

TOURO UNIVERSITY WORLDWIDE  
SEXUAL MISCONDUCT POLICY FOR TOURO CAMPUSES

**1.0 POLICY**

The Touro University Worldwide (“TUW”), with its branch campus operating as Touro College Los Angeles (“TCLA”), 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 TUW that sexual intimidation of students and employees is unacceptable behavior and will not be tolerated. TUW will not tolerate unwelcome sexual advances, requests for sexual favors, and any other verbal or physical conduct of a sexual nature constituting sexual harassment or sexual assault (i.e. rape, fondling, incest or statutory rape).

In addition, information about this policy will be available on TUW’s website. All supervisors and managers who receive a complaint or information about suspected sexual misconduct, observe behavior that could be considered to be sexual misconduct or for any reason suspect that sexual misconduct is occurring, are required to report such suspected sexual harassment to the Office of Institutional Compliance. In addition to being subject to discipline if they engage in sexual misconduct conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual misconduct. TUW will also not tolerate any supervisory and/or managerial personnel who knowingly allow such behavior to continue.

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 defective, mentally incapacitated, or physically helpless. Therefore, sexual abuse, sodomy, and rape are sex crimes and violators will be prosecuted in accordance with California Penal Law.

TUW subscribes to all federal, state, and institutional laws and regulations to ensure the goal that it maintains a safe environment for all community members. This policy is meant to work in harmony with other applicable TUW policies and procedures that address sexual and discriminatory misconduct when relevant. In the event that conduct falls within the scope of the Title IX Grievance Policy, under the Education Amendments of 1972, then TUW’s Title

IX Grievance policy will serve as the operating process for addressing the violation.

## **2.0 PURPOSE**

All divisions of T UW 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 (i.e. rape, fondling, incest or statutory rape), domestic violence, dating violence, and stalking, is anathema to T UW's mission, history, and identity. T UW will resolve any identified discrimination, harassment or sexual assault in a timely and effective manner, and will ensure that it does not recur. Those believing that they have been harassed or discriminated against on the basis of their sex, including sexual harassment, should immediately contact the Title IX coordinator. When Touro has notice of the occurrence, Touro is compelled to take immediate and effective corrective action reasonably calculated to stop the harassment, prevent its recurrence, and as appropriate, remedy its effects.

Compliance with T UW'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 Title IX and Title VII of the Civil Rights Act of 1964, the Violence Against Women Act (VAWA), California State Law, and a high-quality campus life. Those believing that they have been harassed or discriminated against on the basis of their sex, including sexual harassment, should immediately contact the Office of Institutional Compliance. When T UW has notice of the occurrence, T UW is compelled to take immediate and effective corrective action reasonably calculated to stop the harassment, prevent its recurrence, and as appropriate, remedy its effects.

## **3.0 SCOPE**

This policy applies to all members of T UW located in California 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 T UW's website.

## 4.0 DEFINITIONS

### **Discrimination and Harassment**

Title IX, and its implementing regulations, prohibit discrimination based on sex, including sexual harassment. The prohibition against discrimination extends to employment and third parties. Sexual harassment is unwelcome conduct of a sexual nature and can include sexual advances, request for sexual favors, and other verbal, non-verbal, or physical conduct. Environmental harassment (sometimes referred to as hostile environment) is sexually harassing conduct that is sufficiently severe, persistent or pervasive to limit an individual's ability to participate in or receive benefits, services, or opportunities at TUW. This can include persistent comments or jokes about an individual's sex; verbal behavior, including insults, remarks, epithets, or derogatory statements; nonverbal behavior, including graffiti, inappropriate physical advances short of physical violence such as repeated and unwanted touching; and assault, including physical violence or the threat of physical violence.

### **Retaliation**

Retaliation is any kind of reprisal, adverse action, or negative action taken against an individual because he or she has: (1) complained about alleged discrimination or harassment as defined above, (2) participated as a party or witness in an investigation relating to such allegations, or (3) 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.

TUW does not allow, nor tolerate any conduct by any TUW member that may be regarded as retaliatory. Retaliation against any individual, whether said person submitted a complaint through the method described, or for any other reason will not be tolerated.

- **Accused**
  - Accused means a person accused of a violation who has not yet entered an institution's judicial or conduct process.
- **Advisor**
  - Any individual who provides the accuser or accused support, guidance, or advice.
- **Awareness Programs**
  - Awareness program means community-wide or audience-specific

programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

- **Code of Conduct**

- Code of conduct means the written policies adopted by an institution governing student behavior, rights, and responsibilities while such student is matriculated in the institution.

- **Confidentiality**

- Confidentiality may be offered by an individual who is not required by law to report known incidents of sexual assault or other crimes to institution officials, in a manner consistent with state and federal law, including but not limited to 20 U.S.C. 1092(f) and 20 U.S.C. 1681(a). Licensed mental health counselors, medical providers and pastoral counselors are examples of institution employees who may offer confidentiality.
- T UW 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 either through T UW's compliance hotline or otherwise. The phone number for the T UW hotline is 646-565-6000 x55330.
- T UW 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 T UW to promptly and thoroughly investigate and resolve the matter.

- **Institution**

- Institution means any college or university chartered by the regents or incorporated by special act of the legislature that maintains a campus in California.

- **Ongoing Prevention and Awareness Campaigns**

- Ongoing prevention and awareness campaigns means programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audience throughout the institution and including information on definitions of different crimes, options for bystander intervention, and risk reduction.

- **Primary Prevention Programs**
  - Primary prevention programs means programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.
- **Privacy**
  - Privacy may be offered by an individual when such individual is unable to offer confidentiality under the law but shall still not disclose information learned from a reporting individual or bystander to a crime or incident more than necessary to comply with this and other applicable laws, including informing appropriate institution officials. Institutions may substitute another relevant term having the same meaning, as appropriate to the policies of the institution.
- **Reporting Individual**
  - Reporting individual encompasses the terms victim, survivor, complainant, claimant, witness with victim status, and any other term used by an institution to reference an individual who brings forth a report of a violation.
- **Respondent**
  - Respondent means a person accused of a violation who has entered an institution's judicial or conduct process.
- **Risk Reduction**
  - Risk reduction means options designed to decrease perpetration and bystander inaction and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- **Bystander**
  - Bystander means a person who observes a crime, impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of rules of an institution.
- **Campus**
  - Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and
  - Any building or property that is within or reasonably contiguous to the area identified in paragraph (i) of this definition, that is owned by the

institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

- **Campus Security**

- A campus police department or a campus security department of an institution.
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department under paragraph (i) of this definition, such as an individual who is responsible for monitoring entrance into institutional property.
- Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. If such an official is a pastoral or professional counselor as defined below, the official is not considered a campus security authority when acting as a pastoral or professional counselor.

- **Consent** (with regard to sexual activity)

- Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent.
- The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.
  - Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
  - Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
  - Consent may be initially given but withdrawn at any time.
  - Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to

knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.

- Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
- When consent is withdrawn or can no longer be given, sexual activity must stop.

- **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 includes, but is not limited to, sexual or physical abuse or the threat of abuse, and does not include acts covered by the definition of domestic violence.

- **Discrimination and Harassment**

- TUW’s policies, prohibit discrimination based on sex, including sexual harassment.
- Title VII, and its implementing regulations, prohibit Discrimination “because of sex” or “on the basis of sex.” The terms “because of sex” or “on the basis of sex” include, but are not limited to, because of or on the basis of pregnancy, childbirth, or related medical conditions; and women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs.

- **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 in which the crime of violence occurred; 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.

- **Pastoral counselor**

- A person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling and is functioning within the scope of that recognition as a pastoral counselor.

- **Professional counselor**

- A person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of the counselor's license or certification.

- **Proceeding**

- All activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding 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 Activity**

- Sexual activity has the same meaning as “sexual act” and “sexual contact” as provided in 18 U.S.C. § 2246(2) and 18 U.S.C. § 2246(3).

- **Sexual Harassment**

- Sexual Harassment is, unwelcome, gender-based verbal, written, online, and/or physical conduct. Anyone experiencing sexual harassment in any university program is encouraged to report it immediately to the university's Title IX Coordinator, Human Resources, the Dean of Student Affairs or, any responsible university employee.
- Sexual harassment creates a hostile environment, and may be disciplined when it is sufficiently severe, persistent/pervasive and objectively offensive that it, has the effect of unreasonably interfering with, denying or limiting employment opportunities or the ability to participate in or benefit from the university's educational, social and/or residential

programs (currently the university has no residential facilities), and is based on power differentials (quid pro quo), produces the effect of a hostile environment or retaliation.

- **Non-Consensual Sexual Contact**
  - Non-Consensual Sexual Contact is any intentional sexual touching, however slight, with any object, by a person upon another person, that is without consent and/or by force.
  - Sexual touching includes any bodily contact with the breasts, groin, genitals, mouth or other bodily orifice of another individual, or any other bodily contact in a sexual manner.
- **Non-Consensual Sexual Intercourse**
  - Non-consensual sexual intercourse is any sexual intercourse (anal, oral or vaginal), however slight, with any object, by a person upon another person, that is without consent and/or by force
  - Sexual penetration includes vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation by mouth to genital contact or genital to mouth contact.
- **Dating Violence**
  - Dating violence is violence committed by a person: who is or has been in a social relationship or a romantic or intimate nature with the victim; and 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.
- **Sexual Exploitation**
  - Sexual exploitation refers to a situation in which a person takes non-consensual or abusive sexual advantage of another, and situations in which the conduct does not fall within the definitions of Sexual Harassment, Non-Consensual Sexual Intercourse or Non-Consensual Sexual Contact. Examples of sexual exploitation include, but are not limited to:
    - Sexual voyeurism (such as watching a person undressing, using the bathroom or engaged in sexual acts without the consent of the person observed)
    - Taking pictures or video or audio recording another in a sexual act, or in any other private activity without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent)
    - Prostitution

- Sexual exploitation also includes engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) and without informing the other person of the infection, and further includes administering alcohol or drugs (such as “date rape” drugs) to another person without his or her knowledge or consent
- **Consent Defined**
  - Consent is knowing, voluntary and clear permission by word or action, to engage in mutually agreed upon sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity.
  - For consent to be valid there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. A person cannot consent if he or she is unable to understand what is happening or is disoriented, helpless, asleep or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has violated this policy. It is not an excuse that the individual responding party of sexual misconduct was intoxicated due to alcohol and/or drugs and therefore, did not realize the incapacity of the other. Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction).
  - This policy also covers a person whose incapacity results from mental disability, involuntary physical restraint and/or from the taking of incapacitating drugs. Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous dating relationship is not sufficient to constitute consent.
  - The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced. Silence or the absence of resistance alone is not consent. A person can withdraw consent at any time during

sexual activity by expressing in words or actions that he or she no longer wants the act to continue, and, if that happens, the other person must stop immediately.

- In the State of California, a minor (meaning a person 17 years of age or younger) cannot consent to sexual activity. This means that sexual contact by an adult with a person 17-year-old or younger may be a crime, as well as a violation of this policy, even if the minor wanted to engage in the act.

- **Force Defined**

- Force is the use of physical violence and/or imposing on someone physically to gain sexual access.
- Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent (“Have sex with me or I’ll hit you. Okay, don’t hit me, I’ll do what you want.”).
- Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.
- NOTE: There is no requirement that a party resist the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.
- In order to give effective consent, one must be of legal age.
- Sexual activity with someone who one should know to be -- or based on the circumstances should reasonably have known to be -- mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout), constitutes a violation of this policy.
- Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction).
- This policy also covers a person whose incapacity results from mental disability, sleep, involuntary physical restraint, or from

the taking of rape drugs. Possession, use and/or distribution of any of these substances, including Rohypnol, Ketomine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another student is a violation of this policy. More information on these drugs can be found at <http://www.911rape.org/>

- Use of alcohol or other drugs will never function as a defense to a violation of this policy.
- The sexual orientation and/or gender identity of individuals engaging in sexual activity is not relevant to allegations under this policy. For reference to the pertinent state statutes on sex offenses, please see [http://leginfo.legislature.ca.gov/faces/codes\\_displayexpandedbr anch.xhtml?tocCode=PEN&division=&title=9.&part=1.&chapter=&article=](http://leginfo.legislature.ca.gov/faces/codes_displayexpandedbr anch.xhtml?tocCode=PEN&division=&title=9.&part=1.&chapter=&article=)

- **Sexual Misconduct**

- Sexual misconduct is 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**

- A sexual offense is unwelcome sexual advances, requests for sexual favors, and any other verbal or physical conduct of a sexual nature constituting sexual harassment.

- **Sexual Assault**

- Sexual assault is 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**

- 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**
  - Stalking is 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 communicates 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.
- **Jurisdictional Definitions of Domestic Violence, Dating Violence, Sexual Assault and Stalking**
  - Domestic Violence: Domestic violence is abuse or threats of abuse when the person being abuse and the abuser are or have been in an intimate relationship (married or domestic partners, are dating or used to date, live or lived together, or have a child together). It is also when the abused person and the abusive person are closely related by blood or by marriage.
    - The domestic violence laws say "abuse" is:
      - Physically hurting or trying to hurt someone, intentionally or recklessly;
      - Sexual assault;
      - Making someone reasonably afraid that they or someone else are about to be seriously hurt (like threats or promises to harm someone); OR
      - Behavior like harassing, stalking, threatening, or hitting someone; disturbing someone's peace; or destroying someone's personal property.
    - For more information and guidance on domestic violence laws, please refer to California Family Code § 6203, California Penal Code § 273.5, and California Penal Code § 243(e)(1).

- Assault: California Penal Code § 240
  - California’s Assault Law (also known as “simple assault”) applies whenever anyone willfully does anything that would result in applying force to another person while having facts that would make a reasonable person realize the act would result in applying force to someone else.
  - to be convicted you have to have the present ability to apply force and you can’t have acted in self-defense or defense of another
  - Simple assault is a misdemeanor crime. Conviction can result in six months in a county jail, a fine up to \$1,000, or both jail time and a crime.
  - Therefore, to be guilty of Assault under California Penal Code § 240, you must:
    - Do something that would result in applying force to a person; AND,
    - Do the act willfully; AND,
    - Be aware of facts that should make you realize your act would result in applying force; AND,
    - Have the present ability to apply force; AND,
    - Possess no legal excuse.
- Menacing: California Penal Code § 422 states that it is a crime to make criminal threats to harm or kill another person. Specifically, this means threats of death or great bodily injury that are intended to, and that actually do, place victims in reasonable and sustained fear for their safety or that of their families.
  - A **criminal threat** is when you threaten to kill or physically harm someone *and*
    - that person is thereby placed in a state of reasonably sustained fear for his/her safety or for the safety of his/her immediate family,
    - the threat is specific and unequivocal and
    - you communicate the threat verbally, in writing, or via an electronically transmitted device.
  - Criminal threats can be charged whether or not you have the ability to carry out the threat...and even if you don’t actually intend to execute the threat.
  - California Penal Code § 422 is a wobbler, which means that prosecutors may file it as either a misdemeanor or a felony. If you are convicted of the misdemeanor, you face up to one year in county jail. If you are convicted of the felony, you face up to four years in the California state prison. Using a dangerous or deadly weapon increases your sentence by one year.
  - And because a criminal threats conviction is a “strike” under

California's three-strikes law, you must serve at least 85% of your sentence before you are eligible for release.

- Strangulation & Related Offense:
  - A person is guilty of criminal obstruction of breathing or blood circulation when, with intent to impede the normal breathing or circulation of the blood of another person, he or she:
    - applies pressure on the throat or neck of such person; or
    - blocks the nose or mouth of such person.
  - California Penal Code § 273.5: Willful Infliction of Corporal Injury; Violation; Punishment
    - (a) Any person who willfully inflicts corporal injury resulting in a traumatic condition upon a victim described in subdivision (b) is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not more than one year, or by a fine of up to six thousand dollars (\$6,000) or by both that fine and imprisonment.
- Drug or Alcohol Facilitated Sexual Assault
  - A person is guilty of facilitating a sex offense with a controlled substance when he or she:
    - knowingly and unlawfully possesses a controlled substance or any preparation, compound, mixture or substance that requires a prescription to obtain and administers such substance or preparation, compound, mixture or substance that requires a prescription to obtain to another person without such person's consent and with intent to commit against such person conduct constituting a felony defined in this article; and
    - commits or attempts to commit such conduct constituting a felony defined in this article.
    - Sexual assault is never the survivor's fault, even if they were drinking or using drugs. Regardless of whether or not the survivor was engaged in illegal activity, the law enforcement officer will only investigate the crime being reported. (California Penal Code § 13823.11)
- Dating Violence: The State of California does not have a definition of dating violence. See above for definitions pertaining to dating violence.
- Sexual Assault: Sexual assault is defined as any type of sexual contact or behavior that occurs without the explicit consent of a recipient. Included under the term sexual assault are the following: forced sexual intercourse,

- forcible sodomy, child molestation, incest, fondling, and attempted rape.
- The State of California defines sexual assault as follows: The following definitions are applicable to this article:
    - 1. “Sexual intercourse” has its ordinary meaning and occurs upon any penetration, however slight.
    - 2.
      - (a) “Oral sexual conduct” means conduct between persons consisting of contact between the mouth and the penis, the mouth and the anus, or the mouth and the vulva or vagina.
      - (b) “Anal sexual conduct” means conduct between persons consisting of contact between the penis and anus.
    - 3. “Sexual contact” means any touching of the sexual or other intimate parts of a person for the purpose of gratifying sexual desire of either party. It includes the touching of the actor by the victim, as well as the touching of the victim by the actor, whether directly or through clothing, as well as the emission of ejaculate by the actor upon any part of the victim, clothed or unclothed.
    - 4. For the purposes of this article, “married” mean the existence of the relationship between the actor and the victim as spouses which is recognized by law at the time the actor commits an offense proscribed by this article against the victim.
    - 5. “Mentally disabled” means that a person suffers from a mental disease or defect which renders him or her incapable of appraising the nature of his or her conduct.
    - 6. “Mentally incapacitated” means that a person is rendered temporarily incapable of appraising or controlling his conduct owing to the influence of a narcotic or intoxicating substance administered to him without his consent, or to any other act committed upon him without his consent.
    - 7. “Physically helpless” means that a person is unconscious or for any other reason is physically unable to communicate unwillingness to an act.
    - 8. “Forcible compulsion” means to compel by either:
      - use of physical force; or
      - a threat, express or implied, which places a person in fear of immediate death or physical injury to himself, herself or another person, or in fear that he, she or another person will immediately be kidnapped.

- 9. “Foreign object” means any instrument or article which, when inserted in the vagina, urethra, penis, rectum or anus, is capable of causing physical injury.
  - 10. “Sexual conduct” means sexual intercourse, oral sexual conduct, anal sexual conduct, aggravated sexual contact, or sexual contact.
  - 11. “Aggravated sexual contact” means inserting, other than for a valid medical purpose, a foreign object in the vagina, urethra, penis, rectum or anus of a child, thereby causing physical injury to such child.
  - 12. “Health care provider” means any person who is, or is required to be, licensed or registered or holds himself or herself out to be licensed or registered, or provides services as if he or she were licensed or registered in the profession of medicine, chiropractic, dentistry or podiatry under any of the following: article one hundred thirty-one, one hundred thirty-two, one hundred thirty-three, or one hundred forty-one of the education law.
  - 13. “Mental health care provider” shall mean a licensed physician, licensed psychologist, registered professional nurse, licensed clinical social worker or a licensed master social worker under the supervision of a physician, psychologist or licensed clinical social worker.
- *Stalking*: The State of California defines stalking as follows: 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.
  - California's Stalking law makes it illegal to follow, or harass, and threaten another person. In order to violate the statute, the threat must put the alleged victim in reasonable fear for his or her safety.
  - If you're convicted of the Felony form of Stalking, you face up to three years in state prison, a fine of up to \$10,000, or both a fine and imprisonment. Note that Stalking is punishable under California's “Three Strikes” penalty system. Amassing three “strikes” will result in at least twenty-five years in state prison.
  - Under California Penal Code §646.9(a), the prosecution must prove beyond a reasonable doubt:
    - **Harassed/Followed:** You willfully and maliciously harassed or willfully, maliciously, and repeatedly followed another person; and,
    - **Credible Threat/Intent/Fear:** You made a credible threat with

the intent of placing the person in reasonable fear for his or her safety or for the safety of his or her immediate family.

- Note: “A person is not guilty of stalking if his or her conduct is constitutionally protected activity.

- **Preponderance of the Evidence**

- Just enough evidence to make it more likely than not that the fact the claimant seeks to prove is true.

- **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,
  - opposed 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.
- TUW does not allow, nor tolerate any conduct by any TUW community member that may be regarded as retaliatory. Retaliation against any individual, whether said person submitted a complaint through the method described below, or for any other reason will not be tolerated.
- California State legislation requires that every institution ensures that at the first instance of disclosure by a reporting individual to an institution representative, the following information be presented, 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 you institution.

**Touro University California:**

Compliance Officer

690 Walnut Avenue, Ste. 210

Vallejo, CA, 94592

Phone: (707) 638-5459

Email: [compliance@touro.edu](mailto:compliance@touro.edu)

- **Unlawful employment practices under Title VII:** It shall be an unlawful employment practice for an employer--
  - to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his or her compensation, terms, conditions, or privileges of employment, because of such individual's sex; or
  - to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his or her status as an employee, because of such individual's sex.
  - to print or publish or cause to be printed or published any notice or advertisement relating to employment by such an employer, indicating any preference, limitation, specification, or discrimination, based on sex, except that such a notice or advertisement may indicate a preference, limitation, specification, or discrimination based on sex when sex is a bona fide occupational qualification for employment.
  - to willfully not post and keep posted in conspicuous places upon its premises where notices to employees, applicants for employment, and members are customarily posted a notice to be prepared or approved by the EEOC setting forth excerpts from or, summaries of, the pertinent provisions of Title VII and information pertinent to the filing of a complaint.

## 5.0 PROCEDURES

### *Duty to Report Violations*

Any member of the TUW community 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 TUW Policy and will notify a TUW Compliance Officer of such violations promptly.

If you believe that you have been subjected to sexual harassment you may complete the attached complaint form found at the end of this policy, which is also available on TouroOne. Your complaint will then be investigated pursuant to the procedures outlined in this policy.

*Formal Investigation and Resolution of Discrimination, Harassment, Sexual Assault or Retaliation Complaints*

Duty to Cooperate and Facilitate

All members of TUW 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 TUW Code of Conduct and/or insubordination. Likewise, all TUW employees are required to ensure that complaints about harassment are directed to the appropriate administrative office for evaluation and investigation.

Right to Prompt, Fair, and Impartial Proceeding and Complaint Process

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

Victims have the option to notify proper law enforcement authorities, including on-campus security and local police, or to decline to notify such authorities. Complaints concerning sexual harassment and/or sexual discrimination should be sent to the Office of Institutional Compliance. Complaints should be filed as soon as possible after the date of the alleged misconduct, and a written complaint is preferable.

A written or verbal complaint, which should 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 TUW 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.

The accused will receive notice of the complaint, although the accused will be considered innocent until proven guilty of a violation. 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 TUW'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 burden to develop facts surrounding the investigation and/or prove that an incident lacked consent is on the institution, not the reporting individual. A reporting individual may withdraw a complaint or report from the institution at any time. Such individual will not be penalized for withdrawing such complaint. Please note that the institution may, consistent with other provisions of this law as well as federal law, still have obligations to investigate and/or take actions even if the complaint has been withdrawn.

#### Availability of Counseling

TUW will offer its internal counseling services to any complainant who has begun the complaint process. It is ultimately the complainant's decision of whether or not to accept the counseling service offered by TUW.

#### Accommodations and Protective Measures Available for Victims

Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, TUW will provide written notification to the students and employees involved about accommodations available to them, including academic, living,

transportation and working situations. The written notification will include information regarding the accommodation options, available assistance in requesting accommodations, and how to request accommodations and protective measures (i.e., the notification will include the name and contact information for the individual or office that should be contacted to request the accommodations).

At the victim's request, and to the extent of the victim's cooperation and consent, University offices will work cooperatively to assist the victim in obtaining accommodations. If reasonably available, a victim may be offered changes to academic, living, working or transportation situations regardless of whether the victim chooses to report the crime to campus police or local law enforcement. Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is no option for moving to a different section, etc. Potential changes to living situations may include moving to a different room or residence hall. Possible changes to work situations may include changing working hours. Possible changes in transportation may include having the student or employee park in a different location, assisting the student or employee with a safety escort, etc.

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. TUW may 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.

To request changes to academic, living, transportation and/or working situations or protective measures, a victim should contact the Campus Security Authorities at (707) 638-5804 x85804 or Office of Institutional Compliance at (707) 638-5459. If the victim wishes to receive assistance in requesting these accommodations, she or he should contact the Campus Security Authorities at (707) 638-5804 x85804 or Office of Institutional Compliance at (707) 638-5459.

#### Notice and Timely Access and Preservation of Evidence

The proceeding will be consistent with TUW's policies and transparent to both the accuser and the accused. Both accuser and accused will receive timely notice of meetings at which their presence is requested. Either party may request that others be present. If allowed, other individuals will not be allowed to participate or interfere in such meeting. Both accuser and accused will receive timely and equal access to information that will be used during formal and informal disciplinary meetings or hearings (if any). Investigation interviews are not deemed disciplinary

in nature. TUW will endeavor to protect the privacy of the participating parties and/or witnesses.

It is very important that the victim preserve any proof or evidence of any criminal offense. Such incidents will be reviewed and investigated in an expedient and professional manner.

#### Intake Interview

After receipt of a complaint, the Compliance Officer 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 Compliance Officer or his/her designee will inform the complainant about the investigation procedure and timeline. The complainant will have an opportunity to provide or present evidence and witnesses on their behalf. 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.

#### Complaints about Students, Faculty, Other Employees or Third Parties

TUW's disciplinary process includes a prompt, fair, and impartial investigation and resolution process from the initial investigation to the final result. Upon receipt of a complaint, the Compliance Officer 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. TUW will use the preponderance of the evidence standard in the investigation and disciplinary action, as VAWA requires.

#### Investigation of Complaints

The Compliance Officer or his/her designee shall have thirty (30) days from the intake interview to complete the investigation of the event in question. Usually, the resolution of domestic violence, dating violence, sexual assault and stalking complaints are completed within 60 days of the report. However, each proceeding allows for extensions of timeframes for good cause with written notice to the accuser and the accused of the delay and the reason for the delay. TUW officials involved in the investigation or adjudication of domestic violence, dating violence, sexual assault and stalking complaints are trained annually on the issues related to

domestic violence, dating violence, sexual assault, and stalking as well as how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability. 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.

Both the complainant and respondent will 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. TUW will not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding, but TUW 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.

During any such investigation, the complainant and the accused will each reserve the right to exclude their own prior sexual history with any persons other than the party involved in the hearing during the judicial or conduct investigation process. Both will also reserve the right to exclude any mental health diagnosis and treatment during the institutional disciplinary stage which determines responsibility. Past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the stage that determines sanction.

Generally speaking an investigation will take approximately 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 institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the accuser or the accused.

#### Notice of Determination and Further Action

The Compliance Officer or his/her designee 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 parties will be informed of the outcome reached and sanctions imposed as a result of such investigation and determination.

Both the complainant, the party who filed the complaint or the alleged target of the sexual harassment or sexual assault, and the respondent, the accused, shall be informed of the fact finder's decision, including the outcome reached and sanctions imposed, in writing simultaneously within ten days of the conclusion of the fact finder's deliberation. They will both be notified simultaneously and in writing of the outcome of the proceeding and appeal procedures. Questions concerning these actions should be addressed to the Office of Institutional Compliance. 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.

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

#### Notification to Victims of Crimes of Violence

TUW will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as the result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

#### Appeals

The complainant and respondent alike will be provided with at least one level of appeals.

Both the complainant and the respondent are eligible to file an appeal to the determination based on (i) a procedural error occurred, (ii) new information exists that would substantially change the outcome of the finding, or (iii) the sanction is disproportionate with the violation.

The request for an appeal, including the grounds upon which the request is based, should be submitted in writing to the Office of Institutional Compliance within seven (7) business days following the date on the outcome letter. The Appeal should

state the remedy sought by the appealing party. Each party may respond in writing to any appeal submitted by the other party. Written responses to the other party's appeal must be submitted within three (3) business days following delivery of the notice of the written appeal. Written requests for appeal submitted by one party will be shared with the other party.

Appeals will be conducted in an impartial manner by trained University officials without conflict of interest or bias for or against either party. A party with a concern about a conflict of interest or bias should contact the Office of Institutional Compliance. The Appeals Panel can determine whether a change in the decision is warranted. If applicable, both the accuser and accused will have an opportunity to be present or have others present during any disciplinary proceedings. If a change in this decision is necessary, the Appeals Panel will review the appeal and rationale and make a final decision. Both parties will be informed of the outcome reached and sanctions imposed as a result of such proceedings.

Appeals will not be reviewed or considered beyond the Appeals Panel. Appeals decisions will be rendered within twenty (20) business days after the receipt of the formal request for appeal. The appeal decision will be provided in writing to both parties and the appeal decision is final. However, information obtained during the course of the conduct or judicial process will be protected from public release until the appeals process is final, unless otherwise required by law.

TUW 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.

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

## **6.0 SANCTIONS FOR VIOLATIONS**

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 hold office in Student Government Organizations, Clubs or Societies or represent T UW in any capacity. Further violations while on probationary status will result in suspension or expulsion from T UW.

- **Restitution:** A student may be required to pay restitution to T UW or to fellow students for damages and losses resulting from his/her actions.
- **Suspension:** At any time during a student's enrollment at T UW 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:** T UW may terminate a student's status at T UW 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 T UW 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 Human Resources or the Provost.
- **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 T UW from levying a heavy sanction, without first resorting to a lesser sanction. By way of illustration and not exclusion, T UW 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.

#### ***University-Initiated Protective Measures***

In addition to those protective measures previously described, the Title IX

Coordinator or their designee will determine whether interim interventions and protective measure should be implemented, and, if so, take steps to implement those protective measures as soon as possible.

When the accused or respondent is a student, to have the institution issue a “no contact order” consistent with institution policies and procedures, whereby continued intentional contact with the reporting individual would be a violation of institution policy subject to additional conduct charges; if the accused or respondent and a reporting individual observe each other in a public place, it shall be the responsibility of the accused or respondent to leave the area immediately and without directly contacting the reporting individual. Both the accused or respondent and the reporting individual shall, upon request and consistent with institution policies and procedures, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of a no contact order, including potential modification, and shall be allowed to submit evidence in support of his or her request. Institutions may establish an appropriate schedule for the accused and respondents to access applicable institution buildings and property at a time when such buildings and property are not being accessed by the reporting individual.

Other examples of interim protective measures include but are not limited to: an order of no contact, residence hall relocation, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties involved. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by TUW. Violations of the Compliance Officer’s directives and/or protective measures will constitute related violations that may lead to additional disciplinary action including interim suspension pending the outcome of a judicial or conduct process consistent with TUW policy. Both the accused or respondent and the reporting individual shall, upon request and consistent with the institution’s policies and procedures, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of an interim suspension, including potential modification, and shall be allowed to submit evidence in support of the request.

Every institution shall ensure that individuals are provided the following protections and accommodations:

- To receive a copy of the order of protection or equivalent when received by an institution and have an opportunity to meet or speak with an institution representative, or other appropriate individual, who can explain the order

and answer questions about it, including information from the order about the accused's responsibility to stay away from the protected person or persons;

- When the accused is not a student but is a member of the institution's community and presents a continuing threat to the health and safety of the community, to subject the accused to interim measures in accordance with applicable collective bargaining agreements, employee handbooks, and rules and policies of the institution.

### ***Policy For Transcript Notations***

For crimes of violence, including, but not limited to sexual violence, defined as crimes that meet the reporting requirements pursuant to the federal Clery Act established in 20 U.S.C. § 1092(f)(1)(F)(i)(I)-(VIII), TUW shall make a notation on the transcript of students found responsible after a conduct process that they were "suspended after a finding of responsibility for a code of conduct violation" or "expelled after a finding of responsibility for a code of conduct violation." For the respondent who withdraws from the institution while such conduct charges are pending, and declines to complete the disciplinary process, institutions shall make a notation on the transcript of such students that they "withdrew with conduct charges pending." TUW will allow for appeals seeking removal of a transcript notation for a suspension, provided that such notation shall not be removed prior to one year after conclusion of the suspension, while notations for expulsion shall not be removed.

## **7.0 CONFIDENTIALITY**

TUW 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, sexual assault (i.e. rape, fondling, incest or statutory rape) or retaliation received either through Touro's compliance hotline or otherwise. The phone number for the TUW hotline is 646-565-6000 x55330.

TUW 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 TUW to promptly and thoroughly investigate and resolve the matter. TUW employees will explain to the reporting individual whether he or she

is authorized to offer the reporting individual privacy. Even T UW offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary for the Compliance Officer to investigate and/or seek a resolution.

Reporting individuals may request confidentiality and choose not to consent to an investigation by Touro, and the Compliance Officer must weigh the request against the institution's obligation to provide a safe, non-discriminatory environment for all members of its community. If T UW determines that an investigation is required, it must notify the reporting individuals and take immediate action as necessary to protect and assist them. T UW should seek consent from reporting individuals prior to investigating, and declining consent will be honored unless T UW 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, T UW is not obligated to begin an investigation based on such information.

Declining to consent to an investigation shall be honored unless the institution determines in good faith that failure to investigate does not adequately mitigate a potential risk of harm to the reporting individual or other members of the community. Honoring such a request may limit the institution's ability to meaningfully investigate and pursue conduct action against an accused individual. Factors used to determine whether to honor such a request include, but are not limited to:

- Whether the accused has a history of violent behavior or is a repeat offender;
- Whether the incident represents escalation in unlawful conduct on behalf of the accused from previously noted behavior;
- The increased risk that the accused will commit additional acts of violence;
- Whether the accused used a weapon or force;
- Whether the reporting individual is a minor; and
- Whether the institution possesses other means to obtain evidence such as security footage, and whether available information reveals a pattern of perpetration at a given location or by a particular group

T UW will complete publicly available record-keeping for purpose of Clery Act reporting and disclosure. These reports will not include identifying information about the victim or accused and shall maintain confidentiality of any accommodations or protective measures provided to the victim, to the extent that

maintaining such confidentiality would not impair the ability of TUW to provide the accommodations or protective measures.

By only sharing personally identifiable information with individuals on a need-to-know basis, without the inclusion of identifying information about the victim (to the extent possible), the institution will 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 TUW 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, harassment or sexual assault 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.

TUW does not allow, nor tolerate any conduct by any TUW 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 TUW 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. The following is Touro's Alcohol and/or Drug Amnesty Policy:

“The health and safety of every student at the TUW is of utmost importance. TUW recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. TUW strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to institution officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to TUW officials or law enforcement will not be subject to Touro's code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.”

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.

## **9.0 ASSISTANCE FOR VICTIMS: RIGHTS & OPTIONS**

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, TUW will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options. Such written information will include:

- the survivor's right to report or not report the alleged incident to the higher education institution, law enforcement, or both, including information about the survivor's right to privacy and which reporting methods are confidential;
- the contact information for the higher education institution's Office of Institutional Compliance coordinator or coordinators, confidential advisors, a community-based sexual assault crisis center, campus law enforcement, and local law enforcement;
- the survivor's right to request and receive assistance from campus authorities in notifying law enforcement;

- the survivor's ability to request interim protective measures and accommodations for survivors, including without limitation changes to academic, living, dining, working, and transportation situations, obtaining and enforcing a campus-issued order of protection or no contact order, if such protective measures and accommodations are reasonably available, and an order of protection or no contact order in State court;
- the higher education institution's ability to provide assistance, upon the survivor's request, in accessing and navigating campus and local health and mental health services, counseling, and advocacy services; and
- a summary of the higher education institution's complaint resolution procedures.
- the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred;
- information about how the institution will protect the confidentiality of victims and other necessary parties;
- an explanation of the procedures for institutional disciplinary action

***Rights of Victims and the Institution's Responsibilities for Orders of Protection, "No Contact" Orders, Restraining Orders, or Similar Lawful Orders Issued by a Criminal, Civil, or Tribal Court or by the Institution***

TUW complies with California State Law in recognizing orders of protection. Any person who obtains an order of protection from California or any reciprocal state should provide a copy to Campus Security and the Office of Institutional Compliance. A complainant may then meet with Campus Security to discuss the order, its consequences, and/or develop a Safety Action Plan, which is a plan for campus police and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, providing a temporary cellphone, changing classroom location or allowing a student to complete assignments from home, etc.) TUW cannot apply for a legal order of protection, no contact order or restraining order for a victim from the applicable jurisdiction(s). However, the individual may receive assistance from police or campus security or have them call the appropriate agency in order to effect an arrest when an individual violates an order of protection.

TUW may issue an institutional no contact order if deemed appropriate or at the request of the victim or accused. If TUW receives a report that such an institutional no contact order has been violated, TUW will initiate disciplinary proceedings appropriate to the status of the accused (student, employee, etc.)

and will impose sanctions if the accused is found responsible for violating the no contact order.

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 described in the Administrative Handbook.

The federal laws require that both accuser and accused have the opportunity to object to TUW Participants as impartial.

Every institution shall ensure that every student be afforded the following rights:

- Throughout proceedings involving such an accusation of sexual assault, domestic violence, dating violence, stalking, or sexual activity that may otherwise violate the institution's code of conduct, the right:
  - To a prompt response to any complaint and to have the complaint investigated and adjudicated in an impartial, timely, and thorough manner by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, impartiality, the rights of the respondent, including the right to a presumption that the respondent is "not responsible" until a finding of responsibility is made pursuant to the provisions of this article and the institution's policies and procedures, and other issues including, but not limited to domestic violence, dating violence, stalking or sexual assault.
  - To make an impact statement during the point of the proceeding where the decision maker is deliberating on appropriate sanctions.
  - To simultaneous (among the parties) written or electronic notification of the outcome of a judicial or conduct process, including the sanction or sanctions.

***Procedures TUW Will Follow When a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking is Reported***

TUW has procedures in place that serve to be sensitive to victims who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other

services on and/or off campus as well as additional remedies to prevent contact between a complainant and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available. TUW will make such accommodations, if the victim requests them and if they are reasonable available, regardless of whether the victim chooses to report the crime to the Campus Security department or local law enforcement. Students and employees should contact the university's Security Department at (707) 638-5804 or the Office of Institutional Compliance at (707) 638-5459.

The following Student Bill of Rights is a summary of many of the procedures listed above in Section 5. Under this Bill of Rights all students have the right to:

1. Make a report to local law enforcement and/or state police;
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by the institution;
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
6. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
7. Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from retaliation by the institution, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;
9. Access to at least one level of appeal of a determination;

10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process; and

11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution.

If a report of domestic violence, dating violence, sexual assault or stalking is reported to the TUW, TUW will follow the procedures above in Section 5.

## **10.0 VICTIM ASSISTANCE**

In cases of rape and/or sexual violence, there are many sources of support available to victims.

### ON CAMPUS

- Emergency Assistance
- Employee on staff is available to work with the TUW community to meet immediate need.
- Accompaniment
- Security is available to provide support and escort around campus, and in certain instances to assist the individual in getting home.
- Other available community resources may be provided based on client's individual needs.

### OFF CAMPUS

#### CALIFORNIA

- <https://www.cdcr.ca.gov/victim-services/>
- <https://www.calcasa.org/>
  - (916) 446-2520
- <https://lgbtqia.ucdavis.edu/support/hotlines>
  - (886) 488-7386

#### NATIONAL

- [www.womenslaw.org](http://www.womenslaw.org)
  - (707) 784-6844
- [www.rainn.org](http://www.rainn.org)

- (800) 656-HOPE (4673)

#### ISRAEL

- [www.1202.org.il/English/](http://www.1202.org.il/English/)
  - +972-2- 623 2451

#### 24 HOUR HOTLINES

- Alliance Against Family Violence and Sexual Assault, (661) 327-1091
  - LGBTQ Focused Hotline: (661) 332-1506
- DAYONE – Not 24 hours but free legal assistance for teens under 23
- RAINN – Rape, Abuse, and Incest National Network: 1-800 656-HOPE

Please see the TOW Sexual Violence Policy in the Appendix for more information.

### **11.0 EXTERNAL REPORTING**

TOW 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 TOW 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. TOW will also annually submit to the California Department of Education aggregate data and information about reports of domestic violence, dating violence, stalking, and sexual assault. The assessment shall include questions covering, but not be limited to, the following:

- The Title IX Coordinator's role;
- Campus policies and procedures addressing sexual assault;
- How and where to report domestic violence, dating violence, stalking or sexual assault as a victim, survivor or witness;
- The availability of resources on and off campus, such as counseling, health and academic assistance;
- The prevalence of victimization and perpetration of domestic violence, dating violence, stalking, or sexual assault on and off

campus during a set time period;

- Bystander attitudes and behavior;
- Whether reporting individuals disclosed to the institution and/or law enforcement, experiences with reporting and institution processes, and reasons why they did or did not report;
- The general awareness of the difference, if any, between the institution's policies and the penal law; and
- General awareness of the definition of affirmative consent

Every institution shall take steps to ensure that answers to such assessments remain anonymous and that an individual is identified. Institutions shall publish results of the surveys on their website provided that no personally identifiable information or information which can reasonably lead a reader to identify an individual shall be shared.

Information discovered or produced as a result of complying with this section shall not be subject to discovery or admitted into evidence in any federal or state court proceeding or considered for other purposes in any action for damages brought by a private party against an institution, unless, in the discretion of the court, any such information is deemed to be material to the underlying claim or defense.

Members of TUW 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.

*Attorney General's Office, California Department of Justice: (800) 952-5225*

Attn: Public Inquiry Unit

P.O. Box 944255

Sacramento, CA 94244-2550

*United States Equal Employment Opportunity Commission (EEOC)*

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000(e) et seq.). An individual can file a complaint with the EEOC anytime within 180 days after the alleged harassment occurred and notice of such charge (including the date, place and circumstances of the alleged harassment) shall be served upon the person against whom such charge is made within ten days thereafter, except in a case where the complainant has initially instituted proceedings with a State or local agency with authority to grant or seek relief or institute criminal proceedings, such charge shall be filed by or on behalf of the complainant within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred.

If an employee believes that he/she has been discriminated against at work, he/she can file a “Charge of Discrimination.” The EEOC has district, area, and field offices where complaints can be filed.

EEOC  
Phone 1-800-669-4000 (1-800-669-6820 (TTY))  
Website [www.eeoc.gov](http://www.eeoc.gov)  
Email [info@eeoc.gov](mailto:info@eeoc.gov)

If an individual filed an administrative complaint with the Department of Human Resources (DHR), DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

*Contact the Local Police Department*

If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

## **12.0 POLICY ON MONITORING CRIMINAL ACTIVITY**

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

### **13.0 PROGRAMS**

All new students, including transfers, student leaders, student athletes, and officers of student organizations, will attend a program about the provision of this policy and how to prevent, and best protect themselves and others against sexual assault, domestic violence, dating violence, and stalking prior to receiving recognition or registration, and TUW shall require that each student-athlete complete training on domestic violence, dating violence, stalking, or sexual assault prevention prior to participating in intercollegiate athletic competition. On at least an annual basis, the Office of Student Affairs or Human Resources at each of TUW's campuses/sites 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. Students should receive training on the following topics:

- TUW prohibits sexual and interpersonal violence and will offer resources to any victims and survivors of such violence while taking administrative and conduct action regarding any accused individual within the jurisdiction;
- Policies apply equally to all students regardless of sexual orientation, gender identity, or gender expression;
- The role of the Title IX Coordinator, university police or campus security, and other relevant offices that address domestic violence, dating violence, stalking, and sexual assault prevention and response;
- Awareness of violence, its impact on victims and survivors and their friends and family, and its long-term impact

TUW engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that:

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and

- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

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. TUW 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.

TUW shall use multiple methods to educate students about violence prevention and shall share information on domestic violence, dating violence, stalking and sexual assault prevention with parents of enrolling students.

Presentations will be made by guest speakers and appropriate members of TUW's faculty and staff. The training programs' topics are as follows:

- Protect Your Possessions and Identity
  - Most property is lost due to people being inattentive. We will instruct them that opportunist will take advantage of an easy grab. Not to leave items lying around, locking up your room, proper techniques to protect your property while walking around. To be aware of your surroundings and whose around you, i.e. ATM usage. We will also discuss Online/telephone scams to protect ones identity. Never giving out ones information to strangers or bogus request from online scams and or telephone solicitation. Offered as follows:
    - Campus Security Lecture
    - DVR for Site Training
    - VPD/SFPD Lecture
    - Online Video (Portal)
    - Operation ID
- Everyday Safety
  - We will elaborate that you should be aware of your surroundings and that you could be safer while out enjoying the scenes. We provide tips on safety while in elevators, subway, buses, and in dorms etc. Offered as follows:
    - Campus Security Lecture

- DVR for Site Training
  - VPD/SFPD Lecture
  - Online Video (Portal)
- Common-Sense Defense
  - We may not all be fighters or large individuals, but there are tactics that could be used to allow you to survive a dangerous interaction. These methods will be shown and instructed. We focus on the art of verbal communication. Offered as follows:
    - Campus Security Lecture
    - DVR for Site Training
    - VPD/SFPD Lecture
    - Online Video (Portal)
- Forming Healthy Relationships
  - We discuss methods on how to read another's actions and determine if this is a good or bad relationship. We offer tips on healthy relationships and how do deal with an unhealthy relationship. Offered as follows:
    - Campus Security Lecture
    - DVR for Site Training
    - Online Video (Portal)
    - We have the capability of inviting agencies such as RAINN, VPD/SFPD Domestic Violence Officer
- Dating Violence/Domestic Violence
  - We discuss warning signs, tips, available agencies to assist our community and reporting of such incidents. Offered as follows:
    - Campus Security Lecture
    - DVR for site training
    - Online Video (Portal)
    - We have the capability of inviting agencies such as RAINN, VPD/SFPD Domestic Violence Officer
    - Controlling Behavior
- Controlling Behavior
  - We discuss the signs that a person maybe displaying in a controlling situation. We discuss the psychological issues that arise in these relationships and how you can defend yourself or others from this behavior. Offered as follows:
    - Campus Security Lecture
    - DVR for Site Training
    - Online Video (Portal)
    - We have the capability of inviting agencies such as RAINN, VPD/SFPD Domestic Violence Officer

- Racism, Classism, Religious, and Sexual orientation and Gender Identity (Discrimination)
  - We discuss discrimination and how it affects us. We will identify the trends that are presently being observed and how to combat them. We will instruct those on how to report incidents involving discriminations occurring here at Touro. Offered as follows:
    - Campus Security Lecture
    - DVR for Site Training
    - VPD/SFPD Lecture
    - Online Video (Portal)
    - Sexual Misconduct/Assault
- Sexual Misconduct/Assault
  - We discuss our Policy, Protocol, Procedure and Prevention. We will identify what is Sexual Misconduct/Assault and how to report if an incident should occur. How to attend to those who have been victimized and how these incidents will be investigated. Present what resources there are for those who have been victimized. We also offer tips on how to prevent these incidents and what to do if you become a victim or know someone who is a victim. We discuss buddy system and we encourage our students to contact us if they are in a situation that they can't handle. Offered as follows:
    - Campus Security Lecture
    - DVR for Site Training
    - VPD/SFPD Lecture
    - Online Video (Portal)
    - We have the capability of inviting agencies such as RAINN, VPD/SFPD Domestic Violence Officer
- Stalking
  - Familiarize those with what stalking actually is and how it could affect their daily lives. With the Internet and Social Media, those who seek knowledge about others are easily obtained. We will discuss ways of protecting oneself from this intrusion. We also discuss on what to do if you are a victim of Stalking. Offered as follows:
    - Campus Security Lecture
    - DVR for Site Training
    - VPD/SFPD Lecture
    - Online Video (Portal)
- Bystander Intervention
  - The goal of Bystander Intervention is to block bad behavior before it goes too far. We will educate our TUW community of their role and

how they can prevent this behavior. We offer tips on what they can do to prevent any of the behaviors identified.

- Tips for a Bystander
  - Be honest and direct talk about the consequences of their actions.
  - Don't let resentment prevent you from stepping in.
  - Don't turn a blind eye.
  - Don't wait for someone else to act.
  - Give the person an out "Call their cell phone, distract the other person.
  - If it doesn't feel safe to say something you can call the police or any other person of authority.
  - If the person is your friend, communicate by either asking the person "Are you okay", "Is he bothering you".
  - If you are attending a social gathering with a friend remember the same principles applied in every scenario be mindful of your friend make sure you come and go together and if you don't leave together that your friend is able to make decisions on her/himself.
  - If you see someone at risk, get involved.
  - Solicit help from other bystanders.
- Offered as follows:
  - Campus Security Lecture
  - DVR for Site Training
  - VPD/SFPD Lecture
  - Online Video (Portal)
- Active Shooter Awareness
  - We train the TUW community on what to do in the event of an active shooter, how to report these types of incidents and what behaviors we need to report. Offered as follows:
    - Campus Security Lecture
    - Consultant Lectures
    - DVR for Site Training
    - VPD/SFPD Lecture
    - Online Video (Portal)
- Suspicious Package/Mail Awareness
  - We train our people on how to identify/detect suspicious packages, particularly to Mail Room Staff. Offered as follows:
    - Campus Security Literature
    - VPD/SFPD Lecture

- Postal Inspector also available for Lecture and review of our mailrooms.
- Faculty Orientation
  - We utilize the time allotted to inform new employees of Security measures and policies in place. i.e., the need and use of ID badges, Panic alarms, aware of their surroundings work place violence policies, Emergency Contact numbers. Offered as follows:
    - Campus Security Literature
    - Portal on line training
- Student Orientation
  - During these Orientations we process the students into using/wearing their ID badges. We also go through Clery Compliance requirements including but not limited to VAWA, alcohol/drug usages, self-safety awareness, property and identification protection. Offered as follows:
    - Campus Security Literature
    - DVDs available
    - VPD/SFPD lectures
- Resident Assistants Orientation
  - We emphasize their role as Resident Assistants. We instruct them as to their responsibilities as guardians of the students and facilitate emergencies as they arise. They are processed as “Campus Security Authority” (CSAs). Offered as follows:
    - Campus Security Lectures/Literature
    - CSA Online required training
    - DVDs available
    - Portal General Training
- Work Place Violence
  - We are looking into material and training aids. Possible resources:
    - Consultant training
    - DVDs
    - Literature
    - VPD/SFPD Lecture
- Risk reduction
  - TUW has Officers at our campuses/sites, in addition to other control measures. When any incidents/crimes have been reported to Touro, Security staff would work with the person(s) involved to assure that all their needs (i.e. escort to mode of transportation, weekly calls to follow-up, referrals to agencies, etc.).

#### **14.0 RESOURCES FOR SEXUAL HARASSMENT VICTIMS**

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

## **15.0 REGISTERED SEXUAL OFFENDERS**

TUW makes available to the public over the Internet information about certain sex offenders required to register under Megan's Law.

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student. The sex offender registry for California can be found at the following address:

<https://www.meganslaw.ca.gov/mobile/Disclaimer.aspx>

## **16.0 IMPLEMENTATION**

This policy shall be implemented by the Department of Human Resources and the Office of Campus Security.

## **17.0 SOURCE DOCUMENTS**

- 34 CFR § 106.8 and § 106.9
- 34 CFR § 668.46
- Revised Sexual Harassment Guidance: Harassment of Students By School Employees, Other Students, or Third Parties, dated January 19, 2001
- “Dear Colleague Letter” from the Assistant Secretary, U.S. Department of Education, Office of Civil Rights, dated April 4, 2011.
- “Dear Colleague Letter” from the Assistant Secretary, U.S. Department of Education, Office of Civil Rights, dated July 14, 2014.
- TUW Title IX Policy

## **18.0 APPROVAL**

This policy has been approved by the Human Resources Department, the Officer of Campus Security and the Office of Institutional Compliance.

The Office of Civil Rights (Region II) reviewed portions of this policy on October 28, 2013.

## **19.0 COMPLAINT FORM**

If you wish to file a complaint, please use the Title IX and Sexual Misconduct Policy Complaint Form located on the TouroOne Portal and using this [link](#).