathering as set forth in A.R.S. 4-244(20).
- It is unlawful for any person to serve or to furnish spirituous liquor to an intoxicated or disorderly person, or for any person to allow or to permit an intoxicated or disorderly person to come into or to remain at an event where spirituous liquor is being served or consumed. (A.R.S. 4-244(14))
- It is unlawful for a person to operate a motor vehicle on any highway while consuming spirituous liquor. (A.R.S. 4-244(21))
- It is unlawful to conduct drinking contest, or to sell or provide to a person an unlimited number of spirituous liquor beverages during any set period of time for a fixed price or to provide more than two spirituous liquor beverages to one person at one time for that person's consumption as set forth in A.R.S. 4-244(23).
- It is unlawful to sell or give liquor to underage person; illegally obtaining liquor by underage person; violation; classification; definitions. (A.R.S. 4-241)

### *California Laws*

- It is illegal for persons under the age of 21 to possess an alcoholic beverage in any public place or any place open to the public (California Business & Professions Code §25662).

- Any person who furnishes, gives or sells any alcoholic beverage to someone under the age of 21 is guilty of a misdemeanor (California Business & Professions Code §25658(a)).
- Any person under the age of 21 who attempts to purchase an alcoholic beverage is guilty of an infraction (California Business & Professions Code §25658.5).
- Any person under the influence of alcohol in a public place and unable to exercise care for one's own safety or that of others is guilty of a misdemeanor (California Penal Code §647(f)).
- It is illegal for persons to operate a motor vehicle while under the influence of alcohol or other intoxicants or with a blood alcohol level of .08% or higher (California Vehicle Code §23152). NOTE: A golf cart is a motor vehicle.
- It is unlawful for a person under the age of 21 years who has 0.05 percent or more, by weight, of alcohol in his or her blood to drive a vehicle (California Vehicle Code §23140(a)).
- It is illegal for a person under the age of 21 to drive a vehicle when he or she has a blood alcohol concentration (BAC) of .01% or higher (California Vehicle Code § 23136).
- It is a misdemeanor to ride a bicycle under the influence of alcohol, drugs or both (California Vehicle Code § 21200.5).
- It is an infraction to possess an open container of an alcoholic beverage while in a motor vehicle (California Vehicle Code §23223).
- It is an infraction for an owner or driver of a motor vehicle to allow an open container of alcohol in a motor vehicle, unless the container is in the trunk of the vehicle (California Vehicle Code § 23225).

## **Drug Laws**

### *Federal Laws*

- The Controlled Substances Act places all substances that are regulated under existing federal law into one of five schedules:

#### Schedule I Controlled Substances

Substances in this schedule have a high potential for abuse. Some examples of substances listed in schedule I are: heroin, lysergic acid diethylamide (LSD), marijuana (cannabis), peyote, methaqualone, and 3, 4-methylenedioxymethamphetamine ("ecstasy").

### Schedule II Controlled Substances

Substances in this schedule have a high potential for abuse that may lead to severe psychological or physical dependence. Examples of single entity schedule II narcotics include morphine and opium. Other schedule II narcotic substances and their common name brand products include: hydromorphone (Dilaudid®), methadone (Dolophine®), meperidine (Demerol®), oxycodone (OxyContin®), and fentanyl (Sublimaze® or Duragesic®). Examples of schedule II stimulants include: amphetamine (Dexedrine®), Adderall®, methamphetamine (Desoxyn®), and methylphenidate (Ritalin®). Other schedule II substances include: cocaine, amobarbital, glutethimide, and pentobarbital.

### Schedule III Controlled Substances

Substances in this schedule have a potential for abuse less than substances in schedules I or II and abuse may lead to moderate or low physical dependence or high psychological dependence. Examples of schedule III narcotics include combination products containing less than 15 milligrams of hydrocodone per dosage unit (Vicodin®) and products containing not more than 90 milligrams of codeine per dosage unit (Tylenol with Codeine®). Also included are buprenorphine products (Suboxone®) and (Subutex®) used to treat opioid addiction. Examples of schedule III non-narcotics include benzphetamine (Didrex®), phendimetrazine, ketamine, and anabolic steroids such as oxandrolone (Oxandrin®).

### Schedule IV Controlled Substances

Substances in this schedule have a low potential for abuse relative to substances in schedule III. An example of a schedule IV narcotic is propoxyphene (Darvon® and Darvocet-N 100®). Other schedule IV substances include: alprazolam (Xanax®), clonazepam (Klonopin®), clorazepate (Tranxene®), diazepam (Valium®), lorazepam (Ativan®), midazolam (Versed®), temazepam (Restoril®), and triazolam (Halcion®).

### Schedule V Controlled Substances

Substances in this schedule have a low potential for abuse relative to substances listed in schedule IV and consist primarily of preparations containing limited quantities of certain narcotics. These are generally used for antitussive, antidiarrheal, and analgesic purposes. Examples include cough preparations containing not more than 200 milligrams of codeine per 100 milliliters or per 100 grams (Robitussin AC® and Phenergan with Codeine®).

### *Federal Penalties and Sanctions for Illegal Possession of a Controlled Substance*

- **21 U.S.C. 844(a)**
  - 1<sup>st</sup> conviction: Up to 1 year imprisonment and fined at least \$1,000 but not more than \$100,000, or both.

- After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years and fined at least \$2,500 but not more than \$250,000, or both.
  - After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years and fined at least \$5,000 but not more than \$250,000, or both, if: (a) 1<sup>st</sup> conviction and the amount of crack possessed exceeds 5 grams. (b) 2<sup>nd</sup> crack conviction and the amount of crack possessed exceeds 3 grams. (c) 3<sup>rd</sup> or subsequent crack conviction and the amount of crack possessed exceeds 1 gram.
- **21 U.S.C. 853(a)(2) and 881(a)(7)**  
 Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than 1 year imprisonment.
  - **21 U.S.C. 881(a)(4)**  
 Forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance.
  - **21 U.S.C. 844a**  
 Civil fine of up to \$10,000.
  - **21 U.S.C. 853a**  
 Denial of Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to 1 year for first offense, up to 5 years for second and subsequent offences.
  - **18 U.S.C. 922(g)**  
 Ineligible to receive or purchase firearms.

*Miscellaneous*

Revocation of certain Federal licenses and benefits, e.g. pilot licenses, public housing tenancy, etc., are vested within the authorities of individual Federal agencies.

*Arizona Laws*

- It is unlawful for a person to possess, use, sell or transfer drugs (marijuana, peyote, prescription drugs, dangerous drugs or narcotic drugs) or manufacture of dangerous drugs in a drug free school zone. (A.R.S. 12-3411) (A)(1-3))
- A person shall not knowingly possess, use administer, acquire, sell manufacture or transport narcotic drugs. (A.R.S. 13-3408 (A)(1-7))

- A person shall not knowingly possess, use, administer, acquire, sell, manufacture or transport dangerous drugs. (A.R.S. 13-3407 (A)(1-7))
- A person shall now knowingly possess, use, administer, acquire, sell, manufacture or transport prescription-only drugs. (A.R.S. 13-3406 (A)(1-7))
- Criminal penalties for marijuana are located in A.R.S. 13-3405.

### *California Laws*

- Possession of more than 28.5 grams of cannabis, or more than eight grams of concentrated cannabis (defendant 18 and over) constitutes a misdemeanor punishable under California Health & Safety Code § 11357. A misdemeanor may be up to six months in jail and/or up to \$500.00 fine.
- Every person who sells, dispenses, distributes, furnishes, administers, or gives, or offers to sell, dispense, distribute, furnish, administer, or give, or possesses for sale any synthetic cannabinoid compound, or any synthetic cannabinoid derivative, to any person, is guilty of a misdemeanor, punishable by imprisonment in a county jail not to exceed six months, or by a fine not to exceed one thousand dollars (\$1,000), or by both that fine and imprisonment. (California Health & Safety Code § 11357.5)
- Every person who possesses for sale any cannabis, except as otherwise provided by law is punishable under California Health & Safety Code § 11359.
- It is unlawful to sell controlled substances: Imprisonment in State prison for two to four years for possession or sale of specified controlled substances including opium derivatives and cocaine. (California Health & Safety Code §11351)
- It is unlawful to distribute prescription drugs: it is unlawful for any person who is not a pharmacist to manufacture, compound, furnish, sell, or dispense any dangerous drug or dangerous device, or to dispense or compound any prescription. (California Business & Professions Code § 4051 (a))
- It is unlawful to be under the influence of controlled substance: No person shall use or be under the influence of any controlled substance. Any person convicted of violating this is guilty of a misdemeanor and shall be sentenced to serve a term of more than one year in a county jail. (California Health & Safety Code §11550 (a))

### **Disclosure of Convictions**

Disclosures of convictions will be treated confidentially. The College will restrict communications concerning possible violations of this policy to persons who have an important work-related reason to know.

The Higher Education Act, as amended by the *FAFSA Simplification Act* (Act) as part of the *Consolidated Appropriations Act, 2021(CAA)*, removed the suspension of eligibility for Title IV aid for drug-related convictions that occurred while receiving Title IV aid.<sup>1</sup>

## IX. VIOLENCE AGAINST WOMEN ACT (VAWA)

The College prohibits crimes of dating violence, domestic violence, sexual assault and stalking. The Violence Against Women Reauthorization Act of 2013 (VAWA) requires publication of the state law definitions for “dating violence,” “domestic violence,” “sexual assault,” “stalking,” and “consent.”

### Arizona State Law Definitions

- **Dating Violence** – is defined within A.R.S. 13-3601 with Domestic Violence.
- **Domestic Violence** – A.R.S. 13-3601

Any act that is a dangerous crime against an adult or a child as defined in section 13-705 or an offense prescribed in section 13-1102, 13-1103, 13-1104, 13-1105, 13-1201, 13-1202, 13-1203, 13-1204, 13-1302, 13-1303, 13-1304, 13-1406, 13-1425, 13-1502, 13-1503, 13-1504, 13-1602 or 13-2810, section 13-2904, subsection A, paragraph 1, 2, 3 or 6, section 13-2910, subsection A, paragraph 8 or 9, section 13-2915, subsection A, paragraph 3 or section 13-2916, 13-2921, 13-2921.01, 13-2923, 13-3019, 13-3601.02 or 13-3623, if any of the following applies:

1. The relationship between the victim and the defendant is one of marriage or former marriage or of persons residing or having resided in the same household.
2. The victim and the defendant have a child in common.
3. The victim or the defendant is pregnant by the other party.
4. The victim is related to the defendant or the defendant’s spouse by blood or court order as a parent, grandparent, child, grandchild, brother or sister or by marriage as a parent-in-law, grandparent-in-law, stepparent, step-grandparent, stepchild, step-grandchild, brother-in-law or sister-in-law
5. The victim is a child who resides or has resided in the same household as the defendant and is related by blood to a former spouse of the defendant or to a person who resides or who has resided in the same household as the defendant.

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<sup>1</sup> While the Consolidated Appropriations Act, 2021, repealed the suspension of Title IV eligibility for drug-related convictions that occurred while receiving Title IV aid, it did not appeal the Department of Justice (DOJ) drug conviction restriction on Title IV aid.

6. The relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship:
  - (a) The type of relationship.
  - (b) The length of the relationship.
  - (c) The frequency of the interaction between the victim and the defendant.
  - (d) If the relationship has terminated, the length of time since the termination.

- **Sexual Assault** – A.R.S.13-1406

A person commits sexual assault by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person without consent of such person.

- **Stalking** – A.R.S. 13-2923.

A person commits stalking if the person intentionally or knowingly engages in a course of conduct that is directed toward another person and if that conduct causes the victim to:

1. Suffer emotional distress or reasonably fear that either:
  - (a) The victim's property will be damaged or destroyed.
  - (b) Any of the following will be physically injured:
    - (i) The victim.
    - (ii) The victim's family member, domestic animal or livestock.
    - (iii) A person with whom the victim has or has previously had a romantic or sexual relationship.
    - (iv) A person who regularly resides in the victim's household or has resided in the victim's household within the six months before the last conduct occurred.
2. Reasonably fear death or the death of any of the following:
  - (a) The victim's family member, domestic animal or livestock.
  - (b) A person with whom the victim has or has previously had a romantic or sexual relationship.

(c) A person who regularly resides in the victim's household or has resided in the victim's household within the six months before the last conduct occurred.

- **Consent** – A.R.S. 36-551.

Voluntary informed consent. Consent is voluntary if not given as the result of coercion or undue influence. Consent is informed if the person giving the consent has been informed of and comprehends the nature, purpose, consequences, risks and benefits of the alternatives to the procedure, and has been informed and comprehends that withholding or withdrawal of consent will not prejudice the future provision of care and services to the client. In cases of unusual or hazardous treatment procedures performed pursuant to section 36-561, subsection A, experimental research, organ transplantation and non-therapeutic surgery, consent is informed if, in addition to the foregoing, the person giving the consent has been informed of and comprehends the method to be used in the proposed procedure.

### **California State Law Definitions**

- **Dating Violence** – included in the domestic violence definition in California Penal Code § 13700

- **Domestic Violence** – California Penal Code §13700

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. For purposes of this subdivision, "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.

- **Sexual Assault** – California does not specifically define "Sexual Assault."

- **Stalking** – California Penal Code § 646.9

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, punishable by imprisonment in a county jail for not more than one year, or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment, or by imprisonment in the state prison.



- **Consent**– California Penal Code § 261.6

Consent shall be defined to mean positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved. A current or previous dating or marital relationship shall not be sufficient to constitute consent where consent is at issue in a prosecution under Section 261, 262, 286, 288a, or 289. Nothing in this section shall affect the admissibility of evidence or the burden of proof on the issue of consent. Arizona State Law Definitions

## **X. TITLE IX POLICY**

The 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-Discrimination<sup>2</sup>**

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](mailto: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

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<sup>2</sup> *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.

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 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. 4<sup>th</sup> Floor Los Angeles, CA 90010**  
**(310) 289-5123 x1138 / [lisa.ingoldsby@smithchason.edu](mailto:lisa.ingoldsby@smithchason.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	Denise Villeda Student Services Coordinator	3580 Wilshire Blvd. 4 <sup>th</sup> Fl Los Angeles, CA 90010	(310) 289-5123 x1116 <a href="mailto:denise.villeda@smithchason.edu">denise.villeda@smithchason.edu</a>
Ontario	Deysy Gonzalez Director of Student Services	3700 E. Inland Empire Blvd, Ste 235, Ontario, CA 91764	(323) 483-6572 x2012 <a href="mailto:deysy.gonzalez@smithchason.edu">deysy.gonzalez@smithchason.edu</a>
Phoenix	Kallie Gough Director of Student Services	3110 N. Central Ave., Ste L-100 Phoenix, AZ 85012	(602) 954-3834 x108 <a href="mailto:kallie.gough@smithchason.edu">kallie.gough@smithchason.edu</a>
San Marcos	Jasmine Orellana Student Services Director	300 Rancheros Drive, Ste 100, San Marcos, CA 92069	(760) 418-4200 x4209 <a href="mailto:jasmine.orellana@smithchason.edu">jasmine.orellana@smithchason.edu</a>

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.<sup>3</sup> A report can be made at any time,

<sup>3</sup> *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.

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 Harassment<sup>4</sup>:** 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

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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.

<sup>4</sup> 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.

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 Investigation<sup>5</sup>.

**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 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

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<sup>5</sup> 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.”

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 1<sup>st</sup> 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/Deputy<sup>6</sup> 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 Considerations**<sup>7</sup>

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

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<sup>6</sup> 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.

<sup>7</sup> *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.

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 confidential<sup>8</sup> 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.

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](http://www.wcui.edu/page/consumer-information) and [www.smithchason.com/consumer-information/](http://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,

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<sup>8</sup> *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 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.

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 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 Process<sup>9</sup>**

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

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<sup>9</sup> *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:



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

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- 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.
  - Investigation and adjudication of alleged misconduct is not an adversarial process between the Complainant, the Respondent and the witnesses, but rather a process for postsecondary institutions to comply with their obligations under existing law. The Complainant does not have the burden to prove, nor does the Respondent have the burden to disprove, the underlying allegation or allegations of misconduct. 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.
  - 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.

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 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.

### **Training<sup>10</sup>**

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 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 prejudice 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](http://www.wcui.edu/page/consumer-information) and [www.smithchason.com/consumer-information/](http://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@smithchason.edu](mailto:andrew.high@smithchason.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

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<sup>10</sup> *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.

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.

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 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. 4<sup>th</sup> Floor Los Angeles, CA 90010  
(310) 289-5123  
[adacompliancecoordinator@smithchason.edu](mailto:adacompliancecoordinator@smithchason.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/](http://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](http://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.

## **XI. POLICY STATEMENT ADDRESSING SEX OFFENDER REGISTRATION INFORMATION**

The College is required to inform students and employees about where law enforcement information provided by a State concerning registered sex offenders may be obtained. The law also requires sex offenders already required to register in a State to provide notice of each institution of higher education in that State at which the person is employed, carries a vocation, or is a student. In Arizona a complete list of sex offenders can be obtained at <https://www.azdps.gov/services/public/offender>. In California, information about convicted sex offenders is available at [www.meganslaw.ca.gov](http://www.meganslaw.ca.gov).

The National Registry of Sex Offenders is available via Internet at the following web address: [www.meganslaw.ca.gov](http://www.meganslaw.ca.gov)

## **XII. SECURITY AWARENESS AND CRIME PREVENTION**

The College encourages all students, faculty, staff and visitors to observe and practice common safety precautions:

### **Walking around campus**

- Familiarize yourself with the layout of the campus.
- Plan the safest route to your destination; choose well-lighted, busy pathways and streets.
- At night, stick to well-lighted areas whenever possible and avoid alleyways or “short cuts” through isolated areas.
- Travel in groups when walking at night.
- If you are being followed, change direction and go to the nearest business or safe place and call the Police. Note the description of the person following you.

- Walk near the curb and avoid shrubbery or other places of potential concealment.
- Stay alert to your surroundings and the people around you.
- Carry your purse close to your body and keep a firm grip on it.
- Carry your wallet in an inside coat pocket or your front pant pocket.
- Keep your keys separate from your purse or backpack.
- Don't overload yourself with bags or packages
- Avoid wearing shoes that restrict your movements.
- Always carry and display your campus identification card.
- Be aware, stay alert and report suspicious activity to Campus Security Authority.

### **In the campus buildings**

- Don't allow others to enter if you are not positive they are a current employee or student.
- Do not let unknown individuals "tailgate;" ask who they are visiting and offer to call the front desk.
- Do not prop any security or exterior doors open to allow unescorted visitors into the building.
- Report lost or stolen keys immediately to the front desk.
- Report any malfunctioning security system, locks, doors or windows to CSA or front desk.
- Do not leave your keys lying around in your room when you are not in the room.
- Report any suspicious persons or activities to CSA or front desk.
- Secure your valuables and engrave expensive items with identifying information.
- Do not leave your identification, keys, wallets, or other valuables in open view, unattended or not secured.

### **Motor vehicle safety**

- Park in well lighted areas, where your vehicle is visible
- Keep all valuables out of sight. Remove or place CD players/cases, etc. in the trunk.

- Keep your vehicle locked and close windows at all times when parked.
- Unlock your vehicle only when you are in reach of your door.

### **Safety Tips**

- Stay alert of your surroundings, wherever you are.
- If you feel uncomfortable in a place, leave right away.
- Keep eyes and ears open, hands free.
- Choose busy streets and avoid going through deserted areas.
- At night, walk in well-lit areas whenever possible.
- Try not to walk alone. Take a friend or walk in group.
- Avoid carrying large sums of cash.
- When in public spaces, keep valuable items including jewelry, mobile phones and wallets out of sight.
- Carry a pepper or mace spray as a precautionary measure.
- Avoid returning to campus after dark if you do not have to, or walk in groups to and from buildings.

### **Suggestions to Reduce Risk of Sexual Violence**

- There is strength in numbers or group dates. Go to parties or clubs with a friend and be responsible for each other. Don't split up. Have a preplanned signal to let your friend know that you want to leave or need help.
- Control your alcohol; don't let it control you. Drink responsibly or not at all, especially on first dates.
- No substance abuse.
- Know your limits. It's never too late to say "no." Don't be embarrassed or ashamed to say "no" or ask someone to stop. It is your body.
- Verbalize your expectations. Be up front. Talk about sexual boundaries. A potentially embarrassing conversation could save you from a traumatic situation.
- Trust your gut instinct. Guard your personal space. If someone makes you uncomfortable, remove yourself from the situation.

### XIII. CLERY ACT CRIME REPORT STATISTICS

#### Los Angeles Campus<sup>11</sup>

OFFENSE	PROPERTY	2020	2021	2022
Murder/ Non-Negligent Manslaughter	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Manslaughter By Negligence	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Rape	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Fondling	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Incest	On-Campus Property	0	0	0

<sup>11</sup> The College was unable to determine the Clery geographical location (if on-campus or public property) of the **2021** statistics received from the local police department for incidents involving 1 motor vehicle theft, 1 attempted rape, and if hate crimes were the motivating factor involving incidents of 1 theft and 1 vandalism as the statistical report does not include specific premise location, suite or room number. The College was also unable to determine the Clery geographical location (on-campus or public property) of the **2022** statistics involving 3 motor vehicle thefts and if a hate crime was the motivating factor involving 2 incidents of thefts and 1 incident of vandalism as the report reflects counts based on address information without specifying suite or room numbers. Additionally, the College was unable to determine if the **2022** statistics involving 1 motor vehicle theft at the non-campus property (Offsite MRI Lab – White Memorial Medical Center) occurred within the Clery geography as the report reflects counts based on address information without specifying suite or room numbers. Since the College was unable to determine the exact Clery geographical location, these statistics were not including in the Campus Safety and Security Survey as a reportable Clery Act crime.

OFFENSE	PROPERTY	2020	2021	2022
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Statutory Rape	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Robbery	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Aggravated Assault	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Burglary	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Motor Vehicle Theft	On-Campus Property	1	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Arson	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0

OFFENSE	PROPERTY	2020	2021	2022
VAWA Offenses: Domestic Violence	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
VAWA Offenses: Dating Violence	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
VAWA Offenses: Stalking	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Hate Crimes: Related to any of the above listed crimes, and Hate Crimes involving simple assault, larceny-theft, intimidation, or destruction/damage/vandalism of property	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Arrests: Weapons Carrying, Possessing, etc. Law Violations	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Disciplinary Referrals: Weapons: Carrying, Possessing, etc.	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Arrests: Drug Abuse Violations	On-Campus Property	0	0	0
	Public Property	0	0	0

OFFENSE	PROPERTY	2020	2021	2022
	Non-Campus Property	0	0	0
Disciplinary Referrals: Drug Abuse Violations	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Arrests: Liquor Law Violations	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Disciplinary Referrals: Liquor Law Violations	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Unfounded Crimes	On-Campus, Public Property or Non-Campus Property	0	0	0

### Ontario Campus

OFFENSE	PROPERTY	2020	2021	2022
Murder/ Non-Negligent Manslaughter	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Manslaughter By Negligence	On-Campus Property	0	0	0
	Public Property	0	0	0



OFFENSE	PROPERTY	2020	2021	2022
	Non-Campus Property	0	0	0
Rape	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Fondling	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Incest	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Statutory Rape	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Robbery	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Aggravated Assault	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Burglary	On-Campus Property	0	0	0

OFFENSE	PROPERTY	2020	2021	2022
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Motor Vehicle Theft	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Arson	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
VAWA Offenses: Domestic Violence	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
VAWA Offenses: Dating Violence	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
VAWA Offenses: Stalking	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Hate Crimes: Related to any of the above listed crimes, and Hate Crimes involving simple assault, larceny-theft, intimidation, or destruction/damage/vandalism of property	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0

OFFENSE	PROPERTY	2020	2021	2022
Arrests: Weapons: Carrying, Possessing, etc.	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Disciplinary Referrals: Weapons: Carrying, Possessing, etc.	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Arrests: Drug Abuse Violations	On-Campus Property	0	0	0
	Public Property	0	1	0
	Non-Campus Property	0	0	0
Disciplinary Referrals: Drug Abuse Violations	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Arrests: Liquor Law Violations	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Disciplinary Referrals: Liquor Law Violations	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Unfounded Crimes	On-Campus, Public Property or Non-Campus Property	0	0	0

Phoenix Campus<sup>12</sup>

OFFENSE	PROPERTY	2020	2021	2022
Murder/ Non-Negligent Manslaughter	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Manslaughter By Negligence	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Rape	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Fondling	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Incest	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Statutory Rape	On-Campus Property	0	0	0
	Public Property	0	0	0

<sup>12</sup> In June 2020, our Phoenix Campus moved. 2020 On-Campus Crime Statistics are combined for both the previous location at 4250 E. Camelback Road, Bldg K, Ste 190, Phoenix and the current location at 3110 No. Central Ave, Ste L-100, Phoenix

OFFENSE	PROPERTY	2020	2021	2022
	Non-Campus Property	0	0	0
Robbery	On-Campus Property	0	1 <sup>13</sup>	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Aggravated Assault	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Burglary	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Motor Vehicle Theft	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Arson	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
VAWA Offenses: Domestic Violence	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0

<sup>13</sup> Robbery | Premise – Parking Lot

OFFENSE	PROPERTY	2020	2021	2022
VAWA Offenses: Dating Violence	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
VAWA Offenses: Stalking	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Hate Crimes: Related to any of the above listed crimes, and Hate Crimes involving simple assault, larceny-theft, intimidation, or destruction/damage/vandalism of property	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Arrests: Weapons: Carrying, Possessing, etc.	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Disciplinary Referrals: Weapons: Carrying, Possessing, etc.	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Arrests: Drug Abuse Violations	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Disciplinary Referrals: Drug Abuse Violations	On-Campus Property	0	0	0
	Public Property	0	0	0

OFFENSE	PROPERTY	2020	2021	2022
	Non-Campus Property	0	0	0
Arrests: Liquor Law Violations	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Disciplinary Referrals: Liquor Law Violations	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Unfounded Crimes	On-Campus, Public Property or Non-Campus Property	0	0	0

**San Marcos Campus**

The San Marcos branch campus opened on April 4, 2022, therefore, there are no crime statistics to report for 2020 and 2021. Partial crime statistics for 2022 (April-December 2022) are reported on this year’s 2023 Annual Safety and Security Report and a full 2023 calendar year crime statistics will be reported in 2024.

OFFENSE	PROPERTY	2020	2021	2022
Murder/ Non-Negligent Manslaughter	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Manslaughter By Negligence	On-Campus Property	0	0	0
	Public Property	0	0	0

OFFENSE	PROPERTY	2020	2021	2022
	Non-Campus Property	0	0	0
Rape	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Fondling	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Incest	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Statutory Rape	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Robbery	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Aggravated Assault	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Burglary	On-Campus Property	0	0	0



OFFENSE	PROPERTY	2020	2021	2022
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Motor Vehicle Theft	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Arson	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
VAWA Offenses: Domestic Violence	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
VAWA Offenses: Dating Violence	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
VAWA Offenses: Stalking	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Hate Crimes: Related to any of the above listed crimes, and Hate Crimes involving simple assault, larceny-theft, intimidation, or destruction/damage/vandalism of property	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0

OFFENSE	PROPERTY	2020	2021	2022
Arrests: Weapons: Carrying, Possessing, etc.	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Disciplinary Referrals: Weapons: Carrying, Possessing, etc.	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Arrests: Drug Abuse Violations	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Disciplinary Referrals: Drug Abuse Violations	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Arrests: Liquor Law Violations	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Disciplinary Referrals: Liquor Law Violations	On-Campus Property	0	0	0
	Public Property	0	0	0
	Non-Campus Property	0	0	0
Unfounded Crimes	On-Campus, Public Property or Non-Campus Property	0	0	0