

TOURO UNIVERSITY WORLDWIDE AND TOURO COLLEGE LOS ANGELES
SEXUAL ASSAULT/HARASSMENT POLICY

1.0 POLICY

Touro University Worldwide (“Touro”) and Touro College Los Angeles (“TCLA”) (collectively referred to as “Touro” or “University”) pledges its efforts to ensure an environment in which the dignity and worth of all members of the community are respected. It is the policy of Touro that sexual intimidation of students and employees is unacceptable behavior and will not be tolerated. Touro will not tolerate unwelcome sexual advances, requests for sexual favors, and any other verbal or physical conduct of a sexual nature constituting sexual harassment.

The University will not tolerate sexual assault in any form, including date/acquaintance rape. Every allegation of sexual assault will be reported to the police. Where there is reason to believe that the University’s regulations prohibiting sexual assault have been violated, the University will pursue strong disciplinary action. This discipline includes the possibility of suspension and dismissal or termination from the University.

Any employee, student or other person at the University who commits a rape or other crime of a sexual nature specified in the California Penal Code can be criminally prosecuted. In addition, employees and students can be disciplined under the California Education Code, even if the criminal justice authorities or the person assaulted chooses not to pursue criminal prosecution.

In general, it is a sex crime to engage in any sexual contact with a person who does not affirmatively consent, or to engage in sexual intercourse, deviant sexual intercourse, or sexual abuse if it is accomplished by forcible compulsion. California state law also defines these acts as crimes if any of them are engaged in with a person who is incapable of consent either because of the person's age or because the person is mentally incapacitated, or physically helpless. Therefore, sexual abuse, sexual assault, and rape are sex crimes and violators will be prosecuted in accordance with California or the relevant state law.

2.0 PURPOSE

All divisions of Touro seek to foster a collegial atmosphere where students are nurtured and educated through close faculty-student relationships, student camaraderie, and individualized attention. Discrimination or harassment of any kind, including sexual assault, domestic violence, dating violence, and stalking, is

anathema to Touro's mission, history, and identity. Touro will resolve any identified discrimination in a timely and effective manner. Compliance with Touro's policies and procedures is a necessary step in achieving a safe environment in our educational community. The policies set forth were developed to promote a safe educational environment in compliance with the Violence Against Women Act (VAWA), California Law, and a high quality campus life.

3.0 SCOPE

This policy applies to all members of Touro, including students, faculty, and administrators as well as third-parties (including, but not limited to, vendors, invitees, etc.). This policy applies to events that occur on-campus, off-campus, and on study abroad. Information and/or training regarding this policy are available to students, faculty, and staff. In addition, information about this policy will be available on Touro's website.

4.0 DEFINITIONS

- Advisor
 - Any individual who provides the accuser or accused support, guidance, or advice.
- Consent with regards to sexual activity
 - Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity.
 - Communicated through mutually understandable words or actions that clearly indicate willingness by all the involved parties to engage in the same sexual activity, at the same time, and in the same way.
 - Silence and lack of resistance do not constitute consent.
- Dating Violence
 - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - The existence of a social relationship is based on the "reporting party's statement" with consideration of
 - the length of the relationship,
 - the type of relationship, and
 - the frequency of the interaction between the persons involved.
 - Dating violence does not include acts covered by the definition of domestic violence.
- Domestic Violence
 - Domestic violence is a felony or misdemeanor crime of violence committed by any of the following individuals:
 - A current or former spouse or intimate partner of the victim; or
 - A person with whom the victim shares a child in common; or
 - A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; or

- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies [under VAWA]; or
 - Any other person against an adult or youth victim who is protected under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- Proceeding
 - All activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, factfinding investigations, formal or informal meetings, and hearings.
 - Does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.
- Result
 - Any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution.
 - The result must include any sanctions imposed by the institution and the rationale for the result and the sanctions.
- Sexual Harassment
 - Unwelcome sexual advances, requests for sexual favors, and, other visual, verbal or physical conduct of a sexual nature, when:
 - An individual's submission to or rejection of the conduct is made, either explicitly or implicitly, a term or condition of employment or of status in a course, program, or activity, or is used as a basis for employment or academic decision; or
 - The conduct has the purpose or effect of unreasonably interfering with an individual's work performance, academic performance, or educational experience, or of creating an intimidating, hostile, humiliating, or offensive working, educational, or living environment.
- Sexual offense
 - Unwelcome sexual advances, requests for sexual favors, and any other verbal or physical conduct of a sexual nature constituting sexual harassment.
- Sexual assault
 - Any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent, and including rape, fondling, incest or statutory rape as acted in the FBI's Uniform Crime Reporting program.
 - Rape
 - Is the perpetuation of an act of sexual intercourse with a person against his or her will and consent, or when such person is incapable of giving consent because of his or her youth or his or her temporary or permanent mental or physical incapacity.
 - Is the penetration of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person without the consent of a person, or when such person is incapable of giving consent.

- Acquaintance rape is rape that involves people who know or are familiar with each other.
- Stalking
 - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others or suffer substantial emotional distress.
 - A course of conduct is two or more acts, including, but limited to:
 - Acts in which the ‘stalker’ directly, indirectly, or through third parties by any action, method, device, or means,
 - Follows, monitors, observes, surveils, threatens, or communication to or about, a person or interferes with a person’s property.
 - Substantial emotional distress is a significant mental suffering or anguish that may, but does not necessarily require, medical or other professional treatment or counseling.
 - A reasonable person is one under similar circumstances and with similar identities to the victim.
- Preponderance of the evidence
 - Just enough evidence to make it more likely than not that the fact the claimant seeks to prove is true.
- Title IX Coordinator: the Title IX Coordinator or his designee (“Title IX Coordinator”) is annually trained and knowledgeable about enforcement, compliance, communication, and implementation of Touro’s anti-harassment policy. The Title IX Coordinator’s contact information is as follows:

Melody Erbes
 Title IX Coordinator
 10601 Calle Lee, Suite 179
 Los Alamitos, CA 90720
 (818) 575-6800 x85101
Melody.Erbes@touro.edu

5.0 PROCEDURES

Any member of Touro including students, faculty, employees, and third-parties have a duty to report violations of this policy where individuals know, or should know, of accusations or actions which violate Touro Policy and will notify the Touro Title IX Coordinator of such violations promptly.

All members of Touro are required to cooperate fully with any investigations of harassment. A faculty member, staff member, or student who has relevant information and refuses to cooperate with an ongoing investigation will be subject to disciplinary action for, among other things, violations of the Touro Code of Conduct and/or insubordination. Likewise, all Touro employees are required to ensure that complaints about harassment are directed to the appropriate

administrative office for evaluation and investigation.

Touro is committed to conducting an inquiry that is thorough, prompt and impartial. Accused and accuser will have the opportunity to object to Touro participants as impartial.

Victims have the options to notify proper law enforcement authorities, including on-campus and local police, or to decline to notify such authorities. Complaints concerning sexual harassment and/or sexual discrimination should be sent to Melody Erbes, Title IX Coordinator, 10610 Calle Lee, Suite 179, Los Alamitos, CA, 90720, (818) 575-6800 x85101, melody.erbes@touro.edu. Complaints should be filed as soon as possible after the date of the alleged misconduct, and a written complaint is preferable.

Certain remedial measures may be taken to protect both parties during the pendency of the investigation, including changes to academic, living, transportation, and working situations or other protective measures. Touro will make such accommodations or provide such protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

A complaint, which must be submitted within the later of the following two dates: (a) thirty (30) days after the alleged misconduct; or, (b) the end of the semester in which the alleged incident occurred. A complaint should include the following information:

- Complainant's full name, home address, email, telephone number, and Touro Student/Employee ID number.
- Name of the person against whom the complaint was made, including job title or student status, if known.
- The protected status that is the basis for the alleged discrimination, harassment, or retaliation based on the complainant's gender.
- A clear statement of the facts that constitute the alleged discrimination, harassment, or retaliation, including dates on which the acts were committed and any information to identify witnesses.
- Complainant should include the term and year of his/her most recent active employment, academic, or student status within the university.
- A student who is seeking admission to Touro should include the term and year in which he/she sought admission to the university.
- The full name, address, and telephone number of complainant's advisor or supervisor, if any.
- The specific harm that resulted from the alleged act and the remedy

sought.

- The complainant's signature and the date on which the complaint was submitted.

While prompt reporting is expected, complaints older than 30 days will be processed. However, if more than 365 days have elapsed since the day of the complaint, the complaint may not be processed. Every effort is made to conduct a thorough and speedy investigation. Several factors may impact Touro's ability to conduct a prompt investigation, including, but not limited to: the Complainant's accessibility or unresponsiveness, witness availability or unresponsiveness, the number of witnesses, the timing of the investigation (i.e. if an investigation is being conducted at a time when students are taking final exams or on recess), etc. The process allows for extension with good cause shown.

The proceeding will be consistent with Touro's policies and transparent to both the accuser and the accused. Both accuser and accused will receive timely notice of meetings at which either accuser, accused, or both are present. Both accuser and accused will receive timely and equal access to information that will be used during formal and informal disciplinary meetings or hearings.

It is very important that the victim preserve any proof or evidence of the criminal offense. Such incidents will be reviewed and investigated in an expedient and professional manner. The employee or student can also file a grievance as per Touro's grievance policy.

After receipt of a complaint, the Title IX Coordinator or his/her designee will meet with the complainant as soon as possible, usually within one week, but not later than thirty (30) days after receipt. The complainant must make himself/herself available to meet. The meeting will be an intake interview where the Title IX Coordinator or his/her designee will inform the complainant about the investigation procedure and timeline. The complainant may sign a formal complaint form at that time (under the above guidelines) if he/she has not already done so. A complaint will proceed even in the absence of a signed written complaint.

Upon receipt of a complaint, the Title IX Coordinator or his/her designee shall investigate the circumstances of the complaint. This investigation will include documented interviews of the complainant, the person against whom the complaint is written, and witnesses with relevant knowledge, if any. Further, the investigation will include a review of relevant documents and any other evidence. Touro will use the preponderance of the evidence standard in the investigation

and disciplinary action, as VAWA requires.

The Title IX Coordinator shall have thirty (30) days from the intake interview to complete the investigation of the event in question. Such thirty (30) days may be extended in the event that one of the following occurs:

- Availability or unavailability of a witness or relevant/material documents;
- Reluctance of a witness and/or any necessary party;
- Delay or other uncooperative actions of any necessary party;
- Numerosity of witnesses;
- Holidays and vacation periods;
- Any other unforeseeable events/circumstances.

Generally speaking an investigation will take less than 60 calendar days following receipt of the complaint. This may not be practicable in every investigation and may vary depending on the complexity of the investigation and the severity and extent of the harassment. The Title IX Coordinator shall report the findings of the investigation to a designated, impartial Fact Finder. The Fact Finder shall endeavor to issue a determination within fifteen day after receipt of the investigation file to determine and detail: (a) whether there is probable cause to believe discrimination occurred with respect to each allegation in the complaint, (b) a description of actions taken, if any, to prevent similar problems from occurring in the future, and (c) the proposed resolution of the complaint.

Both the complainant, the party who filed the complaint or the alleged target of the sexual harassment, and the respondent, the accused, shall be informed of the fact finder's decision in writing simultaneously, within ten days of the conclusion of the fact finder's deliberation. They have the same opportunities to have others present during any disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. Touro will not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding, but Touro may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties. They must be notified simultaneously and in writing of the outcome of the proceeding; appeal procedures; any change to the result before it becomes final; and when the result becomes final. Questions concerning these actions should be addressed to the Title IX Coordinator, Melody Erbes. Notification to the appropriate law enforcement officials and other assistance to the student or staff member in notifying law enforcement officials will be provided, if requested.

Reporting individuals and accused alike will be provided with at least one level of appeals.

Touro has a grade appeal process, which is not circumvented by this policy. This procedure is not a substitute for a grade appeal. A grade appeal may be suspended until a determination has been made by the fact finder.

Touro will provide the victim a written explanation of her/his rights and options with respect to the report when the victim reports to Touro about the misconduct.

Employees, faculty and students who violate Touro's policies may be subject to disciplinary action. Individuals, who retaliate against someone who files a complaint, or against a witness, representative, or advocate for a complainant, will be subject to further disciplinary action.

6.0 SANCTIONS FOR VIOLATION

Student violators may be subject to the following sanctions and remedial measures on a case-by-case basis:

- **Warning:** A written reprimand putting the student on notice that he/she has violated the Code of Conduct. A copy of this warning is placed in the student's folder.
- **No-Contact Order:** A student may be ordered to temporarily not intentionally contact a victim through any medium.
- **Probation:** A student may be placed on disciplinary probation for a definite period of time. While on probation, students may not represent Touro in any capacity. Further violations while on probationary status will result in suspension or expulsion from Touro.
- **Restitution:** A student may be required to pay restitution to Touro or to fellow students for damages and losses resulting from his/her actions.
- **Suspension:** At any time during a student's enrollment at Touro he/she may be suspended and barred from attending classes for a definite period, not to exceed two years. A student who is suspended is entitled to a written clarification with specific reasons for and description of the sanction. A student may not be automatically re-enrolled at the end of his/her suspension. He/she must apply to the Student Affairs Committee for re-enrollment.
- **Expulsion:** Touro may terminate a student's status at Touro at any time.

Faculty and staff (part-time and full-time) who violate the policy will be subject to disciplinary sanctions on a case-by-case basis as follows:

- **Censure:** A written reprimand, outlining the violation(s) of University

policies, may be placed in the personnel file of individual violators.

- **Probation:** Faculty and/or staff may be placed on probation for a definite period of time up to a maximum of one year. In such instances, individuals may be required to enroll in a therapeutic counseling or treatment program.
- **Suspension:** Faculty and/or staff may be suspended from employment without pay for a period of time ranging from seven days to a maximum of one year.
 - **Termination of Employment:** Faculty and/or staff may be dismissed from employment upon written notice by the Dean of TCLA or the CEO or Provost of TUW
- **Legal Action:** Faculty and/or staff may be turned over to law enforcement authorities for criminal prosecution and legal action.

In both cases for students, faculty and staff, the existence of a progressive system of disciplinary sanctions measures does not preclude Touro from levying a heavy sanction, without first resorting to a lesser sanction. By way of illustration and not exclusion, Touro may expel a student or terminate a staff member for a violation of policy without first issuing a warning or putting that student or employee on probation.

7.0 CONFIDENTIALITY

Touro has independent obligations to report or investigate potential misconduct, even if a complainant does not wish to initiate an official process. Therefore, absolute confidentiality cannot be promised with respect to a complaint of discrimination, harassment, sexual harassment, or retaliation received.

Touro wishes, however, to create an environment in which legitimate complaints are encouraged, while also protecting the privacy of all involved in an investigation. Complaints about violations of these policies will therefore be handled in strict confidence, with facts made available only to those who need to know in order for Touro to promptly and thoroughly investigate and resolve the matter. Touro employees will explain to the reporting individual whether he or she is authorized to offer the reporting individual privacy.

Reporting individuals may request confidentiality and choose not to consent to an investigation by Touro, and the Title IX Coordinator must weigh the request against the institution's obligation to provide a safe, non-discriminatory environment for all members of its community. If Touro determines that an investigation is required, it must notify the reporting individuals and take immediate action as necessary to protect and assist them. Touro should seek

consent from reporting individuals prior to conducting an investigation and declining consent will be honored unless Touro determines in good faith that failure to investigate does not adequately mitigate a potential risk of harm to members of the community. If an individual discloses information through a public awareness event, Touro is not obligated to begin an investigation based on such information.

Touro will complete publicly available record-keeping and for purpose of Clery Act reporting and disclosure, without the inclusion of identifying information about the victim and maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of Touro to provide the accommodations or protective measures.

8.0 RETALIATION

Retaliation is any kind of reprisal, adverse action, or negative action taken against an individual because he or she has:

- Complained about alleged discrimination or harassment as defined above,
- Participated as a party or witness in an investigation relating to such allegations, or
- Participated as a party or witness in a proceeding regarding such allegations.

Retaliation can occur contemporaneously during the complaint process or subsequent to it, once the retaliator is aware of the recipient's participation in the process. Retaliation does not exist in the absence of an adverse action. An individual is protected from retaliation even when the complaint at issue is ultimately found to lack merit, as long as the complaint was made in good faith.

Touro does not allow, nor tolerate any conduct by any Touro member that may be regarded as retaliatory. Retaliation against any individual, whether said person submitted a complaint, will not be tolerated.

Upon the first instance of disclosure by a reporting individual to a Touro representative, the individual will be informed:

“You have the right to make a report to university police or campus security, local law enforcement, and/or state police or choose not to report; to report the incident to your institution; to be protected by the institution from retaliation for reporting

that incident; and to receive assistance and resources from your institution.”

Reporting individuals or bystanders who report an incident of sexual assault in good faith will receive amnesty for drug and alcohol use.

9.0 AVAILABILITY OF COUNSELING

As required under Title IX, Touro through its investigations and/or Title IX Compliance officer will offer its internal counseling services to any complainant who has begun the complaint process. Touro will also provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services, both within Touro and in the community. It is ultimately complainant’s decision of whether or not to accept the counseling service offered by Touro.

Touro will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within Touro and in the community.

10.0 EXTERNAL REPORTING

Touro will conduct a campus climate assessment every other year to ascertain general awareness and knowledge of the provisions of this policy, including student experience with and knowledge of reporting and University adjudicatory processes, which shall be developed using standard and commonly recognized research methods. The aggregate results of these campus climate assessments shall be posted on Touro’s website with no identifying information about respondents.

Members of Touro are always subject to local, state, and federal laws, and nothing in these procedures is intended to limit or postpone the right of an individual to file a complaint or charge with appropriate federal, state, or local departments or agencies.

It is the rights of victims and the responsibilities of all members of the community to comply with protective orders issued by a criminal, civil or tribal court or by Touro.

Among other options, students may contact the Office for Civil Rights of the U.S. Department of Education for inquiries concerning the application of Title IX as

well as the implementation of its regulations. The Office for Civil Rights can be contacted using the following information:

San Francisco Office

Office for Civil Rights
U.S. Department of Education
50 Beale Street, Suite 7200
San Francisco, CA 94105-1813

Telephone: 415-486-5555
FAX: 415-486-5570; TDD: 800-877-8339
Email: ocr.sanfrancisco@ed.gov

11.0 POLICY ON MONITORING CRIMINAL ACTIVITY

Touro monitors and records criminal activity by students at non-campus locations of student organizations officially recognized by Touro, including student organizations with non-campus housing facilities through local police agencies.

12.0 PROGRAMS

All new students, including transfers, may attend a program about the provision of this policy and how to protect themselves against sexual assault. Online students may be provided with a link to review trainings and presentations that are posted online. At physical locations, on at least an annual basis, the Office of the Dean will provide a formal educational program to increase awareness of sexual offenses, including rape, acquaintance rape, dating violence, domestic violence, sexual assault, stalking and other forcible and non-forcible sexual offenses. The programs will include discussion of what constitutes these offenses, penalties for these offenses, definition of consent, prevention and awareness programs and ongoing prevention and awareness campaigns, risk reduction for students and faculty, safe and positive options for bystander intervention and security measures to protect against the occurrence of these offenses. Touro will advertise the date, time and content of these educational programs on posters displayed in those areas regularly used by students and employees of Touro.

13.0 RESOURCES FOR SEXUAL HARASSMENT VICTIMS

Touro will provide resources for sexual harassment victims, regardless of whether the victims choose to report the crime to campus police or local law enforcement. Touro will provide written notification to victims about options for, and available assistance in, changing academic, living, transportation, and working situations.

These resources generally include but are not limited to:

- Crisis Intervention Counseling
 - In-person or telephone services which support clients and their families in their effort to cope with the trauma of victimization and provide assistance in the recovery process.
- Emergency Assistance
 - Counselors who will work with clients to determine and meet immediate needs for mental health counseling, medical care, etc.
- Accompaniment
 - Security is available to provide support and escort around campus, and in certain instances to assist the individual in getting home.
- Others
 - Victims will have access to a sexual assault forensic examination with a nurse.
 - Available community resources will be provided based on client's individual needs.

OFF CAMPUS RESOURCES

CALIFORNIA

YWCA of Greater Los Angeles, Sexual Assault Services

- Phone: (877) 943-5778
- www.ywcagla.org

Peace over Violence

- Phone: (310) 392-8381
- www.peaceoverviolence.org

Rape Treatment Center at Santa Monica- UCLA Medical Center

- Phone: (310) 319-4503
- www.911rape.org

Hotline of Southern California

- Phones: (714) 894-4242
- www.hotlineofsocal.org/Hotline_of_Sox.html

CSP Sexual Assault Victims Services

- Phone: (714) 957-2737
- www.cspinc.org

Alternatives to Domestic Violence Hotline:

- Phone: (909) 683-0829; (800) 339-7233 (Toll Free)
- Website: alternativestodv.org

NATIONAL

WomensLaw.org

- www.womenslaw.org
- (707) 784-6844

RAINN

- www.rainn.org
- (800) 656-HOPE (4673)

loveisrespect

- <http://www.loveisrespect.org>
- (866) 331-9474

National Domestic Violence Hotline

- www.thehotline.org
- (800) 799-7233

ISRAEL

- www.1202.org.il/English/
- +972-2- 623 2451

14.0 REGISTERED SEXUAL OFFENDERS

Touro must make available to the public over the Internet information about certain sex offenders required to register under Megan's Law.

These sex offender Internet registry laws can be found at the following addresses:

<http://www.meganslaw.ca.gov/> (California)

* Israel does not have a sex offender registry accessible to the public. There are specific vocational restrictions for sex offenders.

15.0 IMPLEMENTATION

This policy shall be implemented by the Department of Human Resources and the Office of Institutional Compliance.

16.0 APPROVAL

This policy has been approved by the Office of Institutional Compliance.