



# **Campus Safety and Security Report**

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

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## INTRODUCTION

This brochure is published in compliance with the “Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act” including the Implementation of Changes to the Clery Act made by the Violence Against Women Reauthorization Act of 2013 (VAWA). The Clery Act requires U.S. colleges and universities that participate in federal student financial aid programs to disclose information concerning crime, domestic violence, dating violence, sexual assault, and stalking involving a student, both on and off campus. Compliance with these provisions does not constitute a violation of section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly known as the Family Educational Rights and Privacy Act of 1974 (FERPA).

Hard copy of the report is available at the Admission Office, Financial Aid Office or can be downloaded at [http://pic.edu/pdf/PIC Crime Statistics.pdf](http://pic.edu/pdf/PIC%20Crime%20Statistics.pdf). Prospective employees and students are afforded the same information at the time they obtain an application for employment or admission. Any person may have access to this report.

### WHO IS JEANNE CLERY?

Jeanne Ann Clery was a 19-year-old Lehigh University freshman who was raped and murdered in her dorm room on April 5, 1986. Her parents later found out about 38 violent crimes on the Lehigh campus in the three years before her murder. They joined with other victims of campus crime and persuaded Congress to enact this law, which was originally known as the "Crime Awareness and Campus Security Act of 1990."

### REPORTING POLICY FOR ANNUAL CRIME STATISTICS

Campus crime, arrest and referral statistics include those reported to the school officials (including but limited to directors, instructors, administrative staff), and local law enforcement agencies. To comply with the act, the institution collects crime statistics from local police agencies, by providing the addresses property either owned by the Palomar Institute of Cosmetology, or public property immediately adjacent to the Institution. All local police agencies, where the Institution's property is located or is nearby, provide automated statistics for the property and a radius around the property requested. These statistics may also include crimes that have occurred in private residences or businesses and is not required by law.

Crime and arrest statistics are compiled by the **San Marcos Police Department**<sup>1</sup> for crimes occurring on campus or on public property within or immediately adjacent to the campus. The information is included under the "Public Property" section of the Palomar Institute of Cosmetology crime statistics.

### REPORTING PROCEDURES

The Institution encourages both its employees and students to immediately report suspected criminal activity or other emergencies to the security officer, institutional official and/or in the event of emergency to directly contact local law enforcement or other emergency response agencies by dialing (911). The prosecution of all criminal offenses, both felony and misdemeanor, are conducted through the San Diego County District Attorney's Office.

The San Marcos Sheriff Department is the primary responding law enforcement agency to on and off campus crimes surrounding Palomar Institute of Cosmetology. The Institution does not own any non-campus building. Crime statistics for those locations are not included in the non-campus building or property section of the Institution crime statistics.

The reporting of crimes is vital in achieving the goal of providing a safe learning environment for the school community. As either a victim or a witness, you have the responsibility to report a crime. If a crime occurs on or near campus, report it immediately to the police. Whenever possible

the actual victim or witness of the crime should call the Police Department directly. If someone relays the information to you and leaves, please include this information.

To report a crime, please call **Mr. Raymond Stainback**, the President/CEO, at **(760) 744-7900**, ext. **115** or **(760) 802-2500**. If the President/CEO is not available, please call Talitha Russell, Title IX Coordinator, at (760) 744-7900, ext. 114 or (858) 531-2205. In the event that you have either witnessed or been a victim of crime, or have information that a crime has, or is about to occur, please contact the local Police Department. All information entered is kept in strict confidentiality. The institution encourages accurate and prompt reporting of all crimes to the campus police and the appropriate police agencies, when the victim of a crime elects to, or is unable to report.

- ***Dialing 9-1-1 on a cell phone connects you directly to the California Highway Patrol.***
- ***Dialing 9-1-1 on a pay phone connects you directly to the San Diego County Sheriff's Department***

When calling to report a crime or incident, please be ready to give information as **complete and accurate** as possible such as:

- A brief description of what occurred
- Where and when the incident occurred
- Did the suspect(s) have a weapon?
- Where and when was the suspect(s) last seen?
- What did the suspect(s) look like (gender, race, age, height, weight, hair color/length, clothing, facial hair, tattoos/scars)?
- Any other relevant information
- Do not hang up! Let the person providing assistance end the call. More information may be requested.

**Unfounded Crimes:** An institution may withhold, or subsequently remove, a reported crime from its crime statistics in the rare situations where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore “unfounded.” Only sworn or commissioned law enforcement personnel may “unfound” a crime report for purposes of reporting under this section. The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with the prosecution, and the failure to make an arrest do not “unfound” a crime report.

## **PRIVACY AND CONFIDENTIALITY**

The Institution shall protect and maintain the identity of any alleged victim or witness of domestic violence, dating violence, sexual assault, or stalking in confidence. If you are the victim of a crime and do not want to pursue action within the court system, you are encouraged to make a confidential report to the security authorities. Reporting of such offenses by victims or witnesses may be done voluntarily on a confidential basis. Privileges of confidentiality in criminal matters that are referred for prosecution in a court of law may be subject to exposure. Confidential reports are important because they provide valuable aggregate /statistical crime information that will enhance public safety at Palomar Institute of Cosmetology. Reports filed in this manner which are

Clery classified crimes are counted and listed in the statistical section of the Annual Security Report.

## **TIMELY WARNINGS**

In the event that a situation arises, either on or off campus, constitutes an ongoing or continuing threat; the President/CEO or his designee will determine how much information is appropriate to issue a Timely Warning notice. These Warnings notices will be distributed if the incident is reported either directly to the security authority at the institution or indirectly from an allied police agency.

Timely Warnings can be distributed electronically via mass e-mail, texting, voice mail or posting notice on the Institution web site at [www.pic.edu](http://www.pic.edu), on bulletin boards, or on the exterior doors of campus buildings. Once all the relevant information is received, these notices will be posted as soon as possible. Anyone with information warranting a timely warning should report the circumstances to the San Marcos Sheriff's Dispatch by calling (760-510-5292) or 911, or in person at the San Marcos Sheriff located at 182 Santar Place, San Marcos, CA 92069.

## **EMERGENCY & DISASTER RESPONSES & NOTIFICATIONS**

In the event of an emergency, President/CEO or his designee have the responsibility to give instructions to students and staff, close and lock doors, and provide other required safety and first aid measures unless otherwise directed by the Police Department or other properly identified emergency personnel. The institution will, without delay, take into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

The institution tests the emergency response and evacuation procedures on at least an annual basis each calendar year, including tests that may be announced or unannounced. Documentation for each test includes a description of the exercise, the date and time, and whether it was announced or unannounced can be found in the administrative office. All staff members and students are instructed to do the following in the event of:

- **Fire:** Call 9-1-1 and quickly gather at the most South Eastern corner of the property near the institution's outdoor sign to report for roll call.
- **Earthquake:** Stay away from the large glass windows and protect yourself under a desk or doorframe.

### **Contact Personnel:**

The following personnel are responsible for carrying out the actions described above and may be contacted by calling **(760) 744-7900** and their extensions listed below.

School Director – All programs..... Ext. 120 or cell phone (760) 216-8979  
President/CEO.....Ext. 115 or cell phone (760) 802-2500  
Title IX Coordinator..... Ext. 114 or cell phone (858) 531-2205

## **SECURITY PROCEDURES AND PRACTICES**

The Institution's facilities are open to the public during the day and evening hours when classes are in session. The institution does not have any campus residences. The institution does not have any officially recognized student organizations with non-campus locations. The institution does not have any security personnel. Any authorities for campus security do NOT have the authority to make arrests. The institution communicates with local law enforcement agencies via email and telephone as needed. The institution does not have any written memoranda of understanding with the local law enforcement agencies. During the times that the Institution is officially closed, Institution buildings are generally locked and only faculty and staff with proper keys are admitted. School officials report the need for replacement of lights and any other physical hazards they notice. Lighting improvements are constantly being evaluated. Improvements have included the placement of high intensity sodium vapor lights in buildings, in parking lot areas, in areas with heavy landscaping and trees, and along pathways frequently traveled by students.

The institution provides training to all new staff and students at orientation to inform students about security procedures and practices. Security procedure and practices information is also discussed at monthly staff meetings and student assemblies. These programs help educate students to look out for themselves and one another.

The institution has designed and implemented a series of crime awareness guidelines for students, staff and faculty as follow:

- Lock your office whenever you leave, even if you will only be gone for a minute.
- Keep your purse, wallet and other valuables in a secure location, such as a locked desk or filing cabinet.
- Immediately report to the local police any suspicious person loitering in your area.
- Report all crimes, no matter how minor they may seem, to the local police.
- If you receive an annoying or obscene phone call, hang up. Write down the time of the call, what the caller said, and note any background noises you may have heard. Call the local police.
- If you work at night, avoid working alone. Keep all outside doors locked. Walk with other employees to and from your car.
- If you are entrusted with a key to a specific area, never loan it to anyone.
- Always be aware of your surroundings.
- If you observe a crime situation or witness a person in trouble, use any legal options you deem appropriate and safe (i.e. run, contact, yell, call the school officials, etc.)
- Always park in well-lighted areas, never in the dark.
- Always lock your car.
- Always lock your doors while driving.
- Always keep your car in gear while stopped at traffic signals or stop signs.
- If threatened, simply drive away.
- Always write down license numbers of suspicious vehicles.

- When arriving home, always leave your headlights on until you have opened the garage door or unlocked your front door.

## **ONGOING CRIME PREVENTION**

The Institution encourages faculty, staff, students and visitors to take responsibility for their safety, by taking proactive steps to reduce the likelihood of crime. The institution provides training to all new staff and students at orientation to inform students about crime prevention. Crime prevention information is also discussed at monthly staff meetings and student assemblies.

The following are the best prevention methods to deter attacks:

- Interior/Exterior lighting
- Try not to go out at night alone. Walk with a friend.
- Don't walk on deserted streets or in alleys.
- Don't go into strange or poorly lighted areas.
- Use caution in parking lots.
- Don't take shortcuts.
- Don't hitchhike or accept rides with strangers.
- Walk facing on-coming traffic.
- Walk near the curb. Don't walk near dark doorways or shrubbery.
- Carry your purse securely in your grasp.
- Look around when getting off a bus.
- Cross the street if you see someone suspicious following you.
- Call the police if you feel that someone is following you or acting suspiciously.
- Walk into an open business if you become suspicious of someone while walking.
- When you are arriving home by private auto or taxi, ask the driver to wait until you are inside.
- Have your keys in your hand so you can open your door immediately.
- Be suspicious. Look behind you. It may discourage an attacker.
- Never allow another vehicle to follow you home. Drive past your house to the nearest open business and call the police.
- Never leave your keys in the car.
- Always check in the back seat of your car before getting in.
- If you stop to aid others, don't get out of your car. Ask what you can do to help, then drive to the nearest phone and call the police.
- Never leave your purse in sight. Hide it under your seat or in your glove box.

## **DRUG AND ALCOHOL POLICY DRUG-FREE AWARENESS AND DRUG AND ALCOHOL ABUSE PREVENTION PROGRAMS**

(a) The institution's Drug-Free Awareness and Alcohol Abuse Prevention Programs are published in the institution's Campus Safety and Security Report. Annually, each October, the institution distributes in writing to each employee and to each student the Campus Safety and Security Report. In addition to the annual distribution, the institution also distributes the Campus Safety and Security Report to each new student enrolled and new employee hired.



(1) Palomar Institute of Cosmetology prohibits, at minimum, the unlawful possession, use, sale or distribution of alcohol and illicit drugs and alcohol by students and employees on its property or as part of any of its activities. The institution enforces laws relating to underage drinking. The sale, use, or being under the influence of alcohol is not permitted at the institution. Students and employees who violate the Drug-Free Schools and Communities Act Amendments of 1989 are subject to expulsion or termination of employment and/or referral to authorities for prosecution, as appropriate.

(2) Below is a description of the applicable legal sanctions under State, and Federal law for the unlawful possession or distribution of illicit drugs and alcohol.

Source: [https://www.dea.gov/sites/default/files/drug\\_of\\_abuse.pdf](https://www.dea.gov/sites/default/files/drug_of_abuse.pdf)

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500-4999 grams mixture	<b>First Offense:</b> Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.  <b>Second Offense:</b> Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	5 kgs or more mixture	<b>First Offense:</b> Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.  <b>Second Offense:</b> Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.  <b>2 or More Prior Offenses:</b> Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
Cocaine Base (Schedule II)	28-279 grams mixture		280 grams or more mixture	
Fentanyl (Schedule II)	40-399 grams mixture		400 grams or more mixture	
Fentanyl Analogue (Schedule I)	10-99 grams mixture		100 grams or more mixture	
Heroin (Schedule I)	100-999 grams mixture		1 kg or more mixture	
LSD (Schedule I)	1-9 grams mixture		10 grams or more mixture	
Methamphetamine (Schedule II)	5-49 grams pure or 50-499 grams mixture		50 grams or more pure or 500 grams or more mixture	
PCP (Schedule II)	10-99 grams pure or 100-999 grams mixture		100 gm or more pure or 1 kg or more mixture	
PENALTIES				
Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid) Flunitrazepam (Schedule IV)	Any amount 1 gram	<b>First Offense:</b> Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than life. Fine \$1 million if an individual, \$5 million if not an individual. <b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.		
Other Schedule III drugs	Any amount	<b>First Offense:</b> Not more than 10 years. If death or serious injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual. <b>Second Offense:</b> Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.		
All other Schedule IV drugs	Any amount	<b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.		
Flunitrazepam (Schedule IV)	Other than 1 gram or more	<b>Second Offense:</b> Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.		



All Schedule V drugs	Any amount	<b>First Offense:</b> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual. <b>Second Offense:</b> Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.
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<b>MARIJUANA</b>			
<b>DRUG</b>	<b>QUANTITY</b>	<b>FIRST OFFENSE</b>	<b>SECOND OFFENSE*</b>
Marijuana (Schedule I)	1,000 kg or more marijuana mixture; or 1,000 or more marijuana plants	Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.	Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana (Schedule I)	100 kg to 999 kg marijuana mixture; or 100 to 999 marijuana plants	Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.	Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75million if other than an individual.
Marijuana (Schedule I)	More than 10 kgs hashish; 50 to 99 kg marijuana mixture More than 1 kg of hashish oil; 50 to 99 marijuana plants	Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.	Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.
Marijuana (Schedule I)	Less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight) 1 to 49 marijuana plants;	Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.	Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.
Hashish (Schedule I)	10 kg or less		
Hashish Oil (Schedule I)	1 kg or less		
*The minimum sentence for a violation after two or more prior convictions for a felony drug offense have become final is a mandatory term of life imprisonment without release and a fine up to \$20 million if an individual and \$75 million if other than an individual.			

B. State of California Law Source:

<https://leginfo.legislature.ca.gov/faces/codesTOCSelected.xhtml?tocCode=BPC>

<b>ALCOHOL</b>	<b>PENALTIES FOR DRUNK DRIVING OFFENSES</b>	<b>ILLCIT DRUGS</b>
a. It is a crime to sell, furnish or give alcoholic beverages to a person under age 21 or to any obviously intoxicated person (California Business & Professions Code 25658 & 25602).	a. First offense: fines up to \$1,000, imprisonment up to six months, driver's license suspension up to ten months and interlock ignition device required in some counties.	a. Under California law, first offenses involving the sale or possession for sale of amphetamines, codeine, cocaine, heroin, LSD, mescaline, methadone, methamphetamine, morphine, PCP, peyote, psilocybin and marijuana (among others) are felonies carrying prison terms of up to four years (California Health & Safety Code 11054, 11055 & 11351).
b. It is a crime for a person under the age of 21 to purchase or possess	b. Second offense: fines up to \$1,800, imprisonment up to one	b. Penalties are more severe for offenses involving heroin, cocaine, cocaine base, or any analog of these

alcoholic beverages (California Business & Professions Code 25658 & 25662).	year, driver's license suspension up to two years and interlock ignition device required.	substances and occurred upon the grounds of, or within, a church or synagogue, a playground, a public or private youth center, a child day care facility, or a public swimming pool, during hours in which the facility is open for business, classes, or school-related programs, or at any time when minors are using the facility (California Health & Safety Code 11353.1).
c. It is a crime to sell alcohol without a valid liquor license or permit (California Business & Professions Code 23301).	c. Third offense: fines up to \$1,800, imprisonment up to one year driver's license suspension up to three years and interlock ignition device required.	c. It is unlawful to possess any device, contrivance, instrument or paraphernalia used for unlawfully injecting or smoking a controlled substance from Section IV, Letter C, Number 1 (California Health & Safety Code 11364).
d. It is a crime for any person to drink while driving, to have an open container of alcohol in a motor vehicle or to drive under the influence of alcohol (California Vehicle Code 23220, 23222 & 23152).	d. Refusal to submit to a blood alcohol content test: driving privileges are suspended for one year, for two years if there is a prior offense within 10 years and for three years with three or more offenses within 10 years.	d. Personal property may be subject to forfeiture if it contains drugs or was used in a drug manufacture, distribution, dispensation or acquired in violation of this division (California Health & Safety Code 11470).
e. It is a crime to be intoxicated in a public place (California Penal Code 647(f))	e. Drivers under the age of 21 found with any measurable amount of blood alcohol (.01% or more) will have their driver's license suspended for one year and will be required to attend DUI school. If the driver does not have a license, there will be a one-year delay in obtaining one.	e. The illegal possession of most of the above-mentioned drugs may be felonies or misdemeanors depending upon amounts involved.
f. Intoxication is presumed at blood levels of .08% or higher (California Vehicle Code 23152).		f. The California Legislature declares that the dispensing and furnishing of prescription drugs, controlled substances and dangerous drugs or dangerous devices without a license poses a significant threat to the health, safety and welfare of all persons residing in the state and shall be guilty of a crime (California Health & Safety Code 11352.1).

(3) Below is a description of the health risks associated with the use of illicit drugs and the abuse of alcohol by drug type. The list includes acute effects/health risks as found on the National Institute of Drug Abuse website <http://www.drugabuse.gov>

A. Alcohol—affects every organ in the drinker's body, impairs brain function and motor skills and may cause, fetal damage (in pregnant women), heavy use can damage the heart, liver and pancreas, increase risk of certain cancers, stroke and liver disease and weaken the immune system.

B. Amphetamines/Methamphetamines—increased heart rate, blood pressure, body temperature and breathing, reduced appetite, irregular heartbeat, anxiety, confusion, mood problems, paranoia, violent behavior, hallucinations, weight loss, insomnia, severe dental problems, intense itching leading to skin sores from scratching, risk of HIV, hepatitis and other infectious diseases from shared needles, addiction.

C. Cocaine—increased heart rate, blood pressure, body temperature, reduced appetite, headache, abdominal pain and nausea, restlessness, anxiety, panic attacks, paranoia,

violent behavior, psychosis, nasal damage, weight loss, insomnia, heart rhythm problems, infection and death of bowel tissue, heart attack, stroke, seizures, coma, addiction.

D. Dissociative Drugs (Ketamine, PCP, Salvia divinorum, DXM)—impaired motor function, anxiety, paranoia, numbness, memory loss, nausea, vomiting, depression, violence, slurred speech, hallucinations, dizziness, distorted visual perceptions, suicidal thoughts, seizures, coma, and death.

E. GHB—drowsiness, nausea, vomiting, confusion, hallucinations, aggressive behavior, memory loss, unconsciousness, seizures, slowed heart rate and breathing, lower body temperature, coma, and death.

F. Hallucinogens (LSD, mescaline, psilocybin)—hallucinations, increased body temperature, heart rate and blood pressure, loss of appetite, sweating, sleeplessness, numbness, dizziness, weakness, tremors, ongoing visual disturbances, disorganized thinking, rapid shifts in emotion, flashbacks, hallucinogen Persisting Perception Disorder, paranoia.

G. Heroin/Opium—itching, dry mouth, clouded thinking, nausea, vomiting, feelings of heaviness in the body, slowed heart rate and breathing, collapsed veins, abscesses, infection of the lining and valves of the heart, constipation and stomach cramps, liver or kidney disease, pneumonia, fatal overdose.

H. Inhalants—confusion, loss of inhibition, headache, nausea, slurred speech, loss of motor coordination, dizziness, drowsiness, lightheadedness, hallucinations/delusions, liver and kidney damage, bone marrow damage, brain damage, convulsions, seizures, coma, sudden death from heart failure or asphyxiation.

I. Marijuana/Hashish—slowed reaction time, impaired balance and coordination, increased heart rate and appetite, impaired learning and memory, hallucinations, anxiety, panic attacks, psychosis, cough, frequent respiratory infections, possible mental health decline, addiction.

J. MDMA—lowered inhibition, confusion, anxiety, chills, sweating, increased heart rate and blood pressure, teeth clenching, muscle tension, sleep disturbances, depression, nausea, blurred vision, faintness, impaired memory, liver, kidney or heart failure, addiction, death.

K. Nicotine—increased blood pressure, breathing and heart rate, increased risk of cancer (both lung and oral), chronic bronchitis, emphysema, heart disease, leukemia, cataracts, pneumonia, adverse pregnancy outcomes, addiction.

(4) The institution has no on-campus counseling or treatment programs. However, the institution refers students and employees to various available programs (some of the programs listed below may have costs involved for treatment). The following locations are for the local drug or alcohol counseling, treatment, and rehabilitation or re-entry programs that are available to employees or students in San Diego County and its vicinity:

### **SAMHSA's National Helpline**

**Phone: 1-800-662-HELP (4357)**

Website: <https://www.samhsa.gov/find-help/national-helpline>

### **North County Center for Change**

Phone: (760) 940-1836

Website: <https://www.mhsinc.org/listing/north-county-center-for-change-2/>

**Alcoholics Anonymous**

Phone: (760) 758-2514 (24 hours)

Website: [www.nosdco-aa.org/](http://www.nosdco-aa.org/)

**Narcotics Anonymous**

Phone: (800) 479-0062

Website: [www.sandiegona.org](http://www.sandiegona.org)

**211 San Diego**

Phone: Dial 2-1-1

Website: <http://211sandiego.org/resources/highlighted-resources/post-incarceration/re-entry-substance-abuse/>

(5) The institution will impose disciplinary sanctions on students and employees (consistent with local, State, and Federal law). Sanctions are up to and including expulsion or termination of employment and referral for prosecution, for the violations of the standards of conduct required by paragraph (a)(1) of this section.

(6) The institution will conduct a biennial review (every two years) to determine the effectiveness of the program and implement changes to the program if they are needed. The Institution will ensure that the disciplinary sanctions described in paragraph (a)(5) of this section are consistently enforced. In general, institution may review the program more often than biennially if deemed appropriate or necessary. Reviews are generally conducted in August during the preparation of the Crime Statistics Report to be distributed in October to all students and employees.

As part of the biennial review the school will determine:

- The number of drug and alcohol-related violations and fatalities that occur on a school's campus or as part of any of the school's activities and that are reported to campus officials; and
- The number and type of sanctions that are imposed by the school as a result of drug and alcohol-related violations and fatalities on the school's campus or as part of any of the school's activities.

The institution will make available upon request the results of the review as well as the data and methods supporting its conclusions.

(7) Drug Abuse in the Work Place (cited from <https://www.samhsa.gov/sites/default/files/workplace-kit.pdf>)

A. Alcohol and other drug abuse is widespread in our society. It affects us all in many ways. Although national, State, and local efforts have begun to show encouraging results, the problem of alcohol and other drug abuse remains a serious problem. No workplace is immune. According to the 2006 National Survey on Drug Use and Health, 74.9 percent of all adult illicit drug users are employed full or part time. Most binge and heavy alcohol users are employed full or part time.

B. Substance abusing employees often do not make good employees. Studies show that, compared with non-substance abusers, they are more likely:

- To change jobs frequently
- To be late to or absent from work
- To be less productive employees
- To be involved in a workplace accident
- To file a workers' compensation claim

C. Workplace substance abuse can also have a serious effect on people other than the abuser. For example, some studies suggest that working alongside a substance abuser can reduce non-abusers' morale and productivity. It also is quite common for substance abusing workers who are involved in workplace accidents to injure other people (rather than themselves), especially if they work in safety-sensitive industries, such as the transportation or construction industry.

## **TITLE IX, SEXUAL MISCONDUCT EDUCATION AND PREVENTION**

The U.S. Department of Education's Office for Civil Rights (OCR) enforces, among other statutes, Title IX of the Education Amendments of 1972. Title IX protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance. Title IX states that:

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

The Violence Against Women Reauthorization Act of 2013 ("VAWA"), including the Campus Sexual Violence Elimination Act ("Campus SaVE Act"), is a federal law that requires colleges and universities to have procedures in place to respond to incidents of sexual assault, domestic violence, dating violence, and stalking.

The institution is committed to providing up-to-date, quality training, a positive culture, and a positive environment for all students, employees and visitors in a nondiscriminatory manner. The institution prohibits the crimes of dating violence, domestic violence, sexual assault and stalking as those terms are defined for purposes of the Clery Act. Sexual misconduct and relationship violence are forms of sex harassment prohibited by the institution, whether the behavior occurred on or off campus. The institution offers education programs that promote the awareness of dating violence, domestic violence, sexual assault, and stalking. The institution provides this training and information to all new staff and students at orientation. The institution also provides ongoing training and information at monthly staff meetings and student assemblies.

The institution prohibits the crimes of domestic violence, dating violence, sexual assault and stalking as they are defined for purposes of the Clery Act. The definitions of these crimes for Clery Act purposes are provided under the "Clery Act Definitions and Terms" at the end of the report.

**The definition of domestic violence, dating violence, sexual assault, and stalking in the institution's local jurisdiction:**

**Domestic Violence**<sup>2</sup> (California Penal Code 13700)

Domestic violence means abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship. For purposes of this subdivision, "cohabitant" means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to, (1) sexual relations between the parties while sharing the same living quarters, (2) sharing of income or expenses, (3) joint use or ownership of property, (4) whether the parties hold themselves out as spouses, (5) the continuity of the relationship, and (6) the length of the relationship

**Dating Violence** - Dating Violence is included within the definition of domestic violence as set forth in California Penal Code 13700.

**Sexual Assault**<sup>3</sup> - An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program included in Appendix A of 34 SFR Part 668. Sex Offenses are defined by Uniform Crime Reporting (UCR) Program as any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

**Rape**<sup>4</sup> (California Penal Code 261)

(a) Rape is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances:

(1) Where a person is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent.

(2) Where it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.

(3) Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused.

(4) Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, "unconscious of the nature of the act" means incapable of resisting because the victim meets any one of the following conditions:

(A) Was unconscious or asleep.

(B) Was not aware, knowing, perceiving, or cognizant that the act occurred.

(C) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.

(D) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.

(5) Where a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.

(6) Where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.

(7) Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(b) As used in this section, "duress" means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed, or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and his or her relationship to the defendant, are factors to consider in appraising the existence of duress.

(c) As used in this section, "menace" means any threat, declaration, or act which shows an intention to inflict an injury upon another.

**Sexual Battery (Fondling)**<sup>5</sup> (California Penal Code 243.4)

(a) Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(b) Any person who touches an intimate part of another person who is institutionalized for medical treatment and who is seriously disabled or medically incapacitated, if the touching is against the will of the person touched, and if the touching is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(c) Any person who touches an intimate part of another person for the purpose of sexual arousal, sexual gratification, or sexual abuse, and the victim is at the time unconscious of the nature of the act because the perpetrator fraudulently represented that the touching served a professional purpose, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).



(d) Any person who, for the purpose of sexual arousal, sexual gratification, or sexual abuse, causes another, against that person's will while that person is unlawfully restrained either by the accused or an accomplice, or is institutionalized for medical treatment and is seriously disabled or medically incapacitated, to masturbate or touch an intimate part of either of those persons or a third person, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(e) (1) Any person who touches an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of misdemeanor sexual battery, punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. However, if the defendant was an employer and the victim was an employee of the defendant, the misdemeanor sexual battery shall be punishable by a fine not exceeding three thousand dollars (\$3,000), by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. Notwithstanding any other provision of law, any amount of a fine above two thousand dollars (\$2,000) which is collected from a defendant for a violation of this subdivision shall be transmitted to the State Treasury and, upon appropriation by the Legislature, distributed to the Department of Fair Employment and Housing for the purpose of enforcement of the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), including, but not limited to, laws that proscribe sexual harassment in places of employment. However, in no event shall an amount over two thousand dollars (\$2,000) be transmitted to the State Treasury until all fines, including any restitution fines that may have been imposed upon the defendant, have been paid in full.

(2) As used in this subdivision, "touches" means physical contact with another person, whether accomplished directly, through the clothing of the person committing the offense, or through the clothing of the victim.

(f) As used in subdivisions (a), (b), (c), and (d), "touches" means physical contact with the skin of another person whether accomplished directly or through the clothing of the person committing the offense.

(g) As used in this section, the following terms have the following meanings:

(1) "Intimate part" means the sexual organ, anus, groin, or buttocks of any person, and the breast of a female.

(2) "Sexual battery" does not include the crimes defined in Section 261 or 289.

(3) "Seriously disabled" means a person with severe physical or sensory disabilities.

(4) "Medically incapacitated" means a person who is incapacitated as a result of prescribed sedatives, anesthesia, or other medication.

(5) "Institutionalized" means a person who is located voluntarily or involuntarily in a hospital, medical treatment facility, nursing home, acute care facility, or mental hospital.

(6) "Minor" means a person under 18 years of age.

**Incest<sup>6</sup> (California Penal Code 285)**

Persons being within the degrees of consanguinity within which marriages are declared by law to be incestuous and void, who intermarry with each other, or who being 14 years

of age or older, commit fornication or adultery with each other, are punishable by imprisonment in the state prison.

**Statutory Rape<sup>7</sup> (California Penal Code 261.5)**

(a) Unlawful sexual intercourse is an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator, if the person is a minor. For the purposes of this section, a “minor” is a person under the age of 18 years and an “adult” is a person who is at least 18 years of age.

(b) Any person who engages in an act of unlawful sexual intercourse with a minor who is not more than three years older or three years younger than the perpetrator, is guilty of a misdemeanor.

(c) Any person who engages in an act of unlawful sexual intercourse with a minor who is more than three years younger than the perpetrator is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170.

(d) Any person 21 years of age or older who engages in an act of unlawful sexual intercourse with a minor who is under 16 years of age is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.

(e) (1) Notwithstanding any other provision of this section, an adult who engages in an act of sexual intercourse with a minor in violation of this section may be liable for civil penalties in the following amounts:

(A) An adult who engages in an act of unlawful sexual intercourse with a minor less than two years younger than the adult is liable for a civil penalty not to exceed two thousand dollars (\$2,000).

(B) An adult who engages in an act of unlawful sexual intercourse with a minor at least two years younger than the adult is liable for a civil penalty not to exceed five thousand dollars (\$5,000).

(C) An adult who engages in an act of unlawful sexual intercourse with a minor at least three years younger than the adult is liable for a civil penalty not to exceed ten thousand dollars (\$10,000).

(D) An adult over the age of 21 years who engages in an act of unlawful sexual intercourse with a minor under 16 years of age is liable for a civil penalty not to exceed twenty-five thousand dollars (\$25,000).

**Stalking<sup>8</sup> (California Penal Code 646.9)**

(a) Any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family is guilty of the crime of stalking, punishable by imprisonment in a county jail for not more than one year, or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment, or by imprisonment in the state prison.

(b) Any person who violates subdivision (a) when there is a temporary restraining order, injunction, or any other court order in effect prohibiting the behavior described in subdivision (a) against the same party, shall be punished by imprisonment in the state prison for two, three, or four years.

(c) (1) Every person who, after having been convicted of a felony under Section 273.5, 273.6, or 422, commits a violation of subdivision (a) shall be punished by imprisonment in a county jail for not more than one year, or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment, or by imprisonment in the state prison for two, three, or five years.

(2) Every person who, after having been convicted of a felony under subdivision (a), commits a violation of this section shall be punished by imprisonment in the state prison for two, three, or five years.

(d) In addition to the penalties provided in this section, the sentencing court may order a person convicted of a felony under this section to register as a sex offender pursuant to Section 290.006.

(e) For the purposes of this section, "harasses" means engages in a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, torments, or terrorizes the person, and that serves no legitimate purpose.

(f) For the purposes of this section, "course of conduct" means two or more acts occurring over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct."

(g) For the purposes of this section, "credible threat" means a verbal or written threat, including that performed through the use of an electronic communication device, or a threat implied by a pattern of conduct or a combination of verbal, written, or electronically communicated statements and conduct, made with the intent to place the person that is the target of the threat in reasonable fear for his or her safety or the safety of his or her family, and made with the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety or the safety of his or her family. It is not necessary to prove that the defendant had the intent to actually carry out the threat. The present incarceration of a person making the threat shall not be a bar to prosecution under this section. Constitutionally protected activity is not included within the meaning of "credible threat."

(h) For purposes of this section, the term "electronic communication device" includes, but is not limited to, telephones, cellular phones, computers, video recorders, fax machines, or pagers. "Electronic communication" has the same meaning as the term defined in Subsection 12 of Section 2510 of Title 18 of the United States Code.

(i) This section shall not apply to conduct that occurs during labor picketing.

(j) If probation is granted, or the execution or imposition of a sentence is suspended, for any person convicted under this section, it shall be a condition of probation that the person participate in counseling, as designated by the court. However, the court, upon a showing of good cause, may find that the counseling requirement shall not be imposed.

(k) (1) The sentencing court also shall consider issuing an order restraining the defendant from any contact with the victim, that may be valid for up to 10 years, as determined by the court. It is the intent of the Legislature that the length of any restraining order be based upon the seriousness of the facts before the court, the probability of future violations, and the safety of the victim and his or her immediate family.

(2) This protective order may be issued by the court whether the defendant is sentenced to state prison, county jail, or if imposition of sentence is suspended and the defendant is placed on probation.

(l) For purposes of this section, "immediate family" means any spouse, parent, child, any person related by consanguinity or affinity within the second degree, or any other person who

regularly resides in the household, or who, within the prior six months, regularly resided in the household.

(m) The court shall consider whether the defendant would benefit from treatment pursuant to Section 2684. If it is determined to be appropriate, the court shall recommend that the Department of Corrections and Rehabilitation make a certification as provided in Section 2684. Upon the certification, the defendant shall be evaluated and transferred to the appropriate hospital for treatment pursuant to Section 2684.

### **The definition of consent, in reference to sexual activity, in the institution's local jurisdiction.**

#### **Consent**<sup>9</sup> (California Penal Code 261.6-7)

In reference to sexual activity consent is defined as positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved. A current or previous dating or marital relationship shall not be sufficient to constitute consent where consent is at issue in a prosecution; or

Evidence that the victim suggested, requested, or otherwise communicated to the defendant that the defendant use a condom or other birth control device, without additional evidence of consent, is not sufficient to constitute consent

### **Safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than such individual.**

Bystander is "an individual who observes violence, witnesses the conditions that perpetuate violence or hears the comment can intervene in a way that will help creating a safer environment". Safety is the key in deciding when and how to respond to sexual violence. Everyone must decide the safest and most meaningful way to become an engaged bystander. The following are ideas on how one can maintain safety while being an engaged.

- Gather details about the situation.
- Ask for help from other bystanders or friends.
- Be sensitive and understanding.
- Intervene early and in a safe manner.
- Consider multiple options.
- Don't be afraid to call for help!

### **Information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks.**

According to the **Helpline.org**<sup>10</sup>, warning signs and symptoms of emotional abuse and domestic violence can be recognized as listed below.

**General warning signs of domestic abuse** - People who are being abused may:

- Seem afraid or anxious to please their partner

- Go along with everything their partner says and does
- Check in often with their partner to report where they are and what they're doing
- Receive frequent, harassing phone calls from their partner
- Talk about their partner's temper, jealousy, or possessiveness

**Warning signs of physical violence** - People who are being physically abused may:

- Have frequent injuries, with the excuse of "accidents"
- Frequently miss work, school, or social occasions, without explanation
- Dress in clothing designed to hide bruises or scars (e.g. wearing long sleeves in the summer or sunglasses indoors)

**Warning signs of isolation** - People who are being isolated by their abuser may:

- Be restricted from seeing family and friends
- Rarely go out in public without their partner
- Have limited access to money, credit cards, or the car

The psychological warning signs of abuse - People who are being abused may:

- Have very low self-esteem, even if they used to be confident
- Show major personality changes (e.g. an outgoing person becomes withdrawn)
- Be depressed, anxious, or suicidal

To avoid a potential attack, follow the safety tips available from the **Helpline.org**<sup>3</sup> website which can make a difference between life and death.

## **REPORTING ASSAULT**

The nature of domestic violence, dating violence, sexual assault, and stalking, particularly when perpetrated by an acquaintance, makes it difficult for many survivors to report their experience. For this reason, the local Shelters and Women's Service Centers is the primary place where individuals may seek assistance in complete confidentiality.

If you are a victim of domestic violence, dating violence, sexual assault, and stalking:

- Get to a safe place
- Call the Police as soon as it is safe to do so by dialing 9-1-1
- Do not shower, bathe, douche, change clothes, or straighten up the area. You may evidence which may be necessary in the successful prosecution of the perpetrator(s)
- Seek medical attention

Students have several options regarding the involvement of law enforcement authorities about the offense. They have the option to notify proper law enforcement authorities including local police, be assisted by campus authorities if the victim chooses; and decline to notify such authorities. Students may notify the proper law enforcement authorities by dialing 9-1-1. The institution will comply with a student's request for assistance in notifying authorities.

Individuals who have been raped or sexually assaulted should try to preserve all physical evidence as the proof of criminal domestic violence, dating violence, sexual assault, or stalking, or in obtaining a protection order. They should not wash, use the toilet, or change clothing, if doing so can be avoided. If oral contact took place, one should not smoke, eat, drink, or brush one's teeth. If one changes clothes, all clothing worn at the time of the attack should be placed in a paper bag, not plastic. Medical attention should be sought as soon as possible to assess any physical injuries, prevent sexually transmitted diseases or pregnancy, and collect important evidence in the event legal action is taken.

The institution does not issue orders of protection. However, other available options are in the local jurisdiction, such as orders of protection issued by a criminal, civil or tribal court. The institution is responsible for complying with and enforcing those orders. Information on the legal options for domestic violence can be found at <http://www.courts.ca.gov/selfhelp-domesticviolence.htm>.

**THE INSTITUTION RESPONSES TO REPORTS OF DOMESTIC VIOLENCE,  
DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING**

The Institution does **not** employ campus security personnel. Students and staff members or visitors who believe that they are victims of a domestic violence, dating violence, sexual assault, and stalking should contact the local law enforcement or other emergency response agencies by dialing 911 or the following school officials during business hours:

Monday 5:00 p.m. – 10:00 p.m.  
Tuesday - Saturday 8:00 a.m. – 4:30 p.m.

- Title IX Coordinator.....(760) 744 - 7900 Ext. 114 or TitleIXCoordinator@pic.edu
- Security Officer/ President/CEO..... (760) 744 - 7900 Ext. 115 or cell phone (760) 802-2500

When a student or employee reports to the institution that the student or employee has been a victim of dating violence, domestic violence, sexual assault or stalking, whether the offense occurred on or off campus, the institution will provide the student or employee a written explanation of the student's or employee's rights and options.

The survivor has the right to have their claims treated seriously and to be treated with dignity. The survivor has the right to be informed of their options with regard to notifying law enforcement authorities and to be assisted in notifying such authorities if they so choose. Because the Institution recognizes that domestic violence, dating violence, sexual assault, and stalking are more than an assault on an individual's body, but is also an attack on the individual's dignity and sense of self, the Institution is committed to insuring that the decision to take action against the accused rests solely with the survivor. There may be circumstances, however, depending upon the status of the alleged assailant and the seriousness of the offense, in which the Institution must take action to protect the survivor or the campus community. Federal law requires that the Institution provide the campus community with timely notice of certain reported crimes and/or acts the institution believes represent a threat to members of the campus community.

The institution will protect the confidentiality of victims and other necessary parties. The institution will complete publicly available recordkeeping, including Clery Act reporting and disclosures, without inclusion of personally identifying information about the victim. 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 the institution to provide the accommodations or protective measures.

The Institution will provide written notification to victims about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures. The institution will make such accommodations or provide such protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement. The institution is obligated to comply with a student's reasonable request for an academic situation change following an alleged sex offense. Student survivors may choose to change academic arrangements, if such changes are reasonably available, without financial or academic penalty. For assistance in exploring options for a change in academic situations, contact should be made with the President/CEO or the School Director.

The Institution currently has no procedures for encouraging or facilitating pastoral or professional counseling (mental health or otherwise). The student or employee is encouraged to seek such aid at the following services and resources.



## IMPORTANT COMMUNITY SERVICES & RESOURCES

211 San Diego – 211 connects people with community health and disaster services 24/7/365



Phone: Dial 211  
Email: [211help@211sandiego.org](mailto:211help@211sandiego.org)  
Website: <http://211sandiego.org>  
Resources Guide: <https://211sandiego.org/resources/>

San Diego Health and Human Services Agency – It's Up to US San Diego



Phone: Crisis Line – 1-888-724-7240  
Up2SD Website: <https://up2sd.org>  
Up2SD Resources Guide: <https://up2sd.org/resources/resource-guide/>



HHSA Website: <https://www.sandiegocounty.gov/content/sdc/hhsa/services/>  
Phone: 619-515-6555

State & National Resources for Violence and Sex Trafficking



CA Board of Barbering and Cosmetology #NoViolence in Beauty  
Website:  
<https://www.barbercosmo.ca.gov/consumers/noviolenceinbeauty.shtml>

## **DISCIPLINARY ACTIONS**

Complaints of Sexual Misconduct or Relationship Violence against a student or employee will be addressed pursuant to the Institution's Title IX Grievance Policy. The Institution does not employ campus security personnel. On campus disciplinary action in cases of alleged sexual assault will be based on the findings of the law enforcement agency investigating the facts pertaining to the crime and other mitigating circumstances. The proceedings will include a prompt, fair and impartial process from the initial investigation to the final result. The proceedings will be conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault and stalking and on how to conduct an investigation and hearing process that protects the safety of the victims and promotes accountability.

In cases of alleged domestic violence, dating violence, sexual assault, and stalking, the accuser and the accused are entitled to the same opportunities to have others present, including an advisor of their choice, during a campus disciplinary proceeding. Both the accuser and the accused shall receive simultaneous notification, in writing of the outcome of the proceeding and any available appeal procedures. These records are available upon request through the administrative offices. The institution will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

If a violation can be demonstrated with evidence to support suspensions/probation or dismissal, they will be imposed. If termination of a faculty member is contemplated, applicable rules governing dismissal for serious cause will be followed.

The Institution prohibits retaliation against any person who makes a good faith complaint of an incident of Sexual Misconduct or Relationship Violence or any other person who participates in the investigation of any such complaint. Any incident of retaliation should be promptly reported to the Title IX Coordinator, School Director or the President/CEO.

## **TITLE IX GRIEVANCE PROCEDURES AND POLICY**

The Title IX Grievance Procedures provide for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by Title IX.

### **HOW TO REPORT OR FILE A COMPLAINT OF SEX DISCRIMINATION**

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using

the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.

### **GRIEVANCE PROCESS FOR FORMAL COMPLAINTS OF SEXUAL HARASSMENT**

Any provisions, rules, or practices other than those required by this section that the institution adopts as part of its grievance process for handling formal complaints of sexual harassment applies equally to both parties.

The institution will treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following a grievance process before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.

Remedies will be designed to restore or preserve equal access to the institution's education program or activity. Such remedies may include the same individualized services described as "supportive measures"; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent;

The institution will conduct an objective evaluation of all relevant evidence—including both inculpatory and exculpatory evidence—and provide that credibility determinations may not be based on a person's status as a complainant, respondent, or witness.

Any individual designated by a institution as a Title IX Coordinator, investigator, decision-maker, or any person designated by a institution to facilitate an informal resolution process, shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training on the definition of sexual harassment, the scope of the institution's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Decision-makers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant. Investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

There will be a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

The institution will maintain reasonably prompt time frames for conclusion of the grievance process, including reasonably prompt time frames for filing and resolving appeals and informal resolution processes if the institution offers informal resolution processes, and a process that allows for the temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

Possible disciplinary sanctions and remedies that the institution may implement following any determination of responsibility:

- Warning,
- Suspension
- Termination
- No Contact
- Counseling
- Additional Training

The standard of evidence to be used to determine responsibility is the preponderance of the evidence, meaning the institution will evaluate whether it is more likely than not that the alleged incident occurred. The institution will apply the same standard of evidence for formal complaints against students as for formal complaints against employees, including faculty, and apply the same standard of evidence to all formal complaints of sexual harassment.

The complainant and respondent may appeal a determination by submitting a request to the Title IX Coordinator. The institution will offer both parties an appeal from a determination regarding responsibility, and from the institution's dismissal of a formal complaint or any allegations therein, on the following bases:

- (A) Procedural irregularity that affected the outcome of the matter;
- (B) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- and
- (C) The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

Supportive measures are available, as applicable, to complainants and respondents and shall be individualized, appropriate, and reasonably available. Supportive measures are designed to preserve or restore equal access. They are provided without charge, are non-disciplinary and non-punitive, and confidential.

The institution does not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

## **NOTICE OF ALLEGATIONS**

Upon receipt of a formal complaint, the Title IX Coordinator must provide the following written notice to the parties who are known:

- A notice of the institution's grievance process, including any informal resolution process.
- Notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. The written notice must include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.

The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence. The written notice must inform the parties of any provision in the institution's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the institution decides to investigate allegations about the complainant or respondent that are not included in the notice provided, the institution must provide notice of the additional allegations to the parties whose identities are known.

## **DISMISSAL OF A FORMAL COMPLAINT**

The institution must investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint would not constitute sexual harassment even if proved, did not occur in the institution's education program or activity, or did not occur against a person in the United States, then the institution must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under title IX. Such a dismissal does not preclude action under another provision of the institution's code of conduct.

The institution may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing: A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; the respondent is no longer enrolled or employed by the institution; or specific circumstances prevent the institution from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon a dismissal, the institution must promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.

The institution may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. Where a grievance process involves more than one complainant or more than one respondent, references in this section to the singular "party," "complainant," or "respondent" include the plural, as applicable.

Investigation of a formal complaint. When investigating a formal complaint and throughout the grievance process, the institution will –

(i) Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the institution and not on the parties provided that the institution cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the institution obtains that party's voluntary, written consent to do so for a grievance process (if a party is not an "eligible student," then the institution must obtain the voluntary, written consent of a "parent,");

(ii) Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;

(iii) Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;

(iv) Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding; however, the institution 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;

(v) Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;

(vi) Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the institution does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the institution must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report. The institution must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination; and

(vii) Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing (if a hearing is required under this section or otherwise provided) or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

## **HEARINGS**

The institution's grievance process must provide for a live hearing. At the live hearing, the decision-maker(s) must permit each party's advisor to ask the other party and any witnesses all

relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally, notwithstanding the discretion of the institution to otherwise restrict the extent to which advisors may participate in the proceedings. At the request of either party, the institution must provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or the witness answering questions. Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. If a party does not have an advisor present at the live hearing, the institution must provide without fee or charge to that party, an advisor of the institution's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. If a party or witness does not submit to cross-examination at the live hearing, the decisionmaker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions. Live hearings pursuant to this paragraph may be conducted with all parties physically present in the same geographic location or, at the institution's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other. Institutions must create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.

### **DETERMINATION REGARDING RESPONSIBILITY**

The decision-maker(s), who cannot be the same person(s) as the Title IX Coordinator or the investigator(s), must issue a written determination regarding responsibility. To reach this determination, the institution must apply the standard of evidence. (ii) The written determination must include—

- (A) Identification of the allegations potentially constituting sexual harassment;
- (B) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- (C) Findings of fact supporting the determination;
- (D) Conclusions regarding the application of the institution's code of conduct to the facts;
- (E) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the institution imposes on the respondent, and whether remedies designed to restore or preserve equal access to the institution's education program or activity will be provided by the institution to the complainant; and
- (F) The institution's procedures and permissible bases for the complainant and respondent to appeal.



- (iii) The institution must provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the institution provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.
- (iv) The Title IX Coordinator is responsible for effective implementation of any remedies.

## **APPEALS**

The institution will offer both parties an appeal from a determination regarding responsibility, and from the institution's dismissal of a formal complaint or any allegations therein, on the following bases:

- (A) Procedural irregularity that affected the outcome of the matter;
- (B) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- (C) The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

(ii) A institution may offer an appeal equally to both parties on additional bases. (iii) As to all appeals, the institution must:

- (A) Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;
- (B) Ensure that the decision-maker(s) for the appeal is not the same person as the decisionmaker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
- (C) Ensure that the decision-maker(s) for the appeal complies with the standards;
- (D) Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
- (E) Issue a written decision describing the result of the appeal and the rationale for the result; and
- (F) Provide the written decision simultaneously to both parties.

## **INFORMAL RESOLUTION**

An institution will not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with this section. Similarly, the institution will not require the parties to participate in an informal resolution process under this section and may not offer an informal resolution process unless a formal complaint is filed. However, at any time prior to reaching a determination regarding responsibility the institution may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the institution—

- (i) Provides to the parties a written notice disclosing: The allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;

- (ii) Obtains the parties' voluntary, written consent to the informal resolution process; and
- (iii) Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

## **RECORDKEEPING**

A institution must maintain for a period of seven years records of—

(A) Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the institution's education program or activity;

(B) Any appeal and the result therefrom;

(C) Any informal resolution and the result therefrom; and

(D) All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. A institution must make these training materials publicly available on its website, or if the institution does not maintain a website the institution must make these materials available upon request for inspection by members of the public.

(ii) For each response, the institution must create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the institution must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the institution's education program or activity. If the institution does not provide a complainant with supportive measures, then the institution must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the institution in the future from providing additional explanations or detailing additional measures taken

## **RETALIATION**

(a) Retaliation prohibited. No institution or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by title IX or this part, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by title IX or this part, constitutes retaliation. The institution must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial

proceeding arising thereunder. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination required to be adopted under

### **SPECIFIC CIRCUMSTANCES**

- (1) The exercise of rights protected under the First Amendment does not constitute retaliation.
- (2) Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this part does not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

### **GENERAL RESPONSE TO SEXUAL HARASSMENT**

A institution with actual knowledge of sexual harassment in an education program or activity of the institution against a person in the United States, must respond promptly in a manner that is not deliberately indifferent. A institution is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances. For the purposes of this section, "education program or activity" includes locations, events, or circumstances over which the institution exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution. A institution's response must treat complainants and respondents equitably by offering supportive measures to a complainant, and by following a grievance process that complies before the imposition of any disciplinary sanctions or other actions that are not supportive measures, against a respondent. The Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. The Department may not deem an institution to have satisfied the institution's duty to not be deliberately indifferent under this part based on the institution's restriction of rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment.

### **RESPONSE TO A FORMAL COMPLAINT**

- (1) In response to a formal complaint, the institution will follow a grievance process that complies with CFR §106.45. With or without a formal complaint, the institution will comply with CFR §106.44(a).
- (2) The Assistant Secretary will not deem an institution's determination regarding responsibility to be evidence of deliberate indifference by the institution, or otherwise evidence of discrimination under title IX by the institution, solely because the Assistant Secretary would have reached a different determination based on an independent weighing of the evidence.
- (c) Emergency removal. Nothing in this part precludes an institution from removing a respondent from the institution's education program or activity on an emergency basis, provided that the institution undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and

an opportunity to challenge the decision immediately following the removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

(d) Administrative leave. Nothing in this subpart precludes an institution from placing a nonstudent employee respondent on administrative leave during the pendency of a grievance process that complies with §106.45. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

## **DEFINITIONS**

**Actual knowledge** means notice of sexual harassment or allegations of sexual harassment to an institution's Title IX Coordinator or any official of the institution who has authority to institute corrective measures on behalf of the institution, or to any employee of an elementary and secondary school. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the institution with actual knowledge is the respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the institution. "Notice" as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator. Complainant means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

**Consent.** The Assistant Secretary will not require institutions to adopt a particular definition of consent with respect to sexual assault.

**Formal complaint** means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the institution investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the institution with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator and by any additional method designated by the institution. As used in this paragraph, the phrase "document filed by a complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the institution) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party, and must comply with the requirements.

**Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

**Sexual harassment** means conduct on the basis of sex that satisfies one or more of the following: (1) An employee of the institution conditioning the provision of an aid, benefit, or service of the institution on an individual's participation in unwelcome sexual conduct; (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the institution's education program or activity; or (3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

**Supportive measures** means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the institution's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the institution's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The institution must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

**Postsecondary institution** means an institution of graduate higher education an institution of undergraduate higher education, an institution of professional education, or an institution of vocational education.

## **MEGAN'S LAW—SEX OFFENDER REGISTRATION**

You can visit <http://www.crimemapping.com> to view regional crime maps and get automated e-mail alerts of crimes in your neighborhood. For more information, please contact Sheriff's Department Licensing Unit at (858) 974-2020. Additional information on sex offender registration is available at the office of the State of California Attorney general at <http://www.meganslaw.ca.gov>.

## **CLERY ACT DEFINITIONS & TERMS**

### **Campus<sup>11</sup>:**

- 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 buildings or property that is within or reasonably contiguous to the area identified in paragraph (1) 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).

### **Public property<sup>12</sup>:**

All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

### **The following are definitions and terms under the VAWA Amendments to the Clery Act<sup>13</sup>:**

**1. Sexual Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program.

**2. Sex Offenses:** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- **Rape** – The penetration, no matter how slight, 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 the victim.
- **Fondling** – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- **Incest** – Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** – Sexual intercourse with a person who is under the statutory age of consent.

**3. Domestic Violence:** A felony or misdemeanor crime of violence committed

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**4. 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.

- The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.
- Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**5. Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

For the purposes of this definition:

- Course of conduct means two or more acts, including, but not 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.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**6. Programs to prevent dating violence, domestic violence, sexual assault, and stalking:**

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

Programs to prevent dating violence, domestic violence, sexual assault, and stalking include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees.

**7. Awareness programs:** 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.

**8. Bystander intervention:** Safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking;

Bystander intervention includes:

- Recognizing situations of potential harm
- Understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking actions to intervene

**9. Ongoing prevention and awareness campaigns:** 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 audiences throughout the institution.

**10. Primary prevention programs:** 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.

**11. Risk reduction:** 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.

**12. Prompt, fair, and impartial proceeding:** A proceeding that is completed within reasonably prompt timeframes designated by an institution's policy, including a process that allows for the extension of timeframes for good cause and with written notice to the accuser and the accused of the delay and the reason for the delay;

Conducted in a manner that:

- Is consistent with the institution's policies and transparent to the accuser and accused;
- Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
- Provides timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings; and

- Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.

**13. Advisor:** Any individual who provides the accuser or accused support, guidance, or advice.

**14. 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. Proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

**15. 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.

**16. Unfounded Crimes:** An institution may withhold, or subsequently remove, a reported crime from its crime statistics in the rare situations where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore “unfounded.” Only sworn or commissioned law enforcement personnel may “unfound” a crime report for purposes of reporting under this section. The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with the prosecution, and the failure to make an arrest do not “unfound” a crime report.

## SECURITY AND CRIME STATISTICS REPORT

The school officials believe a well-informed community remains a safety conscious. On-going efforts will be made to ensure that the campus community will be informed about public safety and criminal incidents on campus. Campus community Crimes include on campus and off campus sites adjacent to the Institution. Crime statistics for the area surrounding Palomar Institute of Cosmetology are available from the San Diego County Sheriff’s Department, San Marcos Station.

The following information is for a three-year period for Palomar Institute of Cosmetology main campus and off campus sites. Public property offenses were reported to the school officials by the local law enforcement agency.



**PALOMAR INSTITUTE OF COSMETOLOGY  
CRIME STATISTICS 2018 THROUGH 2020**

CRIMINAL OFFENSES	ON CAMPUS			PUBLIC PROPERTY		
	2018	2019	2020	2018	2019	2020
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Sex Offenses - Forcible						
Rape	0	0	0	0	0	0
Fondling	0	0	0	0	0	0
Sex Offenses – Non Forcible						
Incest	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Burglary	0	0	1	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>
VAWA OFFENSES	ON CAMPUS			PUBLIC PROPERTY		
	2018	2019	2020	2018	2019	2020
Domestic Violence	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0
Stalking	1	0	0	0	0	0
<b>TOTAL</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
DISCIPLINARY ACTIONS	ON CAMPUS			PUBLIC PROPERTY		
	2018	2019	2020	2018	2019	2020
Weapons: Carrying, Possessing, etc.	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
ARRESTS	ON CAMPUS			PUBLIC PROPERTY		
	2018	2019	2020	2018	2019	2020
Weapons: Carrying, Possessing, etc.	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
UNFOUNDED CRIMES	ON CAMPUS			PUBLIC PROPERTY		
	2018	2019	2020	2018	2019	2020
<b>TOTAL</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>

**PALOMAR INSTITUTE OF COSMETOLOGY  
HATE CRIME STATISTICS 2018 THROUGH 2020**

OC = On Campus, PP = Public Property

MAIN CAMPUS		CATEGORY OF BIAS FOR CRIMES REPORTED IN 2018															
CRIMINAL OFFENSE	TOTAL	RACE		RELIGION		SEXUAL ORIENTATION		GENDER		GENDER IDENTITY		DISABILITY		ETHNICITY		NATIONAL ORIGIN	
		OC	PP	OC	PP	OC	PP	OC	PP	OC	PP	OC	PP	OC	PP	OC	PP
Murder/Non Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Destruction/Damage/Vandalism of Property	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

OC = On Campus, PP = Public Property

MAIN CAMPUS		CATEGORY OF BIAS FOR CRIMES REPORTED IN 2019															
CRIMINAL OFFENSE	TOTAL	RACE		RELIGION		SEXUAL ORIENTATION		GENDER		GENDER IDENTITY		DISABILITY		ETHNICITY		NATIONAL ORIGIN	
		OC	PP	OC	PP	OC	PP	OC	PP	OC	PP	OC	PP	OC	PP	OC	PP
<b>Murder/Non Negligent Manslaughter</b>	<b>0</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Rape</b>	<b>0</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Fondling</b>	<b>0</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Incest</b>	<b>0</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Statutory Rape</b>	<b>0</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Robbery</b>	<b>0</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Aggravated Assault</b>	<b>0</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Burglary</b>	<b>0</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Motor Vehicle Theft</b>	<b>0</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Arson</b>	<b>0</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Simple Assault</b>	<b>0</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Larceny-Theft</b>	<b>0</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Intimidation</b>	<b>0</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Destruction/Damage/Vandalism of Property</b>	<b>0</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

MAIN CAMPUS		CATEGORY OF BIAS FOR CRIMES REPORTED IN 2020															
CRIMINAL OFFENSE	TOTAL	RACE		RELIGION		SEXUAL ORIENTATION		GENDER		GENDER IDENTITY		DISABILITY		ETHNICITY		NATIONAL ORIGIN	
		OC	PP	OC	PP	OC	PP	OC	PP	OC	PP	OC	PP	OC	PP	OC	PP
<b>Murder/Non Negligent Manslaughter</b>	<b>0</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Rape</b>	<b>0</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Fondling</b>	<b>0</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Incest</b>	<b>0</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Statutory Rape</b>	<b>0</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Robbery</b>	<b>0</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Aggravated Assault</b>	<b>0</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Burglary</b>	<b>0</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Motor Vehicle Theft</b>	<b>0</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Arson</b>	<b>0</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Simple Assault</b>	<b>0</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Larceny-Theft</b>	<b>0</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Intimidation</b>	<b>0</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Destruction/Damage/Vandalism of Property</b>	<b>0</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

## END NOTES AND RESOURCES

<sup>1</sup> <https://www.sdsheriff.net/patrolstations/sanmarcos.html>

<sup>2</sup> [http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=PEN&sectionNum=13700](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&sectionNum=13700)

<sup>3</sup> <https://ifap.ed.gov/eannouncements/attachments/HandbookforCampusSafetyandSecurityReporting.pdf>

<sup>4</sup> [https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=261.&lawCode=PEN](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=261.&lawCode=PEN)

<sup>5</sup> [https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=243.4.&lawCode=PEN](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=243.4.&lawCode=PEN)

<sup>6</sup> [http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=285.&lawCode=PEN](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=285.&lawCode=PEN)

<sup>7</sup> [https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=261.5.&lawCode=PEN](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=261.5.&lawCode=PEN)

<sup>8</sup> [https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=646.9&lawCode=PEN](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=646.9&lawCode=PEN)

<sup>9</sup> [https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=261.6.&lawCode=PEN](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=261.6.&lawCode=PEN)

<sup>10</sup> <http://www.helpguide.org/>

<sup>11</sup> <https://ifap.ed.gov/eannouncements/attachments/HandbookforCampusSafetyandSecurityReporting.pdf>

<sup>12</sup> <https://ifap.ed.gov/eannouncements/attachments/HandbookforCampusSafetyandSecurityReporting.pdf>

<sup>13</sup> [https://clerycenter.org/wp-content/uploads/2016/11/VAWA-Checklist\\_0715-1.pdf?sid=6198](https://clerycenter.org/wp-content/uploads/2016/11/VAWA-Checklist_0715-1.pdf?sid=6198)