

2023

Annual Security Report

Published in compliance with the Jeanne Clery Disclosure of Campus Security Policies and Campus Crime Statistics Act



ANNUAL SECURITY REPORT	4
ABOUT TOURO UNIVERSITY CALIFORNIA	4
NON-DISCRIMINATION POLICY	4
PREPARATION OF THE ANNUAL SECURITY REPORT AND DISCLOSURE OF CRIME STATISTICS	5
REPORTING CRIMES AND OTHER EMERGENCIES	6
<i>Voluntary, Confidential Reporting</i>	6
<i>Daily Crime Log</i>	6
<i>Campus Security Authority (CSA) Policy</i>	6
<i>Emergency Phones</i>	8
ABOUT CAMPUS SECURITY.....	9
<i>Role, Authority, and Training</i>	9
<i>Working Relationship with Local, State, and Federal Law Enforcement Agencies</i>	9
<i>Crimes Involving Student Organizations at Off-Campus Locations</i>	10
TIMELY WARNING REPORTS.....	10
SEXUAL MISCONDUCT PREVENTION AND RESPONSE.....	11
<i>What to Do if You or a Friend is Assaulted</i>	11
<i>How to be an Active Bystander</i>	13
<i>Reporting Sexual Misconduct and Gender Based Violence</i>	15
<i>Advising, Resources & Education</i>	16
<i>University Disciplinary Procedures</i>	17
CLERY ACT ANNUAL SECURITY REPORT SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING POLICY STATEMENT.....	17
<i>Sexual Assault, Domestic Violence, Dating Violence, and Stalking</i>	18
<i>VAWA Offences as Defined by the State of California</i>	18
<i>Consent (California Penal Code 261.6)</i>	18
<i>Domestic Violence (California Penal Code 243)</i>	19
<i>Stalking (California Penal Code 646.9)</i>	22
<i>Rape (California Penal Code 261)</i>	24
<i>Statutory Rape (California Penal Code Section 261.5)</i>	34
<i>Fondling (Sexual Battery) (California Penal Code 243.4)</i>	35
<i>Incest (California Penal Code 285)</i>	36
<i>Reporting An Incident</i>	37
<i>Written Notification of Rights and Options</i>	38
<i>Victim Reporting Procedures</i>	38
<i>On and Off Campus Victim Support Resources</i>	38
<i>Accommodations</i>	39
<i>Victim Confidentiality</i>	40
<i>Education Programs</i>	40
<i>Conduct Proceedings</i>	41
EMERGENCY RESPONSE AND EVACUATION PROCEDURES	42
<i>Emergency Management at Touro University California</i>	42
<i>Drills, Exercises and Training</i>	43
<i>Emergency Notification</i>	44
SECURITY OF AND ACCESS TO UNIVERSITY FACILITIES.....	46
<i>Security Considerations Used in the Maintenance of Campus Facilities</i>	46
<i>Student Housing</i>	47
SAFETY AWARENESS PROGRAMS AND CAMPUS SECURITY POLICIES	47
ALCOHOL AND OTHER DRUGS POLICY.....	49
<i>Drug and Alcohol Addiction Recovery Resources</i>	50
ANNUAL DISCLOSURE OF CRIME STATISTICS	51
<i>Definitions of Reportable Crimes</i>	51

IMPORTANT EMERGENCY PHONE NUMBERS AND OTHER CONTACT INFORMATION	59
APPENDIX A: TUC SEXUAL MISCONDUCT POLICY	61
APPENDIX B: TITLE IX GRIEVANCE POLICY	95
APPENDIX C: CONTROLLED SUBSTANCE POLICY	115
APPENDIX 1: LIST OF DRUG AND ALCOHOL SUPPORT SERVICES	127
APPENDIX 2: DRUG USE HEALTH RISKS	129
APPENDIX 3: LAWS RELATING TO DRUG VIOLATIONS	132



A Message from
Dr. Tami Hendriksz
Interim Chief Academic Officer & Dean of the College of Osteopathic Medicine
&
Mr. Newman Hoffman
Vice President and Interim Chief Executive Officer
Touro University California

We want to welcome our new and returning students, faculty, and staff to Touro University California! Whether it is in person or virtually in one of our on-line academic programs, we are excited to see everyone and look forward to a great academic year.

Over the last 26 years, Touro University California has been dedicated to the safety and well-being of all members of the university community. This Annual Security Report provides a comprehensive overview of our safety measures, policies, and resources that we have in place to ensure a secure and inclusive environment for everyone. It also presents statistical data on reported crimes and incidents that have occurred on our campus and surrounding areas over the past calendar year.

Our commitment to maintaining a safe and secure campus is reflected in our collaborative work involving multiple campus groups including TUC administration, Student Affairs, university security, the university CARE team, academic leadership, students, faculty, staff, and various other departments. Together, we strive to develop and implement strategies that help prevent crime, educate our community members on personal safety, and teach everyone how to respond effectively to any incidents that may arise.

Thank you for your interest in this report. Should you have any questions about the important information within it, please contact Dr. Fraylanie Aglipay, the TUC Associate Dean of Student Affairs, at faglipay@touro.edu

Tami Hendriksz, D.O.
Interim Chief Academic Officer &
Dean of the College of Osteopathic Medicine

Newman Hoffman
Vice President and
Interim Chief Executive Officer

ANNUAL SECURITY REPORT

ABOUT TOURO UNIVERSITY CALIFORNIA

Established in 1997, Touro University California offers graduate degrees in osteopathic medicine, pharmacy, physician assistant studies, public health, nursing, medical health sciences, and education. The mission of Touro University California is to provide graduate and professional educational excellence in the fields of Health Sciences, Public Health and Education. The TUC learning experience is student-centered, enriched by focused research and scholarship, and prepares professionals for rewarding lives in service to others both locally and around the globe. Touro University California (TUC) is part of the Touro University System (TUS), a network of non-profit institutions of higher and professional education, and was founded in 1970 as Touro College in New York by Dr. Bernard Lander. Touro College was chartered in 1970 primarily to enrich the Jewish heritage, and to serve the larger American and global community. TUS has grown to serve a widely diverse population of over 19,000 students across 35 schools in four countries, is uniquely attuned to the importance of an education that accommodates students from all backgrounds and circumstances, and is one of the largest advanced health care educators in the United States. Touro University has main and branch campuses, locations, and instructional sites across the United States, as well as branch campuses and programs in Berlin, Jerusalem, and Moscow.

The Touro University California (TUC) campus is located 40 minutes from San Francisco on the site of a former naval station with a prestigious history in shipbuilding and military medicine dating back to 1854. The campus has retained the historic character of the area as it has renovated and preserved many of the original buildings. Even with its picturesque setting, administrators at TUC realize that safety and security must always be a high priority and have taken significant efforts to ensure the security of the campus and the TUC community. This report outlines many of these initiatives and we encourage campus community members to take personal responsibility for their and others security.

Non-Discrimination Policy

Touro University California does not discriminate on the basis of race, color, national origin, religion, sex (including pregnancy or childbirth), gender identity or expression, marital status, disability, medical condition, genetic information, age, sexual orientation, ethnicity, veteran status,

or any other status characteristic protected by applicable laws in employment, or in admission, treatment or access to educational programs or activities. For questions or concerns regarding discrimination on the basis of gender, please contact

Interim Title IX Officer
Zachary Shapiro
690 Walnut Ave.
Vallejo, CA 94592
Suite 210,
(707) 638-5459

PREPARATION OF THE ANNUAL SECURITY REPORT AND DISCLOSURE OF CRIME STATISTICS

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) is a federal statute codified at 20 U.S.C. § 1092(f), with implementing regulations in the U.S. Code of Federal Regulations (34 C.F.R. 668.46). It requires all colleges and universities that participate in federal student aid programs to keep and disclose information about crime statistics, security policies, and other information related to campus safety and security.

This Annual Security Report (ASR) contains three years of crime statistics and information about certain policies including sexual assault, campus security policies, and where students, staff, faculty, and visitors should report crimes. The complete text of the Clery Act and the U.S. Department of Education regulations are available on the Clery Center for Security on Campus, Inc. at www.clerycenter.org.

At Touro University California (TUC), the Clery Act Compliance Committee, led by Dr. Tami Hendriksz, the Interim Chief Academic Officer and Dean of the College of Osteopathic Medicine, and Mr. Newman Hoffman, Vice President and Interim Chief Executive Officer are responsible for preparing the ASR and ensuring university compliance with all aspects of the Clery Act. TUC's Clery Act compliance program is a continual, coordinated effort by the Clery Act Compliance Committee and other members of the TUC administration. These activities include collecting crime statistics from campus security authorities, the Vallejo Police Department, other local police departments, and developing and revising Clery Act-required policies related to campus safety and security.

The ASR is published by October 1st of each year and can be found on the Campus Safety webpage at <https://tu.edu/campus-life/campus-safety/>

Current and prospective students and employees can request a paper copy of this report by contacting Newman Hoffman, Vice President and Interim Chief Executive Officer, or, Dr. Fraylanie Aglipay, Associate Dean of Student Affairs.

REPORTING CRIMES AND OTHER EMERGENCIES

TUC encourages victims and witnesses of crime to report crimes and other serious incidents as soon as possible to Campus Security at (707) 638-5804. Campus Security Officers can be reached 24 hours/day, 7 days per week. In order for the university to respond in the most effective, safe and thorough manner possible, it is important for the TUC community to provide reports of possible crimes as promptly and accurately as possible. Our safety and security team wish to take this opportunity to emphasize this critical need for accurate and prompt reporting so that rapid response and investigation can occur.

Voluntary, Confidential Reporting

Due to the sensitive nature of sexual assault, relationship violence, and stalking, survivors may choose to report these crimes confidentially or anonymously. Any victim, witness or third party may report confidentially to the Vice Provost and Dean of Student Affairs, to the Associate Dean of Student Affairs, to the Director of Human Resources or by filling out the Anonymous Crime Report form, available online on the Campus Safety <https://tu.edu/campus-life/campus-safety/page> or at this direct [link](#). The Interim Chief Academic Officer and the Interim Chief Executive Officers will ensure that the statistics from these reports, without any personally identifying information, are included in the annual disclosure of crime statistics.

Daily Crime Log

Campus Security maintains a daily crime log of all crimes reported to the department. The log is available for public inspection during normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Thursday; Friday 8:00 a.m. to 3:00 p.m. in the Facilities Department, G-59 in the basement of Wilderman Hall, 310 Moore St.

Campus Security Authority (CSA) Policy

While we prefer that TUC community members promptly report all crimes and other emergencies directly to the Campus Security (707) 638-5804 or to the Dean or Associate Dean of Student Affairs (707-638-5935), we recognize that some may prefer to report to other individuals or university

offices. The Clery Act recognizes certain university officials and offices as “Campus Security Authorities (CSA).” The Act defines these individuals as “an official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student activities and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.”

TUC has designated the following university officials as CSAs. As a CSA these individuals will receive annual training as appropriate. Additional training is also offered throughout the academic year for those unable to attend the annual training. Though attendance at these trainings is not mandatory, it is expected that ALL CSAs will be aware of their position as a CSA and the attendant responsibilities. Attendance at all educational opportunities will be taken and tracked. Those not attending the annual training will be notified of this deficiency and alternative educational options will be provided.

If any Touro community member becomes aware of a crime involving Touro University California or a member of our community, they must report it immediately to Campus Security or to any of the following CSAs:

- Interim Chief Academic Officer
- Interim Chief Executive Officer
- Vice Provost and Dean of Student Affairs
- The Environmental Health and Safety Officer
- All members of Campus Security
- All Deans, Associate Deans, Assistant Deans and Directors
- All advisors to student organizations
- All Building Safety Coordinators
- Interim Title IX Officer (Zachary Shapiro, Compliance Officer, 690 Walnut Ave., Suite 210, (707) 638-5459)
- Study Hall Monitors and student library workers

Certain individuals who have significant responsibility for student and campus activities are exempted from reporting. On the TUC campus, those staff who are NOT Campus Security Authorities and do not report crimes include:

- Pastoral counselor. A person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition at the university as a pastoral counselor. At TUC, this would be the Rabbi (rabbi@tu.edu).
- Professional counselor. A person whose official responsibilities include providing mental health counseling to members of the university community and who is functioning within the scope of their license or certification. This definition applies even to professional counselors who are not university employees but are under contract to provide counseling at TUC. Professional counselors at TUC would include the Director of Counseling, the Counselor, the Director of the Student Health Center and the Medical Supervisor of Student Health.

Although exempt from reporting under the Clery Act, the campus Rabbi, our mental health counselors, and our Student Health Center staff are encouraged, when they deem it is clinically appropriate, to inform those staff or students whom they are counseling, to report crimes on a voluntary and confidential basis, for inclusion in our annual disclosure of crime statistics. Such reports can be made using the anonymous crime reporting forms as described in section “Reporting Crimes and other Emergencies” on page 6 of this Annual Security Report or, by contacting the Dean of Student Affairs, Associate Dean of Student Affairs, the Environmental Health and Safety Officer or, the Vice President and Interim Chief Executive Officer.

The function of a CSA is to report to the Dean of Student Affairs, Associate Dean of Student Affairs, the Environmental Health and Safety Officer or, Vice President and Interim Chief Academic Officers those allegations of Clery Act crimes that are reported to them. A CSA is not responsible for determining authoritatively whether a crime took place - that is the function of the Campus Security and/or local law enforcement personnel.

Emergency Phones

There are 12 exterior emergency call telephones available for emergency use. These phones are Blue Light Emergency Telephones with direct contact to Campus Security by simply pushing the red button on the face of the unit. These telephones can be used to report a criminal incident, a fire, or any other type of emergency. A map indicating the location of the emergency telephone may be found on page 58 of this report.

ABOUT CAMPUS SECURITY

Role, Authority, and Training

Campus Security at Touro University California is provided through a contract with a third-party security guard service provided by Allied Universal. Campus Security provides safety, security, and emergency response services for the university 24 hours/day seven days a week, by two full-time, unarmed, uniformed officers. Security officers are on duty patrolling the campus and are able to respond quickly to those needing assistance. Typical patrols are carried out on foot and in a marked Campus Security patrol vehicle.

All full-time security officers are registered with the California Department of Justice, Division of Consumer Affairs as security officers and have the same powers to arrest as those of any other private citizen. All security officers have first aid/responder, CPR and AED training. Ongoing training is mandatory for all campus safety officers.

Working Relationship with Local, State, and Federal Law Enforcement Agencies

It is Touro's Campus Security policy to work in conjunction with all state and federal law enforcement agencies, local police agencies, and emergency management organizations when applicable. In the event that a serious crime or death was to occur, Campus Security is mandated to notify the proper law enforcement agencies.

The county or country in which the crime took place would then either assume responsibility or delegate its authority to another agency to investigate the criminal matter or prescribe action to be taken. The Security Officers have jurisdiction to operate on property owned or controlled by Touro.

Though Touro works closely with the Vallejo Police Department, at the time of this publishing, the university does not have a written agreement with any law enforcement agency for the investigation of alleged criminal offenses. The Vallejo Police Department and other law enforcement agencies are cooperative when asked to provide the Touro community with requested information. The State police become involved at the request of local police agencies and Touro has no formal relationships with any State police agency. Other agencies, either state or Federal at the request of the local police may also become involved if it is deemed necessary.

The Vallejo Police and other local law enforcement agencies monitor, and record criminal activity engaged in by students, faculty and/or staff at all Touro campuses/sites and provide this information to the Campus Security Department. The information is then referred to the Dean of Students and/or Human Resources for possible disciplinary sanctions. The Security Officers, the Vallejo Police, and other local law enforcement agencies jointly patrol the campus sites and grounds where students and employees attend classes, live, and work at or frequent.

Crimes Involving Student Organizations at Off-Campus Locations

TUC does not have recognized student organizations with off-campus locations.

TIMELY WARNING REPORTS

The university will issue a Timely Warning to notify the campus of any Clery Act crime that represents a serious or continuing threat to the campus community, is reported to local law enforcement or a CSA, and occurs within the Clery defined geographical areas. The purpose of these warnings is to both notify the community about the incident and enable them to take measures to protect themselves.

In the event it is necessary to issue a Timely Warning, the Environmental Health and Safety Officer and the Vice President and Interim Chief Executive Officer, in consultation with senior campus administrators will collaborate in developing the content and delivery method of the Timely Warning. Any of the above individuals has the authority to compose and send a campus wide notification adhering to the above qualifying criteria. Generally, the university will issue Timely Warning Reports via email. In extreme cases, the university may elect to use RAVE, the emergency notification system used on the TUC campus to issue alerts. Timely Warning reports are considered on a case-by-case basis, depending on the facts of the case and information known at the time of the initial report. When a Timely Warning is issued by the university all names and any identifying information of victims will be withheld as confidential.

If, in the professional judgment of the local law enforcement authorities, issuing a Timely Warning would compromise efforts to address the crime, the notification may be delayed. Once the potentially compromising situation has been addressed, the Timely Warning will be issued immediately.

Informational Message - The university may issue an Informational Message to advise of situations that may affect or be of interest to the campus community. Such information is not considered an

immediate threat to health, safety, or property. (Example: street closures due to a major utility disruption, a series of larcenies, etc.)

SEXUAL MISCONDUCT PREVENTION AND RESPONSE

Touro University California prohibits all forms of sexual misconduct, including sexual and gender-based harassment, sexual violence, intimate partner violence and stalking. Such acts and all attempts to commit such acts are regarded as serious violations of TUC's community expectations and norms and are likely to result in a severe disciplinary penalty. Students are advised to review the university policies on Sex Discrimination Harassment and Complaint Procedure; Gender Based and Sexual Misconduct Policy; Student Code of Rights and Responsibilities; Resolution Process for Disputes and Grievances and Misconduct all located in the online University Catalog. Possible disciplinary sanctions may be found below in the section "Conduct Proceedings" page 42. California criminal law encompasses certain sexual offenses, and criminal prosecution may take place independently of TUC's disciplinary processes.

Sexual misconduct may include, but is not limited to these behaviors:

- Sexual Harassment
- Sexual Assault
- Non-Consensual Sexual Contact
- Sexual Exploitation
- Domestic Violence
- Dating Violence
- Harm to Others
- Stalking
- Retaliation – No institution may retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under any provision of this section.

What to Do if You or a Friend is Assaulted

In the case of a sexual assault, we recommend survivors consider the following steps:

- Get to a safe place as soon as possible!

- Contact SafeQuest Solano by calling the 24/7 hotline number 1-866-4UR-SAFE (866-487-7233). SafeQuest Solano is a county agency that provides confidential advising, advocacy, and support for survivors of sexual assault and domestic violence. SafeQuest Solano responders would be able to advise survivors on their rights and offer resources for healing.
- Try to preserve all physical evidence. The victim/survivor should not bathe, shower, brush teeth, douche, use the toilet, or change clothing until s(he) has a medical exam.
- Contact a close friend or relative, if available, who can provide support and accompany the victim to the medical exam and/or police. SafeQuest Solano can provide someone to be with survivor during the medical exam and/or when talking with the police and can advise a survivor of sexual misconduct on what will happen when reporting to law enforcement and medical personnel.
- Contact the TUC Counseling department for confidential counseling support. Students can make an appointment by contacting the Student Health Center at 707-638-5292 or by emailing directly to orgueters@touro.edu. Speaking with a counselor or an advocate may be important to help the survivor understand her/his feelings and begin the process of recovery.
- Students may also contact a counselor at any time using our 24/7 counseling hotline by calling 707-638-5292 and selecting option 3.
- Employees of TUC may also take advantage of counseling through our EAP, at no charge. This program may be reached by calling **866.799.2728** or, at this website www.HealthAdvocate.com/touro
- Get medical attention as soon as possible. An exam may reveal the presence of a physical injury that is unknown to the victim. Following a sexual assault, antibiotics are typically given at the time of the exam to help prevent the victim from acquiring certain sexually transmitted diseases. Emergency contraceptive pills are offered to all victims at the time of the exam (if the victim presents within 120 hours) to help prevent pregnancy from occurring as a result of a rape. If the victim reports memory loss, loss of consciousness or other circumstances suspicious for a drug-facilitated assault, a urine test may be done if the victim presents within 96 hours. Some of the commonly used “date rape” drugs, however, are only detectable in the urine for six to eight hours after ingestion. The following local hospitals have trained Sexual Assault Nurse Examiners(S.A.N.E.) and Sexual Assault Response Teams (S.A.R.T.) who provide these examinations free of charge (reimbursed by the county; a SafeQuest Advocate can help with this process):

Kaiser Permanente
975 Sereno Drive
Vallejo, CA 94589
(707) 651-1000

NorthBay Medical Center
1200 B Gale Wilson Blvd.
Fairfield CA 94533
(707) 646-5500

SafeQuest Solano
Phone: **707-422-7345**
Crisis Hotline: **1-866-487-7233**
1261 Travis Blvd., Suite 260
Fairfield, California 94533
<https://www.safequestsolano.org/>

- Contact the police. Sexual assault is a crime, it is vital to report it. We encourage survivors of sexual assault to report the incident to the Vallejo Police Department (911; or 9911 from any campus telephone; or 707-638-5804) or other appropriate law enforcement agency. In addition, we also encourage contacting the Associate Dean of Student Affairs, the Dean of Student Affairs, or the Compliance Officer. These university administrators will keep information private, but are obligated to conduct a Title IX investigation. There are other non-reporting university employees who are not obligated to investigate an incident (see page 8 of the ASR for a listing of the university personnel who are exempted from reporting). It is important to remember that reporting an incident for the university discipline process(es) is not the same as reporting a crime to law enforcement officers. Likewise, reporting a crime to law enforcement is not the same as prosecuting the crime. The decision to prosecute may be made at another time. Students may report to both the police and to the university or to one and not the other.

How to be an Active Bystander

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.”

Bystander intervention involves safe and positive options that may be carried out by an individual to prevent harm or to 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 action to intervene. The university promotes a culture of community accountability in which bystanders are actively engaged in the prevention of violence without causing further harm. However, individuals may not always know what to do even if they want to help. Below is a list of some ways to be an active bystander. Further information regarding bystander intervention may be found at the Student Counseling Center and by contacting the interim Title IX Officer. If you or someone else is in immediate danger, dial 911 on campus phones or (707)638-5804 (Campus Security) on your cell if you're on campus or, by utilizing the Blue Light emergency call system locate on the [Campus Geography Map](#) on pg. 57. This is always an option if you feel it is not safe for you to intervene.

- 1) Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
- 2) Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
- 3) Speak up when someone discusses plans to take sexual advantage of another person.
- 4) Contact the facility manager or party host if you think someone may be in trouble.
- 5) Distract the possible abuser by spilling a drink or telling them their car is being towed or that the police have been called.

Risk Reduction

With no intent to blame victims, and recognizing that only abusers are responsible for their actions, the following are some strategies to reduce one's risk of sexual assault or harassment (taken from the Rape, Abuse, & Incest National Network, www.rainn.org).

- 1) Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- 2) Try to avoid isolated areas. It is more difficult to get help if no one is around.
- 3) Walk with purpose. Act like you know where you are, even when you do not.
- 4) Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- 5) Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- 6) Make sure your cell phone is with you and charged and that you have money for transportation if needed.
- 7) Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
- 8) Avoid putting music earbuds in both ears so that you can be more aware of your surroundings, especially if you are walking alone.

- 9) When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together.
- 10) Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911). When on campus dial 9911 on campus phones and (707) 638-5804 on your cell phone or, by utilizing the Blue Light emergency call system locate on the [Campus Geography Map](#) on pg. 57.
- 11) Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you have left your drink alone, just get a new one.
- 12) Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from punch bowls or other large, common open containers.
- 13) Watch out for your friends and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get them to a safe place immediately.
- 14) If you suspect you have, or a friend has, been drugged, contact law enforcement immediately (local authorities can be reached by calling 911). When on campus dial 9911 on campus phones and (707) 638-5804 on your cell phone or, by utilizing the Blue Light emergency call system locate on the [Campus Geography Map](#) on pg. 57.
- 15) If you need to get out of an uncomfortable or scary situation, here are some things that you can try:
 - a. Remember that being in this situation is not your fault. You did not do anything wrong; the other person who is making you uncomfortable is to blame.
 - b. Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
 - c. Have a code word with your friends or family so that if you don't feel comfortable, you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
 - d. Lie. If you don't want to hurt the person's feelings, it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
- 16) Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
- 17) If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

Reporting Sexual Misconduct and Gender Based Violence

Any incident of sexual misconduct or gender-based violence occurring on or near campus should be reported as soon as possible to the Dean of Student Affairs, or the Associate Dean of Student

Affairs, or the Compliance Officer or to a Campus Security officer. In response to a report, the Dean of Student Affairs or the Compliance Officer is responsible for informing the reporting individual of resource options for care and support on- and off-campus. The Vice President and Interim Chief Executive Officer is responsible for ensuring the incident is investigated immediately or otherwise addressed to stop the harassment, prevent its recurrence, and address its effects. The administration of Touro University California will make every effort to change a victim's academic and/or living situation after an alleged sexual offense and provide information on options for those changes if those changes are requested by the victim and are reasonably available.

Reporting an incident of sexual misconduct or gender-based violence may help to prevent another incident of sexual misconduct. If an individual reports the incident, it does not mean that the reporting individual must proceed with a criminal complaint. Immediately following an incident, the individual should try to write down everything she or he remembers about the incident, including the physical description of the suspect(s) and any further information about the identity or location of the suspect(s).

Due to the sensitive nature of sexual assault, relationship violence, and stalking, survivors may choose to report these crimes confidentially or anonymously. Any victim, witness or third party may report confidentially to the Dean of Student Affairs, to the Associate Dean of Student Affairs, to the Vice President and Interim Chief Executive Officer, or by filling out the Anonymous Crime Report form, available [online](https://tuc.co1.qualtrics.com/jfe/form/SV_eA5yizZc4OcpRmS) (https://tuc.co1.qualtrics.com/jfe/form/SV_eA5yizZc4OcpRmS). The university is required by law to respond to and investigate all allegations of sexual misconduct, including sexual assault, dating or domestic violence, and stalking.

Advising, Resources & Education

No matter when an incident of sexual misconduct or gender-based violence occurred or what the victim decides to do, the victim should consider counseling. Sometimes talking can be the most important step to healing. TUC students may also receive 24/7 confidential counseling by calling the counseling hotline at (707) 638-5292. Touro employees may utilize the Employee Assistance Program calling the EAP number, 866.799.2728 or by going to www.HealthAdvocate.com/touro to arrange an appointment. Touro University students or employees who are friends of victims may seek counseling and support as well. Survivor Advocates are also available in the local community. TUC administrators will assist community members in accessing these services.

- Those with questions about preventing sexual assault should obtain a copy of the handout entitled *Preventing Sexual Assault*, produced by the Crime and Violence Prevention Center California Attorney General's Office, located at the Student Health Center registration desk located in Building H89. Additionally, SafeQuest Solano periodically provides TUC students with on campus educational workshops as well as opportunities for training to be a victim rights advocate in the community. SafeQuest Solano (<https://www.safequestsolano.org/>) provides prevention materials on all manner of sexual assault and domestic violence topics.
- The university offers information and resources relating to preventing sexual violence and sexual harassment. These can be found on the Student Health Center/Counseling Services, and Campus Safety websites. For more information, visit the webpage <https://tu.edu/campus-life/campus-safety/>

Students should be aware that they have the option of notifying appropriate local law enforcement authorities or they also have the right to decline to notify. TUC administrators will assist Touro University community members in notifying police if desired; and students have the option of requesting confidential support from SafeQuest Solano 866-4UR-SAFE (866-487-7233).

University Disciplinary Procedures

Procedures for filing formal complaints with Touro University California concerning sexual misconduct are included in the University Catalog (https://tu.edu/media/schools-and-colleges/tuc/documents/TUC_Catalog2023-2024.pdf) in Appendices H and I. In the university disciplinary process, both the accuser and the accused may choose to be accompanied by another person during the disciplinary proceedings. In addition, both the accuser and the accused are informed of the final determination of the disciplinary body and, when appropriate, any disciplinary action. Details of Touro University California procedures for responding to complaints of sexual misconduct can also be read in the University Catalog (link above) obtained from the offices of: the Interim Title IX Officer/Compliance Officer, the Dean of Student Affairs, or the Associate Dean of Student Affairs.

CLERY ACT ANNUAL SECURITY REPORT SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING POLICY STATEMENT

Introduction

Touro University California (TUC) is committed to providing a safe learning and working environment. In compliance with federal laws policies and procedures have been adopted to prevent and respond to incidents of sexual assault, domestic violence, dating violence, and stalking involving members of our campus community. These guidelines apply to all students, faculty, staff, contractors, and visitors.

Sexual Assault, Domestic Violence, Dating Violence, and Stalking

Sexual Assault Defined

A sexual assault is any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly but against the person's will where the victim is incapable of giving consent, as well as incest or statutory rape, or where active consent has not been given.

Domestic Violence Defined

Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim.

Dating Violence Defined

Dating violence means violence committed by a person who is or has been in a romantic or intimate relationship with the victim.

Stalking Defined

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

VAWA Offences as Defined by the State of California

***Consent* ([California Penal Code 261.6](#))**

PENAL CODE - PEN

PART 1. OF CRIMES AND PUNISHMENTS [25 - 680.4] (Part 1 enacted 1872.)

TITLE 9. OF CRIMES AGAINST THE PERSON INVOLVING SEXUAL ASSAULT, AND CRIMES AGAINST PUBLIC DECENCY AND GOOD MORALS [261 - 368.7] (Heading of Title 9 amended by Stats. 1982, Ch. 1111, Sec. 2.)

CHAPTER 1. Rape, Abduction, Carnal Abuse of Children, and Seduction [261 - 269] (Chapter 1 enacted 1872.)

Consent is positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved. A current or previous dating or marital relationship shall not be sufficient to constitute consent where consent is at issue in a prosecution under Section 261, 262, 286, 287, or 289, or former Section 288a. Nothing in this section shall affect the admissibility of evidence or the burden of proof on the issue of consent.

Domestic Violence ([California Penal Code 243](#))

PENAL CODE - PEN

PART 1. OF CRIMES AND PUNISHMENTS [25 - 680.4] (Part 1 enacted 1872.)

TITLE 8. OF CRIMES AGAINST THE PERSON [187 - 248] (Title 8 enacted 1872.)

CHAPTER 9. Assault and Battery [240 - 248] (Chapter 9 enacted 1872.)

243.

(a) A battery is 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.

(b) When a battery is committed against the person of a peace officer, custodial officer, firefighter, emergency medical technician, lifeguard, security officer, custody assistant, process server, traffic officer, code enforcement officer, animal control officer, or search and rescue member engaged in the performance of his or her duties, whether on or off duty, including when the peace officer is in a police uniform and is concurrently performing the duties required of him or her as a peace officer while also employed in a private capacity as a part-time or casual private security guard or patrolman, or a nonsworn employee of a probation department engaged in the performance of his or her duties, whether on or off duty, or a physician or nurse engaged in rendering emergency medical care outside a hospital, clinic, or other health care facility, and the person committing the offense knows or reasonably should know that the victim is a peace officer, custodial officer, firefighter, emergency medical technician, lifeguard, security officer, custody assistant, process server, traffic officer, code enforcement officer, animal control officer, or search and rescue member engaged in the performance of his or her duties, nonsworn employee of a probation department, or a physician or nurse engaged in rendering emergency medical care, the battery is punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment.

(c) (1) When a battery is committed against a custodial officer, firefighter, emergency medical technician, lifeguard, process server, traffic officer, or animal control officer engaged in the performance of his or her duties, whether on or off duty, or a nonsworn employee of a probation department engaged in the performance of his or her duties, whether on or off duty, or a physician or nurse engaged in rendering emergency medical care outside a hospital, clinic, or other health care facility, and the person committing the offense knows or reasonably should know that the victim is a nonsworn employee of a probation department, custodial officer, firefighter, emergency medical technician, lifeguard, process server, traffic officer, or animal control officer engaged in the performance of his or her duties, or a physician or nurse engaged in rendering emergency medical care, and an injury is inflicted on that victim, the battery is punishable by a fine of not more than two thousand dollars (\$2,000), by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment, or by imprisonment pursuant to subdivision (h) of Section 1170 for 16 months, or two or three years.

(2) When the battery specified in paragraph (1) is committed against a peace officer engaged in the performance of his or her duties, whether on or off duty, including when the peace officer is in a police uniform and is concurrently performing the duties required of him or her as a peace officer while also employed in a private capacity as a part-time or casual private security guard or patrolman and the person committing the offense knows or reasonably should know that the victim is a peace officer engaged in the performance of his or her duties, the battery is punishable by a fine of not more than ten thousand dollars (\$10,000), or by imprisonment in a county jail not exceeding one year or pursuant to subdivision (h) of Section 1170 for 16 months, or two or three years, or by both that fine and imprisonment.

(d) When a battery is committed against any person and serious bodily injury is inflicted on the person, the battery is punishable by imprisonment in a county jail not exceeding one year or imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.

(e) (1) When a battery is committed against a spouse, a person with whom the defendant is cohabiting, a person who is the parent of the defendant's child, former spouse, fiancé, or fiancée, or a person with whom the defendant currently has, or has previously had, a dating or engagement relationship, the battery is punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail for a period of not more than one year, or by both that fine and imprisonment. If probation is granted, or the execution or imposition of the sentence is suspended, it shall be a condition thereof that the defendant participate in, for no less than one year, and successfully complete, a batterer's treatment program, as described in Section 1203.097, or if none is available, another appropriate counseling program designated by the court. However, this provision shall not be construed as requiring a city, a county, or a city and county to provide a new program or higher level of service as contemplated by Section 6 of Article XIII B of the California Constitution.

(2) Upon conviction of a violation of this subdivision, if probation is granted, the conditions of probation may include, in lieu of a fine, one or both of the following requirements:

(A) That the defendant make payments to a battered women's shelter, up to a maximum of five thousand dollars (\$5,000).

(B) That the defendant reimburse the victim for reasonable costs of counseling and other reasonable expenses that the court finds are the direct result of the defendant's offense.

For any order to pay a fine, make payments to a battered women's shelter, or pay restitution as a condition of probation under this subdivision, the court shall make a determination of the defendant's ability to pay. In no event shall any order to make payments to a battered women's shelter be made if it would impair the ability of the defendant to pay direct restitution to the victim or court ordered child support. If the injury to a married person is caused in whole or in part by the criminal acts of his or her spouse in violation of this section, the community property shall not be used to discharge the liability of the offending spouse for restitution to the injured spouse, required by Section 1203.04, as operative on or before August 2, 1995, or Section 1202.4, or to a shelter for costs with regard to the injured spouse and dependents, required by this section, until all separate property of the offending spouse is exhausted.

(3) Upon conviction of a violation of this subdivision, if probation is granted or the execution or imposition of the sentence is suspended and the person has been previously convicted of a violation of this subdivision or Section 273.5, the person shall be imprisoned for not less than 48 hours in addition to the conditions in paragraph (1). However, the court, upon a showing of good cause, may elect not to impose the mandatory minimum imprisonment as required by this

subdivision and may, under these circumstances, grant probation or order the suspension of the execution or imposition of the sentence.

(4) The Legislature finds and declares that these specified crimes merit special consideration when imposing a sentence so as to display society's condemnation for these crimes of violence upon victims with whom a close relationship has been formed.

(5) If a peace officer makes an arrest for a violation of paragraph (1) of subdivision (e) of this section, the peace officer is not required to inform the victim of his or her right to make a citizen's arrest pursuant to subdivision (b) of Section 836.

(f) As used in this section:

(1) "Peace officer" means any person defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2.

(2) "Emergency medical technician" means a person who is either an EMT-I, EMT-II, or EMT-P (paramedic), and possesses a valid certificate or license in accordance with the standards of Division 2.5 (commencing with Section 1797) of the Health and Safety Code.

(3) "Nurse" means a person who meets the standards of Division 2.5 (commencing with Section 1797) of the Health and Safety Code.

(4) "Serious bodily injury" means a serious impairment of physical condition, including, but not limited to, the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement.

(5) "Injury" means any physical injury which requires professional medical treatment.

(6) "Custodial officer" means any person who has the responsibilities and duties described in Section 831 and who is employed by a law enforcement agency of any city or county or who performs those duties as a volunteer.

(7) "Lifeguard" means a person defined in paragraph (5) of subdivision (d) of Section 241.

(8) "Traffic officer" means any person employed by a city, county, or city and county to monitor and enforce state laws and local ordinances relating to parking and the operation of vehicles.

(9) "Animal control officer" means any person employed by a city, county, or city and county for purposes of enforcing animal control laws or regulations.

(10) "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement independent of financial considerations.

(11) (A) "Code enforcement officer" means any person who is not described in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 and who is employed by any governmental subdivision, public or quasi-public corporation, public agency, public service corporation, any town, city, county, or municipal corporation, whether incorporated or chartered, who has enforcement authority for health, safety, and welfare requirements, and whose duties include enforcement of any statute, rules, regulations, or standards, and who is authorized to issue citations, or file formal complaints.

(B) "Code enforcement officer" also includes any person who is employed by the Department of Housing and Community Development who has enforcement authority for health, safety, and welfare requirements pursuant to the Employee Housing Act (Part 1 (commencing with Section 17000) of Division 13 of the Health and Safety Code); the State Housing Law (Part 1.5 (commencing

with Section 17910) of Division 13 of the Health and Safety Code); the Manufactured Housing Act of 1980 (Part 2 (commencing with Section 18000) of Division 13 of the Health and Safety Code); the Mobile Home Parks Act (Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code); and the Special Occupancy Parks Act (Part 2.3 (commencing with Section 18860) of Division 13 of the Health and Safety Code).

(12) "Custody assistant" means any person who has the responsibilities and duties described in Section 831.7 and who is employed by a law enforcement agency of any city, county, or city and county.

(13) "Search and rescue member" means any person who is part of an organized search and rescue team managed by a government agency.

(14) "Security officer" means any person who has the responsibilities and duties described in Section 831.4 and who is employed by a law enforcement agency of any city, county, or city and county.

(g) It is the intent of the Legislature by amendments to this section at the 1981–82 and 1983–84 Regular Sessions to abrogate the holdings in cases such as *People v. Corey*, 21 Cal. 3d 738, and *Cervantez v. J.C. Penney Co.*, 24 Cal. 3d 579, and to reinstate prior judicial interpretations of this section as they relate to criminal sanctions for battery on peace officers who are employed, on a part-time or casual basis, while wearing a police uniform as private security guards or patrolmen and to allow the exercise of peace officer powers concurrently with that employment.

Stalking ([California Penal Code 646.9](#))

PENAL CODE - PEN

PART 1. OF CRIMES AND PUNISHMENTS [25 - 680.4] (Part 1 enacted 1872.)

TITLE 15. MISCELLANEOUS CRIMES [626 - 653.75] (Title 15 enacted 1872.)

CHAPTER 2. Of Other and Miscellaneous Offenses [639 - 653.2] (Chapter 2 enacted 1872.)

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.

(Amended by Stats. 2007, Ch. 582, Sec. 2.5. Effective January 1, 2008.)

Rape ([California Penal Code 261](#))

PENAL CODE - PEN

PART 1. OF CRIMES AND PUNISHMENTS [25 - 680.4] (Part 1 enacted 1872.)

TITLE 9. OF CRIMES AGAINST THE PERSON INVOLVING SEXUAL ASSAULT, AND CRIMES AGAINST PUBLIC DECENCY AND GOOD MORALS [261 - 368.7] (Heading of Title 9 amended by Stats. 1982, Ch. 1111, Sec. 2.)

CHAPTER 1. Rape, Abduction, Carnal Abuse of Children, and Seduction [261 - 269] (Chapter 1 enacted 1872.)

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. 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).

(2) The district attorney may bring actions to recover civil penalties pursuant to this subdivision. From the amounts collected for each case, an amount equal to the costs of pursuing the action shall be deposited with the treasurer of the county in which the judgment was entered, and the remainder shall be deposited in the Underage Pregnancy Prevention Fund, which is hereby created in the State Treasury. Amounts deposited in the Underage Pregnancy Prevention Fund

may be used only for the purpose of preventing underage pregnancy upon appropriation by the Legislature.

(3) In addition to any punishment imposed under this section, the judge may assess a fine not to exceed seventy dollars (\$70) against any person who violates this section with the proceeds of this fine to be used in accordance with Section 1463.23. The court shall, however, take into consideration the defendant's ability to pay, and no defendant shall be denied probation because of his or her inability to pay the fine permitted under this subdivision.

(Amended by Stats. 2011, Ch. 15, Sec. 302. (AB 109) Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)

261.6.

In prosecutions under Section 261, 262, 286, 287, or 289, or former Section 288a, in which consent is at issue, "consent" shall be defined to mean positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved. A current or previous dating or marital relationship shall not be sufficient to constitute consent where consent is at issue in a prosecution under Section 261, 262, 286, 287, or 289, or former Section 288a. Nothing in this section shall affect the admissibility of evidence or the burden of proof on the issue of consent.

(Amended by Stats. 2018, Ch. 423, Sec. 44. (SB 1494) Effective January 1, 2019.)

261.7.

In prosecutions under Section 261, 262, 286, 287, or 289, or former Section 288a, in which consent is at issue, 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.

(Amended by Stats. 2018, Ch. 423, Sec. 45. (SB 1494) Effective January 1, 2019.)

261.9.

(a) Any person convicted of seeking to procure or procuring the sexual services of a prostitute in violation of subdivision (b) of Section 647, if the prostitute is under 18 years of age, shall be ordered by the court, in addition to any other penalty or fine imposed, to pay an additional fine in an amount not to exceed twenty-five thousand dollars (\$25,000).

(b) Every fine imposed and collected pursuant to this section shall, upon appropriation by the Legislature, be available to fund programs and services for commercially sexually exploited minors in the counties where the underlying offenses are committed. (Added by Stats. 2011, Ch. 75, Sec. 3. (AB 12) Effective January 1, 2012.)

262.

(a) Rape of a person who is the spouse of the perpetrator is an act of sexual intercourse accomplished under any of the following circumstances:

(1) 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.

(2) 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.

(3) 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 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.

(4) 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.

(5) 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 that shows an intention to inflict an injury upon another.

(d) If probation is granted upon conviction of a violation of this section, the conditions of probation may include, in lieu of a fine, one or both of the following requirements:

(1) That the defendant make payments to a battered women’s shelter, up to a maximum of one thousand dollars (\$1,000).

(2) That the defendant reimburse the victim for reasonable costs of counseling and other reasonable expenses that the court finds are the direct result of the defendant’s offense. For any order to pay a fine, make payments to a battered women’s shelter, or pay restitution as a condition of probation under this subdivision, the court shall make a determination of the defendant’s ability to pay. In no event shall any order to make payments to a battered women’s shelter be made if it would impair the ability of the defendant to pay direct restitution to the victim or court ordered child support. Where the injury to a married person is caused in whole or in part by the criminal acts of his or her spouse in violation of this section, the community property may not be used to discharge the liability of the offending spouse for restitution to the injured spouse, required by Section 1203.04, as operative on or before August 2, 1995, or Section 1202.4, or to a shelter for costs with regard to the injured spouse and dependents, required by this section, until all separate property of the offending spouse is exhausted. (Amended by Stats. 2006, Ch. 45, Sec. 1. Effective January 1, 2007.)

263.

The essential guilt of rape consists in the outrage to the person and feelings of the victim of the rape. Any sexual penetration, however slight, is sufficient to complete the crime.

(Amended by Stats. 1979, Ch. 994.)

263.1.

(a) The Legislature finds and declares that all forms of nonconsensual sexual assault may be considered rape for purposes of the gravity of the offense and the support of survivors.

(b) This section is declarative of existing law.

(Added by Stats. 2016, Ch. 848, Sec. 1. (AB 701) Effective January 1, 2017.)

264.

(a) Except as provided in subdivision (c), rape, as defined in Section 261 or 262, is punishable by imprisonment in the state prison for three, six, or eight years.

(b) In addition to any punishment imposed under this section the judge may assess a fine not to exceed seventy dollars (\$70) against any person who violates Section 261 or 262 with the proceeds of this fine to be used in accordance with Section 1463.23. The court shall, however, take into consideration the defendant's ability to pay, and no defendant shall be denied probation because of his or her inability to pay the fine permitted under this subdivision.

(c) (1) Any person who commits rape in violation of paragraph (2) of subdivision (a) of Section 261 upon a child who is under 14 years of age shall be punished by imprisonment in the state prison for 9, 11, or 13 years.

(2) Any person who commits rape in violation of paragraph (2) of subdivision (a) of Section 261 upon a minor who is 14 years of age or older shall be punished by imprisonment in the state prison for 7, 9, or 11 years.

(3) This subdivision does not preclude prosecution under Section 269, Section 288.7, or any other provision of law.

(Amended by Stats. 2010, Ch. 219, Sec. 4. (AB 1844) Effective September 9, 2010.)

264.1.

(a) The provisions of Section 264 notwithstanding, in any case in which the defendant, voluntarily acting in concert with another person, by force or violence and against the will of the victim, committed an act described in Section 261, 262, or 289, either personally or by aiding and abetting the other person, that fact shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or if admitted by the defendant, the defendant shall suffer confinement in the state prison for five, seven, or nine years.

(b) (1) If the victim of an offense described in subdivision (a) is a child who is under 14 years of age, the defendant shall be punished by imprisonment in the state prison for 10, 12, or 14 years.

(2) If the victim of an offense described in subdivision (a) is a minor who is 14 years of age or older, the defendant shall be punished by imprisonment in the state prison for 7, 9, or 11 years.

(3) This subdivision does not preclude prosecution under Section 269, Section 288.7, or any other provision of law.

(Amended by Stats. 2010, Ch. 219, Sec. 5. (AB 1844) Effective September 9, 2010.)

264.2.

(a) Whenever there is an alleged violation or violations of subdivision (e) of Section 243, or Section 261, 261.5, 262, 273.5, 286, 287, or 289, the law enforcement officer assigned to the case shall immediately provide the victim of the crime with the "Victims of Domestic Violence" card, as specified in subparagraph (H) of paragraph (9) of subdivision (c) of Section 13701, or with the card described in subdivision (a) of Section 680.2, whichever is more applicable.

(b) (1) The law enforcement officer, or his or her agency, shall immediately notify the local rape victim counseling center, whenever a victim of an alleged violation of Section 261, 261.5, 262, 286, 287, or 289 is transported to a hospital for any medical evidentiary or physical examination. The hospital may notify the local rape victim counseling center, when the victim of the alleged violation of Section 261, 261.5, 262, 286, 287, or 289 is presented to the hospital for the medical or evidentiary physical examination, upon approval of the victim. The victim has the right to have a sexual assault counselor, as defined in Section 1035.2 of the Evidence Code, and a support person of the victim's choosing present at any medical evidentiary or physical examination.

(2) Prior to the commencement of any initial medical evidentiary or physical examination arising out of a sexual assault, the medical provider shall give the victim the card described in subdivision (a) of Section 680.2.

This requirement shall apply only if the law enforcement agency has provided the card to the medical provider in a language understood by the victim.

(3) The hospital may verify with the law enforcement officer, or his or her agency, whether the local rape victim counseling center has been notified, upon the approval of the victim.

(4) A support person may be excluded from a medical evidentiary or physical examination if the law enforcement officer or medical provider determines that the presence of that individual would be detrimental to the purpose of the examination.

(5) After conducting the medical evidentiary or physical examination, the medical provider shall give the victim the opportunity to shower or bathe at no cost to the victim, unless a showering or bathing facility is not available.

(6) A medical provider shall, within 24 hours of obtaining sexual assault forensic evidence from the victim, notify the law enforcement agency having jurisdiction over the alleged violation if the medical provider knows the appropriate jurisdiction. If the medical provider does not know the appropriate jurisdiction, the medical provider shall notify the local law enforcement agency. (Amended by Stats. 2018, Ch. 423, Sec. 46. (SB 1494) Effective January 1, 2019.)

265.

Every person who takes any woman unlawfully, against her will, and by force, menace or duress, compels her to marry him, or to marry any other person, or to be defiled, is punishable by imprisonment pursuant to subdivision (h) of Section 1170.

(Amended by Stats. 2011, Ch. 15, Sec. 303. (AB 109) Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)

266.

A person who inveigles or entices a person under 18 years of age into a house of ill fame, or of assignation, or elsewhere, for the purpose of prostitution, or to have illicit carnal connection with another person, and a person who aids or assists in that inveiglement or enticement, and a person

who, by any false pretenses, false representation, or other fraudulent means, procures a person to have illicit carnal connection with another person, is punishable by imprisonment in the state prison, or by imprisonment in a county jail not exceeding one year, or by a fine not exceeding two thousand dollars (\$2,000), or by both that fine and imprisonment.

(Amended by Stats. 2019, Ch. 615, Sec. 1. (AB 662) Effective January 1, 2020.)

266a.

Each person who, within this state, takes any person against his or her will and without his or her consent, or with his or her consent procured by fraudulent inducement or misrepresentation, for the purpose of prostitution, as defined in subdivision (b) of Section 647, is punishable by imprisonment in the state prison, and a fine not exceeding ten thousand dollars (\$10,000).

(Amended by Stats. 2014, Ch. 109, Sec. 1. (AB 2424) Effective January 1, 2015.)

266b.

Every person who takes any other person unlawfully, and against his or her will, and by force, menace, or duress, compels him or her to live with such person in an illicit relation, against his or her consent, or to so live with any other person, is punishable by imprisonment pursuant to subdivision (h) of Section 1170.

(Amended by Stats. 2011, Ch. 15, Sec. 304. (AB 109) Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)

266c.

Every person who induces any other person to engage in sexual intercourse, sexual penetration, oral copulation, or sodomy when his or her consent is procured by false or fraudulent representation or pretense that is made with the intent to create fear, and which does induce fear, and that would cause a reasonable person in like circumstances to act contrary to the person's free will, and does cause the victim to so act, is punishable by imprisonment in a county jail for not more than one year or in the state prison for two, three, or four years. As used in this section, "fear" means the fear of physical injury or death to the person or to any relative of the person or member of the person's family.

(Amended by Stats. 2000, Ch. 287, Sec. 4. Effective January 1, 2001.)

266d. Any person who receives any money or other valuable thing for or on account of placing in custody any other person for the purpose of causing the other person to cohabit with any person to whom the other person is not married, is guilty of a felony.

(Amended by Stats. 1975, Ch. 996.)

266e. Every person who purchases, or pays any money or other valuable thing for, any person for the purpose of prostitution as defined in subdivision (b) of Section 647, or for the purpose of placing such person, for immoral purposes, in any house or place against his or her will, is guilty of a felony punishable by imprisonment in the state prison for 16 months, or two or three years.

(Amended by Stats. 2011, Ch. 15, Sec. 304.5. (AB 109) Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)

266f. Every person who sells any person or receives any money or other valuable thing for or on account of his or her placing in custody, for immoral purposes, any person, whether with or without his or her consent, is guilty of a felony punishable by imprisonment in the state prison for 16 months, or two or three years.

(Amended by Stats. 2011, Ch. 15, Sec. 304.7. (AB 109) Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)

266g. Every man who, by force, intimidation, threats, persuasion, promises, or any other means, places or leaves, or procures any other person or persons to place or leave, his wife in a house of prostitution, or connives at or consents to, or permits, the placing or leaving of his wife in a house of prostitution, or allows or permits her to remain therein, is guilty of a felony and punishable by imprisonment pursuant to subdivision (h) of Section 1170 for two, three or four years; and in all prosecutions under this section a wife is a competent witness against her husband.

(Amended by Stats. 2011, Ch. 15, Sec. 305. (AB 109) Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)

266h.

(a) Except as provided in subdivision (b) Any person who, knowing another person is a prostitute, lives or derives support or maintenance in whole or in part from the earnings or proceeds of the person's prostitution, or from money loaned or advanced to or charged against that person by any keeper or manager or inmate of a house or other place where prostitution is practiced or allowed, or who solicits or receives compensation for soliciting for the person, is guilty of pimping, a felony, and shall be punishable by imprisonment in the state prison for three, four, or six years.

(b) Any person who, knowing another person is a prostitute, lives or derives support or maintenance in whole or in part from the earnings or proceeds of the person's prostitution, or from money loaned or advanced to or charged against that person by any keeper or manager or inmate of a house or other place where prostitution is practiced or allowed, or who solicits or receives compensation for soliciting for the person, when the prostitute is a minor, is guilty of pimping a minor, a felony, and shall be punishable as follows: (1) If the person engaged in prostitution is a minor 16 years of age or older, the offense is punishable by imprisonment in the state prison for three, four, or six years. (2) If the person engaged in prostitution is under 16 years of age, the offense is punishable by imprisonment in the state prison for three, six, or eight years.

(Amended by Stats. 2010, Ch. 709, Sec. 8. (SB 1062) Effective January 1, 2011.)

266i.

(a) Except as provided in subdivision (b), any person who does any of the following is guilty of pandering, a felony, and shall be punishable by imprisonment in the state prison for three, four, or six years: (1) Procures another person for the purpose of prostitution. (2) By promises, threats, violence, or by any device or scheme, causes, induces, persuades, or encourages another person to become a prostitute. (3) Procures for another person a place as an inmate in a house of prostitution or as an inmate of any place in which prostitution is encouraged or allowed within this state. (4) By promises, threats, violence, or by any device or scheme, causes, induces, persuades, or encourages an inmate of a house of prostitution, or any other place in which prostitution is encouraged or allowed, to remain therein as an inmate. (5) By fraud or artifice, or by duress of person or goods, or by abuse of any position of confidence or authority, procures another person for the purpose of prostitution, or to enter any place in which prostitution is encouraged or allowed within this state, or to come into this state or leave this state for the purpose of prostitution. (6) Receives or gives, or agrees to receive or give, any money or thing of value for procuring, or attempting to procure, another person for the purpose of prostitution, or to come into this state or leave this state for the purpose of prostitution.

(b) Any person who does any of the acts described in subdivision (a) with another person who is a minor is guilty of pandering, a felony, and shall be punishable as follows: (1) If the other person is a minor 16 years of age or older, the offense is punishable by imprisonment in the state prison for three, four, or six years. (2) If the other person is under 16 years of age, the offense is punishable by imprisonment in the state prison for three, six, or eight years.

(Amended by Stats. 2010, Ch. 709, Sec. 9. (SB 1062) Effective January 1, 2011.)

266j. Any person who intentionally gives, transports, provides, or makes available, or who offers to give, transport, provide, or make available to another person, a child under the age of 16 for the purpose of any lewd or lascivious act as defined in Section 288, or who causes, induces, or persuades a child under the age of 16 to engage in such an act with another person, is guilty of a felony and shall be imprisoned in the state prison for a term of three, six, or eight years, and by a fine not to exceed fifteen thousand dollars (\$15,000).

(Amended by Stats. 1987, Ch. 1068, Sec. 1.)

266k.

(a) Upon the conviction of any person for a violation of Section 266h or 266i, the court may, in addition to any other penalty or fine imposed, order the defendant to pay an additional fine not to exceed five thousand dollars (\$5,000). In setting the amount of the fine, the court shall consider any relevant factors including, but not limited to, the seriousness and gravity of the offense and the circumstances of its commission, whether the defendant derived any economic gain as the result of the crime, and the extent to which the victim suffered losses as a result of the crime. Every fine imposed and collected under this section shall be deposited in the Victim-Witness Assistance Fund to be available for appropriation to fund child sexual exploitation and child sexual abuse victim counseling centers and prevention programs under Section 13837.

(b) Upon the conviction of any person for a violation of Section 266j or 267, the court may, in addition to any other penalty or fine imposed, order the defendant to pay an additional fine not to exceed twenty-five thousand dollars (\$25,000).

(c) Fifty percent of the fines collected pursuant to subdivision (b) and deposited in the Victim-Witness Assistance Fund pursuant to subdivision (a) shall be granted to community-based organizations that serve minor victims of human trafficking.

(d) If the court orders a fine to be imposed pursuant to this section, the actual administrative cost of collecting that fine, not to exceed 2 percent of the total amount paid, may be paid into the general fund of the county treasury for the use and benefit of the county.

(Amended by Stats. 2014, Ch. 714, Sec. 1. (SB 1388) Effective January 1, 2015.)

267.

Every person who takes away any other person under the age of 18 years from the father, mother, guardian, or other person having the legal charge of the other person, without their consent, for the purpose of prostitution, is punishable by imprisonment in the state prison, and a fine not exceeding two thousand dollars (\$2,000).

(Amended by Stats. 1983, Ch. 1092, Sec. 258. Effective September 27, 1983. Operative January 1, 1984, by Sec. 427 of Ch. 1092.)

269.

(a) Any person who commits any of the following acts upon a child who is under 14 years of age and seven or more years younger than the person is guilty of aggravated sexual assault of a child:

(1) Rape, in violation of paragraph (2) or (6) of subdivision (a) of Section 261.

(2) Rape or sexual penetration, in concert, in violation of Section 264.1.

(3) Sodomy, in violation of paragraph (2) or (3) of subdivision (c), or subdivision (d), of Section 286.

(4) Oral copulation, in violation of paragraph (2) or (3) of subdivision (c), or subdivision (d), of

Section 287 or former Section 288a.(5) Sexual penetration, in violation of subdivision (a) of Section 289.

(b) Any person who violates this section is guilty of a felony and shall be punished by imprisonment in the state prison for 15 years to life.

(c) The court shall impose a consecutive sentence for each offense that results in a conviction under this section if the crimes involve separate victims or involve the same victim on separate occasions as defined in subdivision (d) of Section 667.6.

(Amended by Stats. 2018, Ch. 423, Sec. 47. (SB 1494) Effective January 1, 2019. Note: This section was amended November 7, 2006, by initiative Proposition 83.)

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).

(2) The district attorney may bring actions to recover civil penalties pursuant to this subdivision. From the amounts collected for each case, an amount equal to the costs of pursuing the action shall be deposited with the treasurer of the county in which the judgement was entered, and the remainder shall be deposited in the Underage Pregnancy Prevention Fund, which is hereby created in the State Treasury. Amounts deposited in the Underage Pregnancy Prevention Fund may be used only for the purpose of preventing underage pregnancy upon appropriation by the Legislature.

(3) In addition to any punishment imposed under this section, the judge may assess a fine not to exceed seventy dollars (\$70) against any person who violates this section with the proceeds of this fine to be used in accordance with Section 1463.23. The court shall, however, take into consideration the defendant's ability to pay, and no defendant shall be denied probation because of his or her inability to pay the fine permitted under this subdivision.

(Amended by Stats. 2011, Ch. 15, Sec. 302. (AB 109) Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)

Statutory Rape ([California Penal Code Section 261.5](#))

PENAL CODE - PEN

PART 1. OF CRIMES AND PUNISHMENTS [25 - 680.4] (Part 1 enacted 1872.)

TITLE 9. OF CRIMES AGAINST THE PERSON INVOLVING SEXUAL ASSAULT, AND CRIMES AGAINST PUBLIC DECENCY AND GOOD MORALS [261 - 368.7] (Heading of Title 9 amended by Stats. 1982, Ch. 1111, Sec. 2)

CHAPTER 1. Rape, Abduction, Carnal Abuse of Children, and Seduction [261 - 269] (Chapter 1 enacted 1872.)

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 If

It is important to preserve evidence to aid in the possibility of a successful criminal prosecution or obtaining a protection order. If possible, a victim of a sexual assault should not wash, douche, use and no defendant shall be denied probation because of his or her inability to pay the fine permitted under this subdivision.

(Amended by Stats. 2011, Ch. 15, Sec. 302. (AB 109) Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)”

Fondling (Sexual Battery) ([California Penal Code 243.4](#))

PENAL CODE - PEN

PART 1. OF CRIMES AND PUNISHMENTS [25 - 680.4] (Part 1 enacted 1872.)

TITLE 8. OF CRIMES AGAINST THE PERSON [187 - 248] (Title 8 enacted 1872.)

CHAPTER 9. Assault and Battery [240 - 248] (Chapter 9 enacted 1872.)

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.

(h) This section shall not be construed to limit or prevent prosecution under any other law which also proscribes a course of conduct that also is proscribed by this section.

(i) In the case of a felony conviction for a violation of this section, the fact that the defendant was an employer and the victim was an employee of the defendant shall be a factor in aggravation in sentencing.

(j) A person who commits a violation of subdivision (a), (b), (c), or (d) against a minor when the person has a prior felony conviction for a violation of this section shall be guilty of a felony, punishable by imprisonment in the state prison for two, three, or four years and a fine not exceeding ten thousand dollars (\$10,000).

(Amended by Stats. 2002, Ch. 302, Sec. 1. Effective January 1, 2003.)

Incest ([California Penal Code 285](#))

PENAL CODE - PEN

PART 1. OF CRIMES AND PUNISHMENTS [25 - 680.4] (Part 1 enacted 1872.)

TITLE 9. OF CRIMES AGAINST THE PERSON INVOLVING SEXUAL ASSAULT, AND CRIMES AGAINST PUBLIC DECENCY AND GOOD MORALS [261 - 368.7] (Heading of Title 9 amended by Stats. 1982, Ch. 1111, Sec. 2.)

CHAPTER 5. Bigamy, Incest, and the Crime Against Nature [281 - 289.6] (Chapter 5 enacted 1872.)
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.

(Amended by Stats. 2005, Ch. 477, Sec. 1. Effective January 1, 2006.)

Reporting An Incident

If a student, employee, or visitor has been the victim of an incident of sexual assault, domestic violence, dating violence, or stalking they should immediately report to

- TUC Campus Security at 707-638-5804 or,
- Anonymous Reporting Form located [HERE](#) or, https://tuc.co1.qualtrics.com/jfe/form/SV_eA5yizZc4OcpRmS

In the case of an emergency or ongoing threat please get to a safe location and call 911 (9911 from any campus phone). Vallejo police may also be contacted at 707-552-3285.

Students may also report to

- Vice Provost and Dean of Student Affairs, Dr. Steven Jacobson located at 690 Walnut Ave., Suite 200, 707-638-5935
- Associate Dean of Student Affairs, Dr. Fraylanie Aglipay located at 690 Walnut Ave. Suite 200, 707-638-5935

Employees may also report to

- Mr. Zachary Shapiro, Compliance Officer and Interim Title IX Officer, located at 690 Walnut Ave., Suite 210, 707-638-5459,

These staff will assist any victim of sexual assault, domestic violence, dating violence, and stalking in notifying law enforcement, including local police, if the victim elects to do so. Victims are not required to report to law enforcement in order to receive assistance from or pursue any options with Touro University California.

Written Notification of Rights and Options

Any student or employee who reports an incident of sexual assault, domestic violence, dating violence, or stalking, whether the incident occurred on or off campus, shall be provided written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services available for victims. Any victim of crime elect to notify such authorities.

Victim Reporting Procedures

If an incident of sexual assault, domestic violence, dating violence, or stalking occurs it is important to preserve evidence so that a successful criminal prosecution remains an option. The preservation of evidence may be important to assist in proving an alleged criminal offense occurred or may be helpful in obtaining a protective order.

The victim of a sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical exam – which is important both to address any health issues that may arise and evidence collection. Any clothing removed should be placed in a paper, not plastic, bag (see [pages 12 through 14, “What to Do if You or a Friend is Assaulted,”](#) for more information).

Evidence of violence, such as bruising or other visible injuries, following an incident of domestic or dating violence should be documented by taking a photograph. Evidence of stalking including any communication, such as written notes, voice mail or other electronic communications should be saved and not altered in any way.

On and Off Campus Victim Support Resources

Both TUC and the County of Solano offer important resources to the victims of sexual violence including medical treatment, counseling and advocacy that may be utilized. SafeQuest (Sexual Assault and Domestic Violence advocacy and support) is available at (866) 4UR-SAFE (487-7233) to assist any student or employee free of charge and will help them consider their options and navigate through any resources or recourse they elect to pursue. A victim need not make a formal report to law enforcement or TUC to access these resources that include the following.

TUC Student Counseling and Human Development (707) 638-5292
Student Health Center, Building H89

TUC Student Counseling 24/7.....(707) 638-5292, Option 3

- Employee Assistance Program (EAP)(available 24/7)..... (866) 799-2728
www.HealthAdvocate.com/touro
- TUC Student Health Center (707) 638-5220
 Building H89
- Kaiser Permanente (707) 651-1000
 800 Sereno Drive, Vallejo CA 94589
 Sexual Assault Response Team available
- NorthBay Medical Center (707) 646-5000
 1200 B. Gale Wilson Blvd., Fairfield, CA 94533
 Sexual Assault Response Team available
- SafeQuest Solano.....(707) 422-7345
 Crisis Hotline..... (866) 487-7233
 1261 Travis Blvd., Suite 260
 Fairfield, CA 94533
<https://www.safequestsolano.org/>
- Community Violence Solutions Rape Crisis Hotline 1(866) 487-7233
- National Sexual Assault Hot Line 1(800) 656-4673
- National Domestic Violence Hotline 1(800) 799-SAFE (7233)

Accommodations

Whether or not a student or employee reports to law enforcement and or pursues any formal action, if they report an incident of sexual assault, domestic violence, dating violence, or stalking Touro University is committed to providing them as safe a learning or working environment as possible. The university will provide a written notification to the victims of the availability of options to change to a victim’s academic, living, transportation, and or working situation or provide for protective measures such as no contact orders, restitution, written statements, or similar actions. Students may contact the Dean of Student Affairs or Associate Dean of Student Affairs (707-638-5935) for assistance, and employees may contact the Compliance Officer (707-638-5459) for assistance.

If a victim reports to law enforcement, they will assist victims in obtaining a restraining order or order of no contact from a criminal court. Touro University is committed to ensuring that any such order is fully upheld on all institutionally owned and controlled property. Touro University California is also committed to protecting victims from any further harm, and the Compliance Officer or the Dean or Associate Dean of Student Affairs may issue an institutional no-contact order.

Victim Confidentiality

Touro University recognizes the often-sensitive nature of gender violence, sexual assault, domestic violence, dating violence, and stalking incidents. We are committed to protecting the privacy of any individual who makes a report. Different officials and personnel are, however, able to offer varying levels of privacy protection to victims. Please refer to the section on “Campus Security Authority ([CSA](#)) Policy,” [page 7](#) above for a listing of confidential and non-confidential reporting options. Reports made to law enforcement, including if criminal prosecution is pursued, may be made public and shared with the accused.

TUC will not include victim names in “Timely Warnings,” “Emergency Notifications,” or in the “Daily Crime Log,” each of which are required by the Clery Act. TUC will maintain the confidentiality of any accommodation or protective measure provided by TUC or the local courts to the degree that such confidentiality does not interfere with implementing the measure.

Reports made to Touro University officials will be kept confidential and on a need-to-know basis, and identifying information about the victim or the accused shall not be made public. Information about reports will only be shared with institutional personnel as needed to investigate and effectively respond to the report. Every effort will be made to limit the scope of information shared to keep it to a minimum of detail, and only when absolutely necessary. Reports made to medical professionals, licensed mental health counselors, pastoral counselors, SafeQuest, and Solano County rape crisis counselors will not be shared with any third parties except in cases of imminent danger to the victim or a third party.

Education Programs

Touro University is committed to increasing the awareness of and preventing sexual violence. All incoming students and new employees are provided with programming and strategies intended to prevent rape, acquaintance rape, sexual assault, domestic violence, dating violence, and stalking before it occurs through the changing of social norms and other approaches; that includes a clear statement that Touro University California prohibits such acts, their definitions, the definition of consent, options for bystander intervention, information about risk reduction, and our policies and procedures for responding to these incidents. TUC has partnered with Vector Solutions and they will be providing a mandatory educational program to all new Touro University students.. These programs include refresher educational videos on health relationships, dating and domestic

violence, and bystander intervention. Ongoing educational campaigns are delivered through periodic emails throughout the semester and year, ensuring that students receive consistent reminders and updates on safety awareness. Additionally, these are integrated into their academic curriculum to reinforce the importance of campus safety and foster a culture of awareness and prevention. More information is found in the [Drug & Controlled Substance Policy \(Appendix C\)](#).

Conduct Proceedings

Touro University California strictly prohibits all acts of sexual assault, domestic violence, dating violence, and stalking. In addition to facing criminal investigation and prosecution, students, employees, and other affiliates may also face disciplinary action by Touro University. Individuals found responsible for having committed such a violation face sanctions that include: permanent expulsion, termination of employment, suspension (with or without pay), removal from class or rotations, probation, or protective measures such as alteration in living situation, no contact orders, limited access to facilities and activities, restitution, third party professional development training, written statements, notation on transcripts or permanent employment record. Incidents involving accused students will be handled by the Associate Dean of Student Affairs, 690 Walnut Ave., Suite 200, 707-638-5935, and incidents involving accused employees/affiliates will be handled by the Compliance Officer and Interim Title IX Officer, 690 Walnut Ave., Suite 210, 707-638-5459

All conduct proceedings, whether the conduct is reported to have occurred on or off campus, shall provide a prompt, fair and impartial investigation, and resolution. All investigations and proceedings shall be conducted by officials who have received annual training on the nature of the types of cases they are handling, on how to conduct an investigation, and conduct a proceeding in a manner that protects the safety of victims and promotes accountability. For information about Title IX Policies and Procedures (Appendix B).

Investigations shall be conducted within a reasonable time period unless there are mitigating circumstances in which case the accuser and accused shall be notified, providing an explanation, and the amount of additional time required. Determinations shall be made within 45 days unless there are mitigating circumstances in which case the accuser and accused shall be notified, providing an explanation, and the amount of additional time required.

Determinations shall be made by an independent third-party finder of fact in student and employee cases within 45 days using the preponderance of the evidence standard (which means

that it is more likely than not that the alleged misconduct occurred). The finder of fact shall be a TUC official who does not have a conflict of interest or bias for or against either the accuser or the accused.

In all proceedings, including any related meetings or hearings, both the accused and accuser are entitled to the same opportunities to have others present. This includes the right to be accompanied by an advisor of their choice at any proceeding conducted by the university. The term “advisor” means any individual who provides the accused or accuser support, guidance, or advice. This advisor may function only as an advisor and may not speak during any proceeding. Both the accused and accuser shall simultaneously be informed in writing of the outcome of the proceeding, of procedures and timeframe, within 7 business days, for appealing the results of the outcome, of any change to the results that occurs prior to the time that they become final, and when such results become final. Disclosure of the outcome shall be made to both parties unconditionally, and each shall be free to share or not share the details with any third parties.

Upon written request, Touro University California will disclose to the victim(s) of a crime of violence (as that term is defined in section 16 of title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the university against a student or employee 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.

For additional information about student conduct proceedings please consult Appendix H in the [University Student Catalog](https://tu.edu/media/schools-and-colleges/tuc/documents/TUC_Catalog2023-2024.pdf) available at: https://tu.edu/media/schools-and-colleges/tuc/documents/TUC_Catalog2023-2024.pdf

For additional information about employee conduct proceedings please consult the Faculty Handbook and the Employee Handbook available at the office of Human Relations

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

Emergency Management at Touro University California

Touro University California has an Emergency Action Plan that provides administrators and employees with procedures and guidance for responding to a wide range of emergency situations, including occupational injuries, medical emergencies, fires, chemical spills, natural disasters, and other crisis events that require emergency response.

A crisis is defined as a significant event that prompts significant, often sustained, news coverage and public scrutiny and has the potential to damage the institution's reputation, image or financial stability. A crisis could be precipitated by an emergency or a controversy. An emergency is a fire, earthquake, crime that presents an ongoing threat or other event that involves a response from police, fire, or emergency medical personnel. A controversy does not necessarily constitute an emergency, nor may it require an immediate response, but if sustained could precipitate a crisis.

The Plan is intended to be the master resource of procedures for all anticipated emergencies that might occur. The Plan includes Evacuation Procedures with identified evacuation assembly areas and instructions for evacuating buildings and the campus in various situations. A summary of the university Emergency Action Plan may be requested by contacting the Environmental Health and Safety Officer at jflores27@touro.edu or on the university canvas website.

TUC has also established a Building Coordinator program to provide a local contact for each building to assist with emergency protocols for evacuation, lock down or other required emergency response. The building coordinators assist in making the program relevant to all areas of the university and provide Campus Security and Facilities with feedback and upgrades to improve the university's ability to respond to any situation.

The Building Coordinators and their alternates are considered CSAs and are trained on all emergency procedures and protocols for the safety of university personnel and property. They assist in informing building occupants of proper procedures for building emergency and evacuation drills in preparation for an actual emergency.

Drills, Exercises and Training

To ensure the university's emergency actions plans remain current and actionable, TUC conducts an emergency management exercise in each occupied building at a minimum once yearly. These exercises may be announced or unannounced and may include tabletop drills, emergency operations center exercises, or full-scale emergency response exercises. The university conducts after-action reviews of all emergency management exercises. Each year the university participates in the Great Shake Out Earthquake Drills to further test our ability to respond during a major earthquake affecting the region. Following each emergency management exercise, key administrators meet to discuss the university's performance and identify areas that require additional attention.

In conjunction with at least one emergency management exercise each year, the university will notify the campus community of the exercise and remind the community of the information included in the university's publicly available emergency action policies, procedures, and plans.

Emergency Notification

Touro University California's objective in a critical incident is to communicate facts as quickly as possible, updating information regularly as circumstances change, to ensure the safety of the Touro University California community and the continued operation of essential services.

Procedures Used to Notify the Campus Community

The university will use multiple mediums to reach as many people as possible with accurate and timely information. This is especially important in the first hours and days of an emergency or a crisis. The university uses the RAVE emergency notification system, in addition to emails and the TUC webpage, to immediately notify the campus community of a significant emergency or dangerous situation affecting the university community.

Confirming the Existence of a Significant Emergency or Dangerous Situation and Initiating the Emergency Notification System

Campus Security and /or other campus first responders, such as the Environmental Health and Safety Officer or the Vice President and Interim Chief Executive Officer may become aware of a critical incident or other emergency situation that potentially affects the health and/or safety of the campus community. Generally, campus first responders become aware of these situations when they are reported to Campus Security or upon discovery during patrol or other assignments.

Once first responders confirm that there is, in fact, an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the campus community, first responders will notify the Vice President and Interim Chief Executive Officer or the Environmental Health and Safety Officer. The EH&S Officer or the Vice President and Interim Chief Executive Officer in consultation with senior campus administrators, and/or their designees, will activate the TUC Rave Alert system to alert the entire campus community or the appropriate portion of the affected TUC community.

The university's authorized representatives will immediately initiate the university's emergency notification system. If, in the professional judgment of first responders, issuing a notification potentially compromises efforts to assist a victim or to contain, respond to, or otherwise mitigate the

emergency, the university may elect to delay issuing an emergency notification. As soon as the condition that may compromise efforts is no longer present, the university will issue the emergency notification to the campus community.

Determining the Appropriate Segment or Segments of the Campus Community to Receive an Emergency Notification

University and/or local first responders on the scene of a critical incident or dangerous situation will assist those preparing the emergency notification with determining what segment or segments of the university community should receive the notification. Given the size of our campus community, we will generally alert the entire campus. In addition to the emergency notification that may be issued via the university mass notification system, the university will also post applicable messages about the dangerous condition on the university homepage (www.tu.edu) to ensure campus community members are aware of the situation and the steps they should take to maintain personal and campus safety.

Determining the Contents of the Emergency Notification

TUC has developed a wide range of template messages addressing several different emergency situations. The individual authorizing the alert will select the template message most appropriate to the ongoing situation and modify it to address the specifics of the present incident. In those cases where there are no pre-determined template messages in the system, the individual authorizing the alert will develop the most succinct message to convey the appropriate information to the community. The goal is to ensure individuals are aware of the situation and that they know the steps to take to safeguard their personal and community safety.

Procedures for Disseminating Emergency Information to the University Community

In the event of a situation that poses an immediate threat to members of the campus community, the University has various systems in place for communicating information quickly. Some or all of these methods of communication may be activated in the event of emergency notification to all or a segment of the campus community. These methods of communication include the mass notification system RAVE, the University's email system, and verbal announcement within a building and public address system on Vallejo City police cars. The University will post updates during a critical incident on its Facebook and Instagram pages. If the situation warrants, the University will establish a telephone call-in center to communicate with the University community during an emergency situation.

If the University activates its emergency notification system in response to a situation that poses an immediate threat to members of the campus community, several offices such as the Interim Chief Academic Officer, Vice President and Interim Chief Executive Officer, Deans of the Colleges, Student Affairs, Facilities, Operations, and Information Technology at the University are responsible for notifying the larger community about the situation and steps the University has taken to address the emergency. Primarily, Public Relations is responsible for crisis communications and for maintaining communications with national, regional, and local news and radio outlets.

Enrolling in the TUC's Emergency Notification System

All faculty, staff and students are enrolled in the RAVE emergency notification system in use on the TUC campus. Campaigns are conducted at the start of each semester to encourage members of the campus community to provide multiple contact paths and to update the system with any changes to their contact information by visiting: <https://www.getrave.com/login/tu> and logging in.

SECURITY OF and ACCESS to UNIVERSITY FACILITIES

At TUC, administrative and academic offices are generally available using a TUC ID card swipe, from 8:00 a.m. until 5:00 p.m., Monday through Thursday; Friday 8:00 a.m. until 3:00 p.m.; academic buildings are generally available using the same card swipe system from 7:00 a.m. until 12:00 midnight. Academic buildings are scheduled to be open on weekends only as needed. Access to individual classrooms and laboratories is limited to those enrolled in the courses meeting there. Likewise, access to most programs is limited to those enrolled in the program or otherwise authorized access.

Selected cultural and community events held in the university facilities are open to the public.

Security Considerations Used in the Maintenance of Campus Facilities

Touro University California strives to ensure that all campus facilities are well-maintained, and that security is appropriate. Landscaping and outdoor lighting on campus is designed to enhance safety and security, with the attempt to provide pedestrians peace of mind. Similarly, sidewalks and other pathways are designed to provide well-traveled, lighted routes from parking areas to buildings and from building to building. Grounds-keeping personnel trim shrubs from sidewalks, walkways, and building entrances to provide a well-lighted route to buildings. All campus walkways are inspected regularly by Campus Security to ensure adequate lighting. Burned-out lights are replaced promptly.

We encourage community members to promptly report any security concerns, including concerns about locking mechanisms, lighting, or landscaping to Campus Security (707-638-5804) or Facilities (707-638-5800).

Student Housing

Touro University California does not currently control or maintain student housing.

SAFETY AWARENESS PROGRAMS and CAMPUS SECURITY POLICIES

Prior to the start of their first term, and typically followed up by safety and security informational emails, students are informed of security procedures and the many services offered by the university. In addition, students are told about crime on-campus and in the surrounding neighborhood. Safety awareness programs are offered by various university offices organizations throughout the year. A common theme of all awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own safety and the security of their belongings. During New Student Orientation, students are provided with comprehensive information on campus safety. Additionally, they are required to complete mandatory online training modules through Vector Solutions on Title IX rights and protections. These training modules are designed to educate students about the importance of Title IX and our institution's obligations when a formal complaint is filed. The modules cover various topics including the definition of sexual harassment, Title IX regulations, and obligations, as well as grievance procedures. Vector Solutions can provide drug-abuse education modules upon request. Counseling is also available and can provide services upon request. Furthermore, we the university sends periodic email reminders of Safety Awareness to our students. For more information, please see the Controlled Substance Policy (Appendix C) in this report.

Daily Crime Log

Campus Security publishes a *Daily Crime Log* of all crime and other reported significant events which occur on campus property 7 days a week, 24 hours a day. The log is available during business hours in the Facilities Department, G-59 in the basement of Wilderman Hall, 310 Moore St. The log identifies the type, location, and time of each criminal incident reported to Campus Security.

The most current 60 days of information is available at Campus Security. Upon request, copies of any *Daily Crime Logs* older than 60 days will be made available within two business days of a request.

Registered Sex Offenders

Under 42 U.S.C. 16921, States provide a registry of known sex offenders and sexual predators. This data may be obtained clicking on the following link <http://www.meganslaw.ca.gov/>

ALCOHOL AND OTHER DRUGS POLICY

TUC's alcohol and drug policy provides students and employees with 1: standards of conduct regarding the unlawful possession, use, or distribution of alcohol, controlled substances and marijuana; 2. legal sanctions under local, state, federal law as well as university sanctions; and 3. information regarding health risks and treatment services for substance abuse Every two years, a committee of faculty, staff, and students review this policy to ensure its currency. More information can be found in the [Controlled Substance Policy \(Appendix C\)](#).

Touro University California prohibits the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in the workplace, on university property, or as part of any university activity. Similarly, the university prohibits the unlawful sale, manufacture, possession, distribution or use of controlled substances on the university's campuses. The policy reinforces TUC's commitment to enforce the underage drinking laws of the State of California as well as Federal and State alcohol laws. The illegal use or abuse of drugs and/or alcohol that could impair a student or employee's ability to perform academically or in the workplace, or disrupts others in the performance of their work or academic endeavors is strictly prohibited.

In order to enforce this policy, the university reserves the right to conduct searches of university property, student, or employees and/or their personal property, and to implement other measures necessary to deter and detect abuse of administrative expectations. To this end, Touro University has developed the following drug screening policy for students.

TUC Students enrolled in the Osteopathic Medicine, Pharmacy, PA/MPH and Nursing programs must meet a variety of institutional and third party standards in order to participate in their clinical rotations. TUC establishes the academic standards and experiential educational standards for all educational experiences, such as for clinical rotations. Clinical rotation standards and policies are stated in full detail in each program's student handbook. However, since the clinical rotation experience is common to several academic programs, the university drug screening procedures apply to all academic programs requiring clinical rotations. More information can be found in the [Controlled Substance Policy \(Appendix C\)](#) in this report.

Students convicted of any criminal drug violation are required to notify the university within five days of the conviction. The university may then report this conviction to the appropriate agencies or entities.

Any student or employee who is using prescription or over the counter drugs that may impair their ability to safely perform their academic or professional duties, or affect the safety or well-being of others, must notify the Director of the Student Health Center (for students) or the Compliance Officer (for employees). Any student or employee who violates this policy will be subject to disciplinary action, up to and including dismissal from his/her program of study or from his/her position with the university.

The university will encourage and reasonably accommodate students and employees with alcohol or drug dependencies to seek treatment and/or rehabilitation. However, the university is not obligated to retain any student or employee whose academic or professional performance is impaired because of drug or alcohol use, nor is the university obligated to readmit or rehire any person who has participated in treatment and/or rehabilitation if that person's performance remains impaired as a result of dependency. Students who are given the opportunity to seek treatment and/or rehabilitation, but fail to successfully overcome their dependency, will not automatically receive a second opportunity to seek treatment and/or rehabilitation.

Touro University California counseling services works with students to help with the psychological issues (including addiction issues) and refers to community resources as is necessary. For more information, please see Appendix A: TUC Controlled Substance Policy.

Drug and Alcohol Addiction Recovery Resources

- Solano County
 - Comprehensive Mental Health Resources
 - https://www.solanocounty.com/depts/bh/substance_use_disorders.asp
 - Alcohol and Drug Abuse Services 707-784-2220
- State of California Department of Alcohol and Drug Programs
- <https://data.chhs.ca.gov/dataset?tags=Certified+Alcohol+and+Drug+Programs>
- Substance Abuse and Mental Health Service Administration Help Line 800-662-4357
- Kaiser Hospital (members only service) 707-651-1000; out-patient 707-645-2700
<http://www.kaiserpermanente.org>

- Community resources: Cope family Services
<http://www.copefamilycenter.org>
- 12 Step Program Group Meetings: Meeting times, locations and directions for the service areas of Benicia, Dixon, Fairfield, Rio Vista, Rockville, Suisun City, Vacaville and Vallejo can be found by using the following link:
http://www.partnershiphp.org/Community/Documents/Solano/Solano_SubstanceUse.pdf
- EAP Services (Health Advocate) 24/7 referral for employees. (1 866-799-2728)

ANNUAL DISCLOSURE OF CRIME STATISTICS

Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f)) requires colleges and universities to disclose information about crime on and around their campuses.

Crime statistics for three years are published in the annual security report by October 1st of each year and submitted annually to the U.S. Department of Education. Because Touro University California does not have on campus housing, the keeping of fire statistics is not required and therefore not reported as a part of our annual report. Crimes are reported in the following seven major categories:

Definitions of Reportable Crimes

Murder/Manslaughter – defined as the willful killing of one human being by another.

Negligent Manslaughter – is defined as the killing of another person through gross negligence.

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 – Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape – Nonforcible sexual intercourse with a person who is under the statutory age of consent.

Robbery – is defined as taking or attempting to take anything of value from the car, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault – is defined as an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

Burglary – is the unlawful entry of a structure to commit a felony or a theft.

Motor Vehicle Theft – is the theft or attempted theft of a motor vehicle.

Arson – any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Violence Against Women Act (VAWA) Offences – which include

- A. **Domestic violence** – is a felony or misdemeanor crime of violence committed by:
 - A current or former spouse or intimate partner of the victim
 - A person with whom the victim shares a child in common
 - A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
 - A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies (under VAWA) or,
 - Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
- B. **Dating violence** – is violence committed by a person:
 - who is or has been in a social relationship or a romantic or intimate nature with the victim; and
 - where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - o the length of the relationship;
 - o the type of relationship; and
 - o the frequency of interaction between the persons involved in the relationship.
- C. **Stalking** – is engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - fear for his or her safety or the safety of others; or
 - suffer substantial emotional distress.

Hate Crimes – includes all of the crimes listed above that manifest evidence that the victim was chosen based on one of the categories of bias listed below, plus the following crimes:

- **Larceny/Theft** – includes, pocket picking, purse snatching, shoplifting, theft from building, theft from motor vehicle, theft of motor vehicle parts or accessories, and all other larceny.
- **Simple Assault** – an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

- **Intimidation** – to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct but without displaying a weapon or subjecting the victim to actual physical attack.
- **Destruction/Damage/Vandalism of Property (except Arson)** – to willfully or maliciously destroy, damage, deface or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Categories of Prejudice:

Race - A preformed negative attitude toward a group of persons who possess common physical characteristics genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind.

Gender - A preformed negative opinion or attitude toward a group of persons because those persons are male or female.

Religion - A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being.

National Origin - involves treating people unfavorably because they are from a particular country or part of the world, because of ethnicity or accent, or because they appear to be of a certain ethnic background (even if they are not). This can involve treating people unfavorably because they are married to (or associated with) a person of a certain national origin or because of their connection with an ethnic organization or group.

Sexual Orientation - A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex.

Gender Identity - refers to a person's gender self-identity, expression and/or appearance, whether or not associated with a person's sex at birth.

Ethnicity/national origin - A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs and traditions.

Disability - A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/ challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

CRIME STATISTICS

TYPE OF OFFENSE	YEAR	ON CAMPUS	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
CRIMINAL HOMICIDE				
MURDER/NON-NEGLIGENT MANSLAUGHTER	2022	0	0	0
	2021	0	0	0
	2020	0	0	0
NEGLIGENT MANSLAUGHTER	2022	0	0	0
	2021	0	0	0
	2020	0	0	0
AGGRAVATED ASSAULT				
	2022	0	0	0
	2021	0	0	0
	2020	0	0	0
FORCIBLE SEX OFFENSES				
FORCIBLE RAPE	2022	0	0	0
	2021	0	0	0
	2020	0	0	0
FORCIBLE FONDLING	2022	0	0	0
	2021	0	0	0
	2020	0	0	0
NON-FORCIBLE SEX OFFENSES				
INCEST	2022	0	0	0
	2021	0	0	0
	2020	0	0	0
STATUTORY RAPE	2022	0	0	0
	2021	0	0	0
	2020	0	0	0
ROBBERY				
	2022	0	0	0
	2021	1	0	0
	2020	0	0	0
BURGLARY				
FORCIBLE BURGLARY	2022	0	7	0
	2021	1	1	0
	2020	0	0	0
NON-FORCIBLE BURGLARY	2022	0	0	0
	2021	1	0	0
	2020	0	0	0
VAWA Offense				
DOMESTIC VIOLENCE	2022	0	1	0
	2021	0	0	0
	2020	0	0	0
STALKING	2022	0	0	0
	2021	0	0	0
	2020	0	0	0
DATNG VIOLENCE	2022	0	0	0
	2021	0	0	0
	2020	0	0	0
MOTOR VEHICLE THEFT				
	2022	0	0	0
	2021	0	0	0
	2020	0	0	0
ARSON				
	2022	0	0	0
	2021	0	0	0
	2020	0	0	0
ARRESTS				

DRUG LAW ARRESTS	2022	0	0	0
	2021	0	0	0
	2020	0	0	0
ILLEGAL WEAPONS POSSESSION ARRESTS	2022	0	0	0
	2021	0	0	0
	2020	0	0	0
LIQUOR LAW ARRESTS	2022	0	0	0
	2021	0	0	0
	2020	0	0	0
DISCIPLINARY REFERRALS				
DRUG LAW VIOLATIONS	2022	0	0	0
	2021	0	0	0
	2020	0	0	0
ILLEGAL WEAPONS POSSESSION VIOLATIONS	2022	0	0	0
	2021	0	0	0
	2020	0	0	0
LIQUOR LAW VIOLATIONS	2022	0	0	0
	2021	0	0	0
	2020	0	0	0

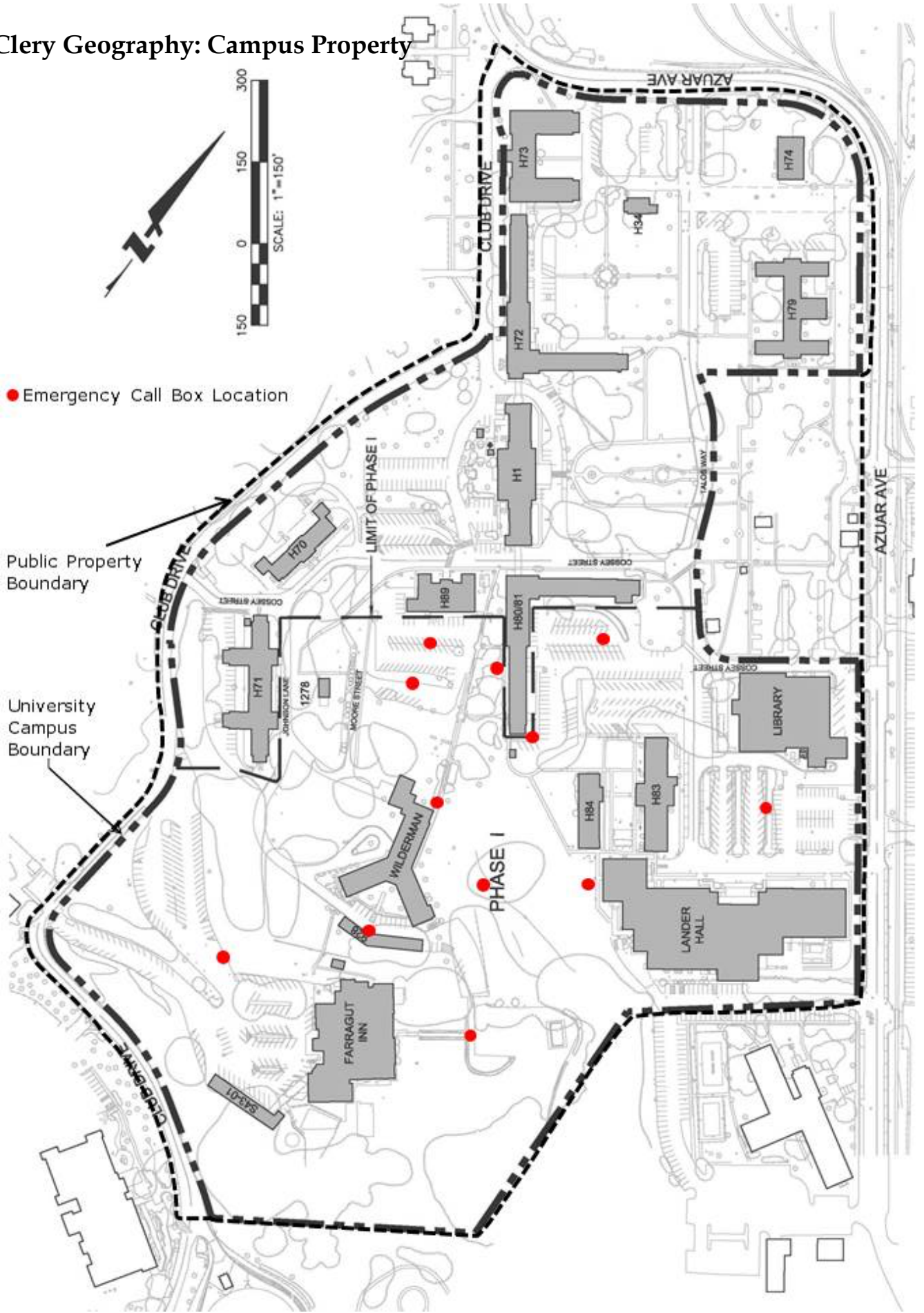
***Non Campus Property includes**

545 Magazine St, Vallejo, CA 94590
690 Walnut Ave., Vallejo, CA 94592
1805 California St., Stockton, CA 94202
3132 W March Ln., Stockton, CA 95219

****DENOTES STATS NOT REQUIRED BY LAW**

There were no Hate Crimes reported in 2019, 2020, 2021 or 2022 (Hate Crimes include the above and Larceny, Theft, Simple Assault, Intimidation and Destruction/damage/vandalism of property)

Clery Geography: Campus Property



● Emergency Call Box Location

Public Property Boundary

University Campus Boundary

LIMIT OF PHASE I

PHASE I

FARRAGUT INN

WILDERMAN

LIBRARY

LANDER HALL

H84

H83

H80/81

H89

H71

H70

H72

H73

H74

H79

AZUAR AVE

CLUB DRIVE

CLUB DRIVE

JANIS BRAD

LO-ERS

1278

JOHNSON LANE

MOORE STREET

COSSEY STREET

COSSEY STREET

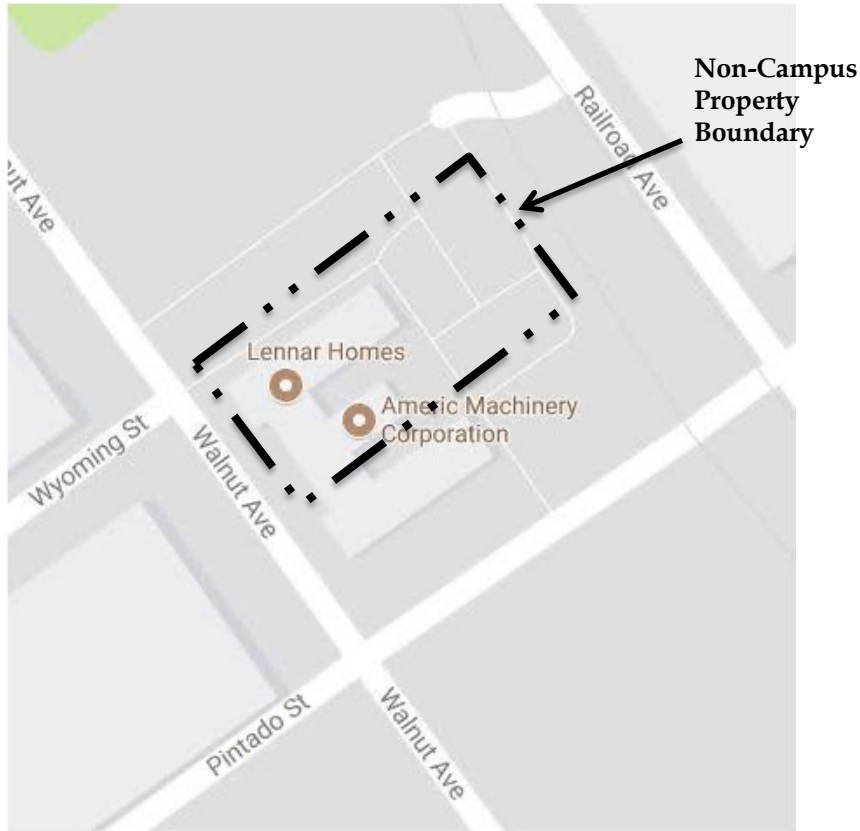
TALSOS WAY

AZUAR AVE

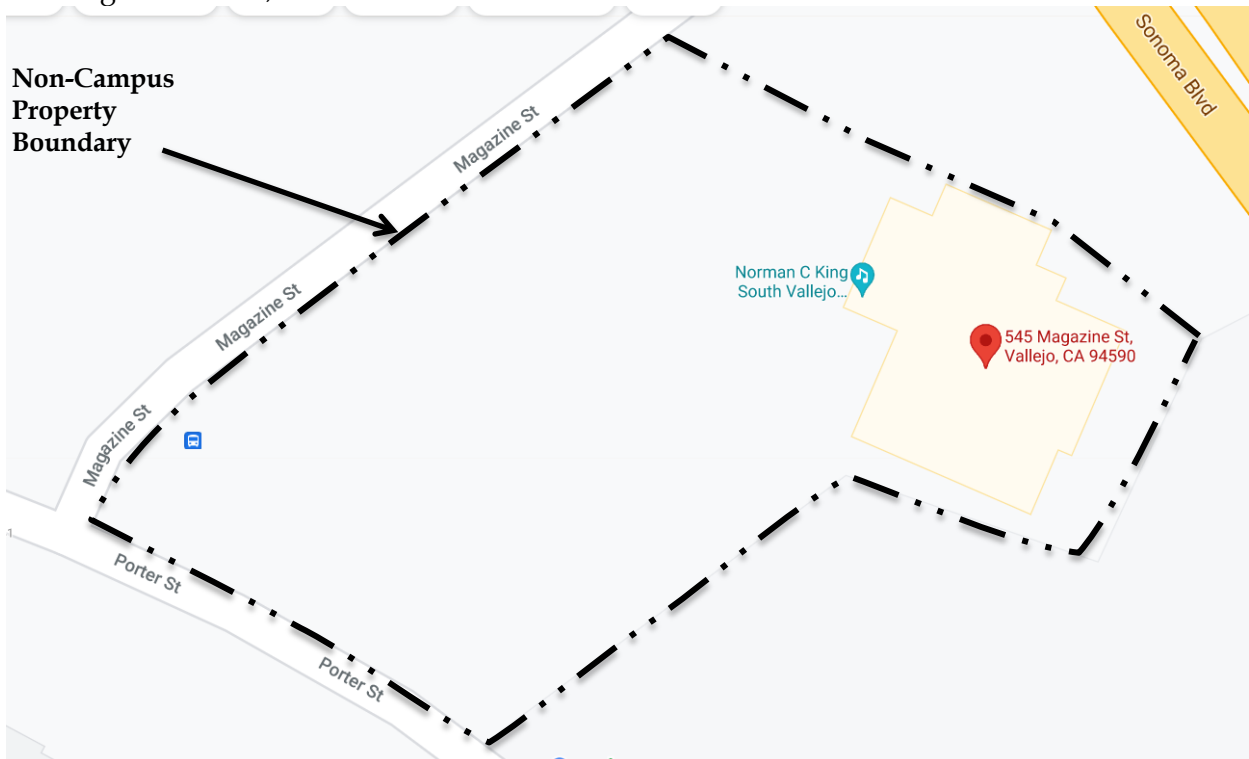


Non-Campus Property

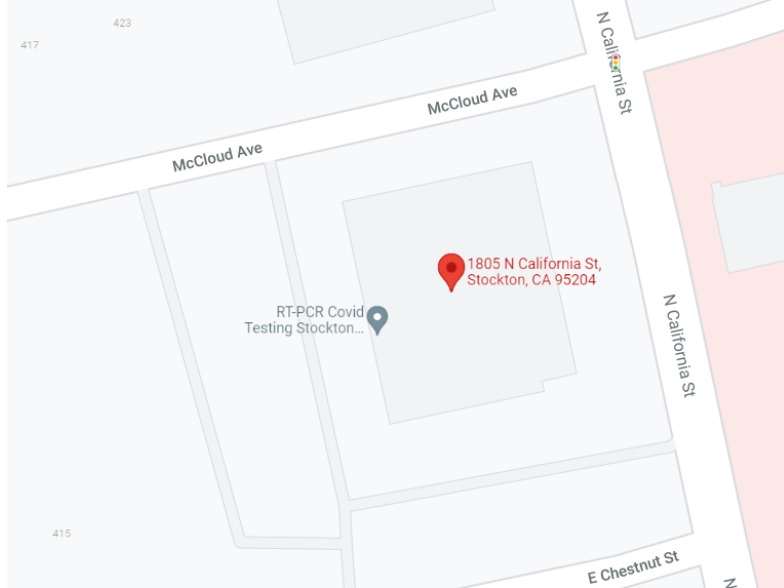
690 Walnut Avenue, Student Affairs, Human Resources, Finance, University Compliance



545 Magazine Street, Student Run Free Clinic



1805 N. California St, Stockton, Touro University Medical Group (TUMG)



3132 W March Lane, Stockton, CA



Important Emergency Phone Numbers and Other Contact Information

Emergency Services

Vallejo Police/Fire/Ambulance

EMERGENCY911, dial 9911 from any campus phone
.....(707) 552-3285

Note: dialing 911 from your cell phone will contact the California Highway Patrol

Non-emergency(707) 648-4321

General information(707) 648-4321

Campus Security

EMERGENCY(707) 638-5804

Non-emergency 24-hour on-call services(707) 551-6034 pager

Facilities Operations and Management (707) 638-5800

Business hoursM-Th 8:00AM – 5PM;

..... F 8:00 AM – 3:00 PM

After hours, weekends, holidays(707) 551-6034

Health Resources

Student Health Center

Non-emergency(707) 638-5220

Touro University 24 hour Mental Health Hotline.....(707) 638-5292, option 3

Local Hospitals

Sutter Solano Medical Center(707) 554-4444
300 Hospital Drive, Vallejo, CA 94589

Kaiser Permanente(707) 651-1000
975 Sereno Drive, Vallejo CA 94589
Sexual Assault Response Team available

NorthBay Medical Center(707) 646-5000
1200 B. Gale Wilson Blvd., Fairfield, CA 94533
Sexual Assault Response Team available

Local Urgent Care Facilities

La Clinica North Vallejo.....(707) 641-1900
220 Hospital Drive, Vallejo, CA 94589-2517

La Clinica Vallejo.....(707) 556-8100
243 Georgia Street, Suite B, Vallejo, CA 94590-5905

- For Kaiser Members
- Kaiser Permanente Vallejo Medical Center.....(707) 651-1025
975 Sereno Drive, Vallejo, CA 94589
- Touro Student Counseling.....(707) 638-5292
Student Health Center (Building H89)
- Touro University 24 hour Mental Health Hotline(707) 638-5292, option 3
- Touro University EAP(866) 799-2728
- Campus Rabbi(707) 638-5507
- Solano County Resources
- SafeQuest(866) 4UR-SAFE (487-7233)
Sexual Assault and Domestic Violence advocacy and support
- Community Violence Solutions Rape Crisis Hotline(707) 644-7273
https://www.solanocounty.com/depts/fvp/community_resources.asp
- National Sexual Assault Hot Line1(800) 656-4673
- National Domestic Violence Hotline.....1(800) 799-SAFE (7233)

Additional Resources

- Information Concerning Alcohol and Other Drug Education(707) 638-5822
- Student Conduct and Professionalism(707) 638-5883
- Associate Dean of Student Affairs(707) 638-5883
- Dean of Student Affairs.....(707) 638-5226
- Student Activities(707) 638-5254
- Graduate/Professional School Deans:
- College of Osteopathic Medicine.....(707) 638-5982
- College of Pharmacy.....(707) 638-5221
- College of Education and Health Sciences(707) 638-5429
- Faculty/Employee Assistance Program (EAP)(866) 799-2728
Or, www.HealthAdvocate.com/touro
- Title IX Officer(707) 638-5806
- Campus Compliance(707) 638-5459
- Compliance Hotline(646) 565-6000x55330

Appendix A: TUC SEXUAL MISCONDUCT POLICY

1.0 POLICY

The Touro University California (“TUC”) pledges its efforts to ensure an environment in which the dignity and worth of all members of the community are respected. It is the policy of TUC that sexual intimidation of students and employees is unacceptable behavior and will not be tolerated. TUC will not tolerate unwelcome sexual advances, requests for sexual favors, and any other verbal or physical conduct of a sexual nature constituting sexual harassment or sexual assault (i.e. rape, fondling, incest or statutory rape).

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

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

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

2.0 PURPOSE

All divisions of TUC seek to foster a collegial atmosphere where students are nurtured and educated through close faculty-student relationships, student camaraderie, and individualized attention. Discrimination or harassment of any kind, including sexual assault (i.e. rape, fondling, incest or statutory rape), domestic violence, dating violence, and stalking, is anathema to TUC’s mission, history, and identity. TUC will resolve any identified discrimination, harassment, or sexual assault in a timely and effective manner, and will ensure that it does not recur. Those believing that they have been harassed or discriminated against on the basis of their sex, including sexual harassment, should immediately contact the Title IX coordinator. When Touro has notice of the occurrence, Touro is compelled to take immediate and effective corrective action reasonably calculated to stop the harassment, prevent its recurrence, and as appropriate, remedy its effects.

Compliance with TUC’s policies and procedures is a necessary step in achieving a safe environment in our educational community. The policies set forth were developed to promote a safe educational environment in compliance with Title IX and Title VII of the

Civil Rights Act of 1964, the Violence Against Woman Act (VAWA), California State Law, and a high-quality campus life. Those believing that they have been harassed or discriminated against on the basis of their sex, including sexual harassment, should immediately contact the Office of Institutional Compliance. When TUC has notice of the occurrence, TUC is compelled to take immediate and effective corrective action reasonably calculated to stop the harassment, prevent its recurrence, and as appropriate, remedy its effects.

3.0 SCOPE

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

4.0 DEFINITIONS

Discrimination and Harassment

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

Retaliation

Retaliation is any kind of reprisal, adverse action, or negative action taken against an individual because he or she has: (1) complained about alleged discrimination or harassment as defined above, (2) participated as a party or witness in an investigation relating to such allegations, or (3) participated as a party or witness in a proceeding regarding such allegations. Retaliation can occur contemporaneously during the complaint process or subsequent to it, once the retaliator is aware of the recipient's participation in the process. Retaliation does not exist in the absence of an adverse action. An individual is protected from retaliation even when the complaint at issue is ultimately found to lack merit, as long as the complaint was made in good faith.

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

Accused

Accused means a person accused of a violation who has not yet entered an institution's judicial or conduct process.

Advisor

Any individual who provides the reporting party or accused support, guidance, or advice.

Awareness Programs

Awareness program means community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

Code of Conduct

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

Confidentiality

Confidentiality may be offered by an individual who is not required by law to report known incidents of sexual assault or other crimes to institution officials, in a manner consistent with state and federal law, including but not limited to 20 U.S.C. 1092(f) and 20 U.S.C. 1681(a). Licensed mental health counselors, medical providers and pastoral counselors are examples of institution employees who may offer confidentiality.

- o TUC has independent obligations to report or investigate potential misconduct, even if a reporting party does not wish to initiate an official process. Therefore, absolute confidentiality cannot be promised with respect to a complaint of discrimination, harassment, sexual harassment, or retaliation received either through TUC's compliance hotline or otherwise.
The phone number for the TUC hotline is 646-565-6000 x55330.
- o TUC wishes, however, to create an environment in which legitimate complaints are encouraged, while also protecting the privacy of all involved in an investigation. Complaints about violations of these policies will therefore be handled in strict confidence, with facts made available only to those who need to know in order for TUC to promptly and thoroughly investigate and resolve the matter.

Institution

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

Ongoing Prevention and Awareness Campaigns

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

Primary Prevention Programs

- o Primary prevention programs means programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

Privacy

- o Privacy may be offered by an individual when such individual is unable to offer confidentiality under the law but shall still not disclose information learned from a reporting individual or bystander to a crime or incident more than necessary to

comply with this and other applicable laws, including informing appropriate institution officials. Institutions may substitute another relevant term having the same meaning, as appropriate to the policies of the institution.

Reporting Individual

- o Reporting individual encompasses the terms victim, survivor, complainant, claimant, witness with victim status, and any other term used by an institution to reference an individual who brings forth a report of a violation.

Respondent

- o Respondent means a person accused of a violation who has entered an institution's judicial or conduct process.

Risk Reduction

- o Risk reduction means options designed to decrease perpetration and bystander inaction and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

Bystander

- o Bystander means a person who observes a crime, impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of rules of an institution.

Campus

- o 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
- o Any building 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).

Campus Security

- o A campus police department or a campus security department of an institution.
- o Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department under paragraph (1) of this definition, such as an individual who is responsible for monitoring entrance into institutional property.
- o Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- o An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. If such an official is a pastoral or professional counselor as defined below, the official is not considered a campus security authority when acting as a pastoral or professional counselor.

Consent (with regard to sexual activity)

- o Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent.

- o The definition of consent does not vary based upon a participant’s sex, sexual orientation, gender identity, or gender expression.
 - Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
 - Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
 - Consent may be initially given but withdrawn at any time.
 - Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
 - Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
 - When consent is withdrawn or can no longer be given, sexual activity must stop.

Dating Violence

- o Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- o The existence of a social relationship is based on the “reporting party’s statement” with consideration of
 - the length of the relationship,
 - the type of relationship, and
 - the frequency of the interaction between the persons involved.
- o Dating violence includes, but is not limited to, sexual or physical abuse or the threat of abuse, and does not include acts covered by the definition of domestic violence.

Discrimination and Harassment

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

Domestic Violence

- o Domestic violence is a felony or misdemeanor crime of violence committed by any of the following individuals:
 - A current or former spouse or intimate partner of the victim; or
 - A person with whom the victim shares a child in common; or
 - A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; or
 - A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or

- Any other person against an adult or youth victim who is protected under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Pastoral counselor

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

Professional counselor

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

Proceeding

- o 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.
- o Does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

Result

- o Any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution.
- o The result must include any sanctions imposed by the institution and the rationale for the result and the sanctions.

Sexual Activity

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

Sexual Harassment

- o Sexual Harassment is, unwelcome, gender-based verbal, written, online, and/or physical conduct. Anyone experiencing sexual harassment in any university program is encouraged to report it immediately to the university's Title IX Coordinator, Human Resources, the Dean of Student Affairs or, any responsible university employee.
- o Sexual harassment creates a hostile environment, and may be disciplined when it is sufficiently severe, persistent/pervasive and objectively offensive that it, has the effect of unreasonably interfering with, denying or limiting employment opportunities or the ability to participate in or benefit from the university's educational, social and/or residential programs (currently the university has no residential facilities), and is based on power differentials (quid pro quo), produces the effect of a hostile environment or retaliation.

Non-Consensual Sexual Contact

- o Non-Consensual Sexual Contact is any intentional sexual touching, however slight, with any object, by a person upon another person, that is without consent and/or by force.
- o Sexual touching includes any bodily contact with the breasts, groin, genitals, mouth or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

Non-Consensual Sexual Intercourse

- o Non-consensual sexual intercourse is any sexual intercourse (anal, oral or vaginal), however slight, with any object, by a person upon another person, that is without consent and/or by force.
- o Sexual penetration includes vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation by mouth to genital contact or genital to mouth contact.

Dating Violence

- o Dating violence is violence committed by a person: who is or has been in a social relationship or a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors; the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.

Sexual Exploitation

- o Sexual exploitation refers to a situation in which a person takes non-consensual or abusive sexual advantage of another, and situations in which the conduct does not fall within the definitions of Sexual Harassment, Non-Consensual Sexual Intercourse or Non-Consensual Sexual Contact.

Examples of sexual exploitation include, but are not limited to:

- Sexual voyeurism (such as watching a person undressing, using the bathroom or engaged in sexual acts without the consent of the person observed)
 - Taking pictures or video or audio recording another in a sexual act, or in any other private activity without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent)
 - Prostitution
 - Sexual exploitation also includes engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) and without informing the other person of the infection, and further includes administering alcohol or drugs (such as "date rape" drugs) to another person without his or her knowledge or consent.
- o Consent Defined
 - Consent is knowing, voluntary and clear permission by word or action, to engage in mutually agreed upon sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity.
 - For consent to be valid there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. A person cannot consent if he or she is unable to understand what is happening or is disoriented, helpless, asleep or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has violated this policy. It is not an excuse that the individual responding party of sexual

misconduct was intoxicated due to alcohol and/or drugs and therefore, did not realize the incapacity of the other. Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction).

- This policy also covers a person whose incapacity results from mental disability, involuntary physical restraint and/or from the taking of incapacitating drugs. Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous dating relationship is not sufficient to constitute consent.
- The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced. Silence or the absence of resistance alone is not consent. A person can withdraw consent at any time during sexual activity by expressing in words or actions that he or she no longer wants the act to continue, and, if that happens, the other person must stop immediately.
- In the State of California, a minor (meaning a person 17 years of age or younger) cannot consent to sexual activity. This means that sexual contact by an adult with a person 17-year-old or younger may be a crime, as well as a violation of this policy, even if the minor wanted to engage in the act.

o Force Defined

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

- Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where why or how” of their sexual interaction).
- This policy also covers a person whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of rape drugs. Possession, use and/or distribution of any of these substances, including Rohypnol, Ketamine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another student is a violation of this policy. More information on these drugs can be found at <http://www.911rape.org/>
- Use of alcohol or other drugs will never function as a defense to a violation of this policy.
- The sexual orientation and/or gender identity of individuals engaging in sexual activity is not relevant to allegations under this policy.
- For reference to the pertinent state statutes on sex offenses, please see http://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.

Sexual Misconduct

Sexual misconduct is unwelcome sexual advances, requests for sexual favors, and, other visual, verbal or physical conduct of a sexual nature, when:

- An individual’s submission to or rejection of the conduct is made, either explicitly or implicitly, a term or condition of employment or of status in a course, program, or activity, or is used as a basis for employment or academic decision; or
- The conduct has the purpose or effect of unreasonably interfering with an individual’s work performance, academic performance, or educational experience, or of creating an intimidating, hostile, humiliating, or offensive working, educational, or living environment.

Sexual Offense

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

Sexual Assault

- o Sexual assault is any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent, and including rape, fondling, incest or statutory rape as acted in the FBI’s Uniform Crime Reporting program.

Rape

- o Rape is the perpetuation of an act of sexual intercourse with a person against his or her will and consent, or when such person is incapable of giving consent because of his or her youth or his or her temporary or permanent mental or physical incapacity.
- o Is the penetration of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person without the consent of a person, or when such person is incapable of giving consent.
- o Acquaintance rape is rape that involves people who know or are familiar with each other.

Stalking

- o Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others or suffer substantial emotional distress.

- o A course of conduct is two or more acts, including, but limited to:
 - Acts in which the ‘stalker’ directly, indirectly, or through third parties by any action, method, device, or means,
 - Follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.
- o Substantial emotional distress is a significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- o A reasonable person is one under similar circumstances and with similar identities to the victim.

Jurisdictional Definitions of Domestic Violence, Dating Violence, Sexual Assault and Stalking

- o **Domestic Violence:** Domestic violence is abuse or threats of abuse when the person being abused and the abuser are or have been in an intimate relationship (married or domestic partners, are dating or used to date, live or lived together, or have a child together). It is also when the abused person and the abusive person are closely related by blood or by marriage.
 - o The domestic violence laws say “abuse” is:
 - Physically hurting or trying to hurt someone, intentionally or recklessly;
 - Sexual assault
 - Making someone reasonably afraid that they or someone else are about to be seriously hurt (like threats or promises to harm someone); OR
 - Behavior like harassing, stalking, threatening, or hitting someone; disturbing someone’s peace; or destroying someone’s personal property.
 - For more information and guidance on domestic violence laws, please refer to California Family Code § 6203, California Penal Code § 273.5, and California Penal Code § 243(e)(1).
- o **Assault:** California Penal Code § 240
 - California’s Assault Law (also known as “simple assault”) applies whenever anyone willfully does anything that would result in applying force to another person while having facts that would make a reasonable person realize the act would result in
 - applying force to someone else.
 - to be convicted you have to have the present ability to apply force and you can’t have acted in self-defense or defense of another
 - Simple assault is a misdemeanor crime. Conviction can result in six months in a county jail, a fine up to \$1,000, or both jail time and a crime.
 - Therefore, to be guilty of Assault under California Penal Code § 240, you must:
 - Do something that would result in applying force to a person; AND,
 - Do the act willfully; AND,
 - Be aware of facts that should make you realize your act would result in applying force; AND,
 - Have the present ability to apply force; AND,
 - Possess no legal excuse.
- o **Menacing:** California Penal Code § 422 states that it is a crime to make criminal threats to harm or kill another person. Specifically, this means threats of death or great bodily

injury that are intended to, and that actually do, place victims in reasonable and sustained fear for their safety or that of their families.

- A criminal threat is when you threaten to kill or physically harm someone and that person is thereby placed in a state of reasonably sustained fear for their safety or for the safety of their immediate family, the threat is specific and unequivocal and you communicate the threat verbally, in writing, or via an electronically transmitted device.
 - Criminal threats can be charged whether or not you have the ability to carry out the threat...and even if you don't actually intend to execute the threat.
 - California Penal Code § 422 is a wobbler, which means that prosecutors may file it as either a misdemeanor or a felony. If you are convicted of the misdemeanor, you face up to one year in county jail. If you are convicted of the felony, you face up to four years in the California state prison. Using a dangerous or deadly weapon increases your sentence by one year.
 - And because a criminal threats conviction is a "strike" under California's three-strikes law, you must serve at least 85% of your sentence before you are eligible for release.
- *Strangulation & Related Offense:*
 - A person is guilty of criminal obstruction of breathing or blood circulation when, with intent to impede the normal breathing or circulation of the blood of another person, he or she: applies pressure on the throat or neck of such person; or blocks the nose or mouth of such person.
 - California Penal Code § 273.5: Willful Infliction of Corporal Injury; Violation; Punishment
 - (a) Any person who willfully inflicts corporal injury resulting in a traumatic condition upon a victim described in subdivision (b) is guilty of a felony, and upon conviction there of shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not more than one year, or by a fine of up to six thousand dollars (\$6,000) or by both that fine and imprisonment.
 - *Drug or Alcohol Facilitated Sexual Assault*
 - A person is guilty of facilitating a sex offense with a controlled substance when he or she:
 - knowingly and unlawfully possesses a controlled substance or any preparation, compound, mixture or substance that requires a prescription to obtain and administers such substance or preparation, compound, mixture or substance that requires a prescription to obtain to another person without such person's consent and with intent to commit against such person conduct constituting a felony defined in this article; and
 - commits or attempts to commit such conduct constituting a felony defined in this article.
 - Sexual assault is never the survivor's fault, even if they were drinking or using drugs. Regardless of whether or not the survivor was engaged in illegal activity, the law

enforcement officer will only investigate the crime being reported. (California Penal Code § 13823.11)

- o **Dating Violence:** The State of California does not have a definition of dating violence. See above for definitions pertaining to dating violence.
- o **Sexual Assault:** Sexual assault is defined as any type of sexual contact or behavior that occurs without the explicit consent of a recipient. Included under the term sexual assault are the following: forced sexual intercourse, forcible sodomy, child molestation, incest, fondling, and attempted rape.

The State of California defines sexual assault as follows: The following definitions are applicable to this article:

1. "Sexual intercourse" has its ordinary meaning and occurs upon any penetration, however slight.
2.
 - a. "Oral sexual conduct" means conduct between persons consisting of contact between the mouth and the penis, the mouth and the anus, or the mouth and the vulva or vagina.
 - b. "Anal sexual conduct" means conduct between persons consisting of contact between the penis and anus.
3. "Sexual contact" means any touching of the sexual or other intimate parts of a person for the purpose of gratifying sexual desire of either party. It includes the touching of the actor by the victim, as well as the touching of the victim by the actor, whether directly or through clothing, as well as the emission of ejaculate by the actor or upon any part of the victim, clothed or unclothed.
4. For the purposes of this article, "married" means the existence of the relationship between the actor and the victim as spouses which is recognized by law at the time the actor commits an offense proscribed by this article against the victim.
5. "Mentally disabled" means that a person suffers from a mental disease or defect which renders him or her incapable of appraising the nature of his or her conduct.
6. "Mentally incapacitated" means that a person is rendered temporarily incapable of appraising or controlling his conduct owing to the influence of a narcotic or intoxicating substance administered to him without his consent, or to any other act committed upon him without his consent.
7. "Physically helpless" means that a person is unconscious or for any other reason is physically unable to communicate unwillingness to an act.
8. "Forcible compulsion" means to compel by either: use of physical force; or a threat, express or implied, which places a person in fear of immediate death or physical injury to himself, herself another person, or in fear that he, she or another person will immediately be kidnapped.
9. "Foreign object" means any instrument or article which, when inserted in the vagina, urethra, penis, rectum or anus, is capable of causing physical injury.
10. "Sexual conduct" means sexual intercourse, oral sexual conduct, anal sexual conduct, aggravated sexual contact, or sexual contact.
11. "Aggravated sexual contact" means inserting, other than for a valid medical purpose, a foreign object in the vagina, urethra, penis, rectum or anus of a child, thereby causing physical injury to such child.
12. "Health care provider" means any person who is, or is required to be, licensed or registered or holds himself or herself out to be licensed or registered, or provides services as if he or she were licensed or registered in the profession of medicine, chiropractic, dentistry or podiatry under any of the following:

article one hundred thirty-one, one hundred thirty-two, one hundred thirty-three, or one hundred forty-one of the education law.

13. "Mental health care provider" shall mean a licensed physician, licensed psychologist, registered professional nurse, licensed clinical social worker or a licensed master social worker under the supervision of a physician, psychologist or licensed clinical social worker.

- o **Stalking:** The State of California defines stalking as follows: any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family.
- o California's Stalking law makes it illegal to follow, or harass, and threaten another person. In order to violate the statute, the threat must put the alleged victim in reasonable fear for his or her safety.
- o If you're convicted of the Felony form of Stalking, you face up to three years in state prison, a fine of up to \$10,000, or both a fine and imprisonment. Note that Stalking is punishable under California's "Three Strikes" penalty system. Amassing three "strikes" will result in at least twenty-five years in state prison. Under California Penal Code §646.9(a), the prosecution must prove beyond a reasonable doubt:
 - **Harassed/Followed:** You willfully and maliciously harassed or willfully, maliciously, and repeatedly followed another person; and,
 - **Credible Threat/Intent/Fear:** You made a credible threat with the intent of placing the person in reasonable fear for his or her safety or for the safety of his or her immediate family.
- o Note: "A person is not guilty of stalking if his or her conduct is constitutionally protected activity."

Preponderance of the Evidence

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

Retaliation

- o Retaliation is any kind of reprisal, adverse action, or negative action taken against an individual because he or she has:
 - complained about alleged discrimination or harassment as defined above,
 - opposed alleged discrimination or harassment as defined above,
 - participated as a party or witness in an investigation relating to such allegations, or participated as a party or witness in a proceeding regarding such allegations.Retaliation can occur contemporaneously during the complaint process or subsequent to it, once the retaliator is aware of the recipient's participation in the process.
- o Retaliation does not exist in the absence of an adverse action. An individual is protected from retaliation even when the complaint at issue is ultimately found to lack merit, as long as the complaint was made in good faith.
- o TUC does not allow, nor tolerate any conduct by any TUC community member that may be regarded as retaliatory. Retaliation against any individual, whether said person submitted a complaint through the method described below, or for any other reason will not be tolerated.
- o California State legislation requires that every institution ensures that at the first instance of disclosure by a reporting individual to an institution representative, the following information be presented, you have the right to make a report to university police or campus security, local law enforcement, and/or state police or choose not to report; to report the incident to your institution; to be protected by the institution

from retaliation for reporting that incident; and to receive assistance and resources from you institution.

Touro University California:
Compliance Officer
690 Walnut Avenue, Ste. 210
Vallejo, CA, 94592
Phone: (707) 638-5459
Email: compliance@touro.edu

Unlawful employment practices under Title VII:

It shall be an unlawful employment practice for an employer--

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

5.0 PROCEDURES

Duty to Report Violations

Any member of the TUC community including students, faculty, employees, and third parties have a duty to report violations of this policy where individuals know, or should know, of accusations or actions which violate TUC Policy and will notify a TUC Compliance Officer of such violations promptly.

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

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

Duty to Cooperate and Facilitate

All members of TUC are required to cooperate fully with any investigations of harassment. A faculty member, staff member, or student who has relevant information and refuses to cooperate with an ongoing investigation will be subject to disciplinary action for, among

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

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

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

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

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

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

The accused will receive notice of the complaint, although the accused will be considered innocent until proven guilty of a violation. While prompt reporting is expected, complaints older than 30 days will be processed. However, if more than 365 days have elapsed since the day of the complaint, the complaint may not be processed.

Every effort is made to conduct a thorough and speedy investigation. Several factors may impact TUC's ability to conduct a prompt investigation, including, but not limited to: the Complainant's

accessibility or unresponsiveness, witness availability or unresponsiveness, the number of witnesses, the timing of the investigation (i.e. if an investigation is being conducted at a time when students are taking final exams or on recess), etc. The process allows for extension with good cause shown. The burden to develop facts surrounding the investigation and/or prove that an incident lacked consent is on the institution, not the reporting individual. A reporting individual may withdraw a complaint or report from the institution at any time. Such individual will not be penalized for withdrawing such complaint. Please note that the institution may, consistent with other provisions of this law as well as federal law, still have obligations to investigate and/or take actions even if the complaint has been withdrawn.

Availability of Counseling

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

Accommodations and Protective Measures Available for Victims

Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, TUC will provide written notification to the students and employees involved about accommodations available to them, including academic, living, transportation and working situations. The written notification will include information regarding the accommodation options, available assistance in requesting accommodations, and how to request accommodations and protective measures (i.e., the notification will include the name and contact information for the individual or office that should be contacted to request the accommodations).

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

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

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

Notice and Timely Access and Preservation of Evidence

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

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

Intake Interview

After receipt of a complaint, the Compliance Officer or their designee will meet with the complainant as soon as possible, usually within one week, but not later than thirty (30) days after receipt. The complainant must make himself/herself available to meet.

The meeting will be an intake interview where the Compliance Officer or their designee will inform the complainant about the investigation procedure and timeline. The complainant will have an opportunity to provide or present evidence and witnesses on their behalf. The complainant may sign a formal complaint form at that time (under the above guidelines) if he/she has not already done so. A complaint will proceed even in the absence of a signed written complaint.

Complaints about Students, Faculty, Other Employees or Third Parties

TUC's disciplinary process includes a prompt, fair, and impartial investigation and resolution process from the initial investigation to the final result. Upon receipt of a complaint, the Compliance Officer or their designee shall investigate the circumstances of the complaint. This investigation will include documented interviews of the complainant, the person against whom the complaint is written, and witnesses with relevant knowledge, if any. Further, the investigation will include a review of relevant documents and any other evidence. TUC will use the preponderance of the evidence standard in the investigation and disciplinary action, as VAWA requires.

Investigation of Complaints

The Compliance Officer or their designee shall have thirty (30) days from the intake interview to complete the investigation of the event in question. Usually, the resolution of domestic violence, dating violence, sexual assault and stalking complaints are completed within 60 days of the report. However, each proceeding allows for extensions of timeframes for good cause with written notice to the accuser and the accused of the delay and the reason for the delay. TUC officials involved in the investigation or adjudication of domestic violence, dating violence, sexual assault and stalking complaints are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking as well as how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability. Such thirty (30) days may be extended in the event that one of the following occurs:

- Availability or unavailability of a witness or relevant/material documents;
- Reluctance of a witness and/or any necessary party;
- Delay or other uncooperative actions of any necessary party;

- Numerosity of witnesses;
- Holidays and vacation periods;
- Any other unforeseeable events/circumstances.

Both the complainant and respondent will have the same opportunities to have others present during any disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. TUC will not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding, but TUC may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.

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

Generally speaking an investigation will take approximately 60 calendar days following receipt of the complaint. This may not be practicable in every investigation and may vary depending on

the complexity of the investigation and the severity and extent of the harassment. The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the accuser or the accused.

Notice of Determination and Further Action

The Compliance Officer or their designee shall report the findings of the investigation to a designated, impartial Fact Finder. The Fact Finder shall endeavor to issue a determination within fifteen days after receipt of the investigation file to determine and detail: (a) whether there is probable cause to believe discrimination occurred with respect to each allegation in the complaint, (b) a description of actions taken, if any, to prevent similar problems from occurring in the future, and (c) the proposed resolution of the complaint. Both parties will be informed of the outcome reached and sanctions imposed as a result of such investigation and determination.

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

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

Notification to Victims of Crimes of Violence

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

Appeals

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

Both the complainant and the respondent are eligible to file an appeal to the determination based on (1) a procedural error occurred, (2) new information exists that would substantially change the outcome of the finding, or (3) the sanction is disproportionate with the violation.

The request for an appeal, including the grounds upon which the request is based, should be submitted in writing to the Office of Institutional Compliance within seven (7) business days following the date on the outcome letter. The Appeal should state the remedy sought by the appealing party. Each party may respond in writing to any appeal submitted by the other party. Written responses to the other party's appeal must be submitted within three (3) business days following delivery of the notice of the written appeal. Written requests for appeal submitted by one party will be shared with the other party.

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

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

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

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

6.0 SANCTIONS FOR VIOLATIONS

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

- **Warning:** A written reprimand putting the student on notice that he/she has violated the Code of Conduct. A copy of this warning is placed in the student's folder.

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

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

- **Censure:** A written reprimand, outlining the violation(s) of TUC policies, may be placed in the personnel file of individual violators.
- **Probation:** Faculty and/or staff may be placed on probation for a definite period of time up to a maximum of one year. In such instances, individuals may be required to enroll in a therapeutic counseling or treatment program.
- **Suspension:** Faculty and/or staff may be suspended from employment without pay for a period of time ranging from seven days to a maximum of one year.
- **Termination of Employment:** Faculty and/or staff may be dismissed from employment upon written notice by Human Resources or the Provost/interim CAO & interim CEO.
- **Legal Action:** Faculty and/or staff may be turned over to law enforcement authorities for criminal prosecution and legal action.

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

University-Initiated Protective Measures

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

When the accused or respondent is a student, to have the institution issue a "no contact order" consistent with institution policies and procedures, whereby continued intentional contact with the reporting individual would be a violation of institution policy subject to additional conduct charges; if the accused or respondent and a reporting individual observe each other in a public place, it shall be the responsibility of the accused or respondent to leave the area immediately and without directly contacting the reporting individual. Both the accused or respondent and the reporting individual shall, upon request and consistent with institution policies and procedures, be

afforded a prompt review, reasonable under the circumstances, of the need for and terms of a no contact order, including potential modification, and shall be allowed to submit evidence in support of his or her request. Institutions may establish an appropriate schedule for the accused and respondents to access applicable institution buildings and property at a time when such buildings and property are not being accessed by the reporting individual.

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

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

- To receive a copy of the order of protection or equivalent when received by an institution and have an opportunity to meet or speak with an institution representative, or other appropriate individual, who can explain the order and answer questions about it, including information from the order about the accused's responsibility to stay away from the protected person or persons;
- When the accused is not a student but is a member of the institution's community and presents a continuing threat to the health and safety of the community, to subject the accused to interim measures in accordance with applicable collective bargaining agreements, employee handbooks, and rules and policies of the institution.

Policy for Transcript Notations

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

7.0 CONFIDENTIALITY

TUC has independent obligations to report or investigate potential misconduct, even if a complainant does not wish to initiate an official process. Therefore, absolute confidentiality cannot be promised with respect to a complaint of discrimination, harassment, sexual harassment, sexual assault (i.e. rape, fondling, incest or statutory rape) or retaliation received either through Touro's compliance hotline or otherwise. The phone number for the TUC hotline is 646-565-6000 x55330.

TUC wishes, however, to create an environment in which legitimate complaints are encouraged, while also protecting the privacy of all involved in an investigation. Complaints about violations of these policies will therefore be handled in strict confidence, with facts made available only to those who need to know in order for TUC to promptly and thoroughly investigate and resolve the matter. TUC employees will explain to the reporting individual whether he or she is authorized to offer the reporting individual privacy. Even TUC offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary for the Compliance Officer to investigate and/or seek a resolution.

Reporting individuals may request confidentiality and choose not to consent to an investigation by Touro, and the Compliance Officer must weigh the request against the institution's obligation to provide a safe, non-discriminatory environment for all members of its community. If TUC determines that an investigation is required, it must notify the reporting individuals and take immediate action as necessary to protect and assist them. TUC should seek consent from reporting individuals prior to investigating, and declining consent will be honored unless TUC determines in good faith that failure to investigate does not adequately mitigate a potential risk of harm to members of the community. If an individual discloses information through a public awareness event, TUC is not obligated to begin an investigation based on such information.

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

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

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

By only sharing personally identifiable information with individuals on a need-to-know basis, without the inclusion of identifying information about the victim (to the extent possible), the institution will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of TUC to provide the accommodations or protective measures.

8.0 RETALIATION

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

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

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

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

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

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

Reporting individuals or bystanders who report an incident of sexual assault in good faith will receive amnesty for drug and alcohol use. The following is Touro's Alcohol and/or Drug Amnesty Policy:

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

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

9.0 ASSISTANCE FOR VICTIMS: RIGHTS & OPTIONS

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

- the survivor's right to report or not report the alleged incident to the higher education institution, law enforcement, or both, including information about the survivor's right to privacy and which reporting methods are confidential;
- the contact information for the higher education institution's Office of Institutional Compliance coordinator or coordinators, confidential advisors, a community-based sexual assault crisis center, campus law enforcement, and local law enforcement;
- the survivor's right to request and receive assistance from campus authorities in notifying law enforcement;
- the survivor's ability to request interim protective measures and accommodations for survivors, including without limitation changes to academic, living, dining, working, and transportation situations, obtaining and enforcing a campus-issued order of protection or no contact order, if such protective measures and accommodations are reasonably available, and an order of protection or no contact order in State court;
- the higher education institution's ability to provide assistance, upon the survivor's request, in accessing and navigating campus and local health and mental health services, counseling, and advocacy services; and a summary of the higher education institution's complaint resolution procedures.
- the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred;
- information about how the institution will protect the confidentiality of victims and other necessary parties;
- an explanation of the procedures for institutional disciplinary action

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

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

TUC may issue an institutional no contact order if deemed appropriate or at the request of the victim or accused. If TUC receives a report that such an institutional no contact order has been violated, TUC will initiate disciplinary proceedings appropriate to the status of the accused (student, employee, etc.) and will impose sanctions if the accused is found responsible for violating the no contact order.

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

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

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

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

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

TUC has procedures in place that serve to be sensitive to victims who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available. TUC will make such accommodations, if the victim requests them and if they are reasonable available, regardless of whether the victim chooses to report the crime to the Campus Security department or local law enforcement. Students and employees should contact the university's Security Department at (707) 638-5804 or the Office of Institutional Compliance at (707) 638-5459.

The following Student Bill of Rights is a summary of many of the procedures listed above in Section 5.

Under this Bill of Rights all students have the right to:

1. Make a report to local law enforcement and/or state police;
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;

3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by the institution;
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
6. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
7. Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from retaliation by the institution, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;
9. Access to at least one level of appeal of a determination;
10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process; and
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution.

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

10.0 VICTIM ASSISTANCE

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

ON CAMPUS

- Emergency Assistance
- Employee on staff is available to work with the TUC community to meet immediateneed.
- Accompaniment
- Security is available to provide support and escort around campus, and in certaininstances to assist the individual in getting home.
- Other available community resources may be provided based on client's individualneeds.

OFF CAMPUS

CALIFORNIA

<https://www.cdcr.ca.gov/victim-services/https://www.calcasa.org/>
(916) 446-2520

<https://lgbtqia.ucdavis.edu/support/hotlines>

(886) 488-7386

NATIONAL

www.womenslaw.org

(707) 784-6844

www.rainn.org

(800) 656-HOPE (4673)

ISRAEL

www.1202.org.il/English/

+972-2- 623 2451

24 HOUR HOTLINES

Alliance Against Family Violence and Sexual Assault, (661) 327-1091

LGBTQ Focused Hotline: (661) 332-1506

DAYONE – Not 24 hours but free legal assistance for teens under 23

RAINN – Rape, Abuse, and Incest National Network: 1-800 656-HOPE

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

11.0 EXTERNAL REPORTING

TUC will conduct a campus climate assessment every other year to ascertain general awareness and knowledge of the provisions of this policy, including student experience with and knowledge of reporting and TUC adjudicatory processes, which shall be developed using standard and commonly recognized research methods. The aggregate results of these campus climate assessments shall be posted on Touro's website with no identifying information about respondents. TUC will also annually submit to the California Department of Education aggregate data and information about reports of domestic violence, dating violence, stalking, and sexual assault. The assessment shall include questions covering, but not be limited to, the following:

- The Title IX Coordinator's role;
- Campus policies and procedures addressing sexual assault;
- How and where to report domestic violence, dating violence, stalking or sexual assault as a victim, survivor or witness;
- The availability of resources on and off campus, such as counseling, health and academic assistance;
- The prevalence of victimization and perpetration of domestic violence, dating violence, stalking, or sexual assault on and off campus during a set time period; Bystander attitudes and behavior;
- Whether reporting individuals disclosed to the institution and/or law enforcement, experiences with reporting and institution processes, and reasons why they did or did not report;
- The general awareness of the difference, if any, between the institution's policies and the penal law; and
- General awareness of the definition of affirmative consent

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

Information discovered or produced as a result of complying with this section shall not be subject to discovery or admitted into evidence in any federal or state court proceeding or considered for other purposes in any action for damages brought by a private party against an

institution, unless, in the discretion of the court, any such information is deemed to be material to the underlying claim or defense.

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

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

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

Attn: Public Inquiry Unit

P.O. Box 944255

Sacramento, CA 94244-2550

United States Equal Employment Opportunity Commission (EEOC)

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

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

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

EEOC

Phone 1-800-669-4000 (1-800-669-6820 (TTY))

Website www.eeoc.gov

Email info@eeoc.gov

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

Contact the Local Police Department

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

12.0 POLICY ON MONITORING CRIMINAL ACTIVITY

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

13.0 PROGRAMS

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

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

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

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

The programs will include discussion of what constitutes these offenses, penalties for these offenses, definition of consent, prevention and awareness programs and ongoing prevention and awareness campaigns, risk reduction for students and faculty, safe and positive options for bystander intervention and security measures to protect against the occurrence of these offenses. TUC will advertise the date, time and content of these educational programs on posters displayed in those areas regularly used by students and employees of Touro.

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

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

- **Protect Your Possessions and Identity**
 - Most property is lost due to people being inattentive. We will instruct them that opportunist will take advantage of an easy grab. Not to leave items lying around, locking up your room, proper techniques to protect your property while walking around. To be aware of your surroundings and whose around you, i.e. ATM usage. We will also discuss Online/telephone scams to protect ones identity. Never giving out ones information to strangers or bogus request from online scams and or telephone solicitation. Offered as follows:
 - Campus Security Lecture
 - DVR for Site Training
 - VPD/SFPD Lecture
 - Online Video (Portal)
 - Operation ID
- **Everyday Safety**
 - We will elaborate that you should be aware of your surroundings and that you could be safer while out enjoying the scenes. We provide tips on safety while in elevators, subway, buses, and in dorms etc. Offered as follows:
 - Campus Security Lecture
 - DVR for Site Training
 - VPD/SFPD Lecture
 - Online Video (Portal)
- **Common-Sense Defense**
 - We may not all be fighters or large individuals, but there are tactics that could be used to allow you to survive a dangerous interaction. These methods will be shown and instructed. We focus on the art of verbal communication. Offered as follows:
 - Campus Security Lecture
 - DVR for Site Training
 - VPD/SFPD Lecture
 - Online Video (Portal)
- **Forming Healthy Relationships**
 - We discuss methods on how to read another's actions and determine if this is a good or bad relationship. We offer tips on healthy relationships and how do deal with an unhealthy relationship. Offered as follows:
 - Campus Security Lecture
 - DVR for Site Training
 - Online Video (Portal)
 - We have the capability of inviting agencies such as RAINN, VPD/SFPD Domestic Violence Officer
- **Dating Violence/Domestic Violence**
 - We discuss warning signs, tips, available agencies to assist our community and reporting of such incidents. Offered as follows:
 - Campus Security Lecture
 - DVR for site training
 - Online Video (Portal)
 - We have the capability of inviting agencies such as RAINN, VPD/SFPD Domestic Violence Officer
 - Controlling Behavior
- **Controlling Behavior**
 - We discuss the signs that a person maybe displaying in a controlling situation.

- We discuss the psychological issues that arise in these relationships and how you can defend yourself or others from this behavior. Offered as follows:
 - Campus Security Lecture
 - DVR for Site Training
 - Online Video (Portal)
 - We have the capability of inviting agencies such as RAINN, VPD/SFPD Domestic Violence Officer
- **Racism, Classism, Religious, and Sexual orientation and Gender Identity (Discrimination)**
 - We discuss discrimination and how it affects us. We will identify the trends that are presently being observed and how to combat them. We will instruct those on how to report incidents involving discriminations occurring here at Touro. Offered as follows:
 - Campus Security Lecture
 - DVR for Site Training
 - VPD/SFPD Lecture
 - Online Video (Portal)
 - Sexual Misconduct/Assault
- **Sexual Misconduct/Assault**
 - We discuss our Policy, Protocol, Procedure and Prevention. We will identify what is Sexual Misconduct/Assault and how to report if an incident should occur. How to attend to those who have been victimized and how these incidents will be investigated. Present what resources there are for those who have been victimized. We also offer tips on how to prevent these incidents and what to do if you become a victim or know someone who is a victim. We discuss buddy system and we encourage our students to contact us if they are in a situation that they can't handle. Offered as follows:
 - Campus Security Lecture
 - DVR for Site Training
 - VPD/SFPD Lecture
 - Online Video (Portal)
 - We have the capability of inviting agencies such as RAINN, VPD/SFPD Domestic Violence Officer
- **Stalking**
 - Familiarize those with what stalking actually is and how it could affect their daily lives. With the Internet and Social Media, those who seek knowledge about others are easily obtained. We will discuss ways of protecting oneself from this intrusion. We also discuss on what to do if you are a victim of Stalking. Offered as follows:
 - Campus Security Lecture
 - DVR for Site Training
 - VPD/SFPD Lecture
 - Online Video (Portal)
- **Bystander Intervention**
 - The goal of Bystander Intervention is to block bad behavior before it goes too far. We will educate our TUC community of their role and how they can prevent this behavior. We offer tips on what they can do to prevent any of the behaviors identified.
 - Tips for a Bystander
 - Be honest and direct talk about the consequences of their actions.
 - Don't let resentment prevent you from stepping in.
 - Don't turn a blind eye.
 - Don't wait for someone else to act.
 - Give the person an out "Call their cell phone, distract the other person.
 - If it doesn't feel safe to say something you can call the police or any other person of authority.

- If the person is your friend, communicate by either asking the person “Are you okay”, “Is he bothering you”.
 - If you are attending a social gathering with a friend remember the same principles applied in every scenario be mindful of your friend make sure you come and go together and if you don’t leave together that
 - your friend is able to make decisions on her/himself.
 - If you see someone at risk, get involved.
 - Solicit help from other bystanders.
- Offered as follows:
 - Campus Security Lecture
 - DVR for Site Training
 - VPD/SFPD Lecture
 - Online Video (Portal)
- **Active Shooter Awareness**
 - We train the TUC community on what to do in the event of an active shooter, how to report these types of incidents and what behaviors we need to report. Offered as follows:
 - Campus Security Lecture
 - Consultant Lectures
 - DVR for Site Training
 - VPD/SFPD Lecture
 - Online Video (Portal)
- **Suspicious Package/Mail Awareness**
 - We train our people on how to identify/detect suspicious packages, particularly to Mail Room Staff. Offered as follows:
 - Campus Security Literature
 - VPD/SFPD Lecture
 - Postal Inspector also available for Lecture and review of our mailrooms.
- **Faculty Orientation**
 - We utilize the time allotted to inform new employees of Security measures and policies in place. i.e., the need and use of ID badges, Panic alarms, aware of their surroundings workplace violence policies, Emergency Contact numbers. Offered as follows:
 - Campus Security Literature
 - Portal online training
- **Student Orientation**
 - During these Orientations we process the students into using/wearing their ID badges. We also go through Clery Compliance requirements including but not limited to VAWA, alcohol/drug usages, self-safety awareness, property and identification protection. Offered as follows:
 - Campus Security Literature
 - DVDs available
 - VPD/SFPD lectures
- **Resident Assistants Orientation**
 - We emphasize their role as Resident Assistants. We instruct them as to their responsibilities as guardians of the students and facilitate emergencies as they arise. They are processed as “Campus Security Authority” (CSAs). Offered as follows:
 - Campus Security Lectures/Literature
 - CSA Online required training
 - DVDs available
 - Portal General Training
- **Work Place Violence**

- We are looking into material and training aids. Possible resources:
 - Consultant training
 - DVDs
 - Literature
 - VPD/SFPD Lecture
- **Risk reduction**
 - TUC has Officers at our campuses/sites, in addition to other control measures. When any incidents/crimes have been reported to Touro, Security staff would work with the person(s) involved to assure that all their needs (i.e. escort to mode of transportation, weekly calls to follow-up, referrals to agencies, etc.).

14.0 RESOURCES FOR SEXUAL HARASSMENT VICTIMS

TUC will provide resources for sexual harassment victims, regardless of whether the victims choose to report the crime to campus police or local law enforcement. TUC will provide written notification to victims about options for, and available assistance in, changing academic, living, transportation, and working situations. These resources include but are not limited to:

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

15.0 REGISTERED SEXUAL OFFENDERS

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

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

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

16.0 IMPLEMENTATION

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

17.0 SOURCE DOCUMENTS

- 34 CFR § 106.8 and § 106.9
- 34 CFR § 668.46

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

18.0 APPROVAL

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

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

19.0 COMPLAINT FORM

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

APPENDIX B: Title IX Grievance Policy

1.0 POLICY

The Touro College and University System, specifically: Touro College, Touro University California, Touro University Nevada, New York Medical College and Hebrew Theological College (herein after collectively referred to as “Touro”), seek to maintain a safe learning, living, and working environment for all members of its community. In addition, as individual educational institutions, Touro subscribes to all federal, state, and institutional laws and regulations necessary to ensure that goal.

Title IX of the Educational Amendments of 1972 prohibits any person in the United States from being discriminated against on the basis of sex in seeking access to any educational program or activity receiving federal financial assistance. The U.S. Department of Education, which enforces Title IX, has long defined the meaning of Title IX’s prohibition on sex discrimination broadly to include various forms of sexual harassment and sexual violence that interfere with a student’s ability to equally access our educational programs and opportunities.

On May 19, 2020, the U.S. Department of Education issued a Final Rule under Title IX of the Education Amendments of 1972 that:

- Defines the meaning of “sexual harassment” (including forms of sex-based violence)
- Addresses how this institution **must** respond to reports of misconduct falling within that definition of sexual harassment, and
- Mandates a grievance process that this institution **must** follow to comply with the law in these specific covered cases before issuing a disciplinary sanction against a person accused of sexual harassment.

Based on the Final Rule, Touro has implemented the following Title IX Grievance Policy as of the effective date of August 14, 2020.

As such, this policy is meant to work in harmony with other applicable Touro policies and procedures that address sexual and discriminatory misconduct. In the event that the alleged violation falls within the scope of Title IX, this policy serves as the operating process for addressing the violation while also subscribing to any regulations or reporting requirements of other federal and state laws addressed in the Touro Sexual Misconduct Policy.

2.0 PURPOSE

All divisions of Touro seek to foster a collegial atmosphere where students are nurtured and educated through close faculty-student relationships, student camaraderie, and individualized attention. Sexual Harassment of any kind is detrimental to Touro’s mission, history, and identity. Touro will resolve any Covered Sexual Harassment in a timely and effective manner. Compliance with Touro’s policies and procedures is a necessary step in achieving a safe environment in our educational community.

The policy set forth were developed to promote a safe educational environment in compliance with Final Rule under Title IX of the Educational Amendments of 1972. Those believing that they have been subject to Sexual Harassment, as defined in the Final Rules under Title IX, should immediately contact the Title IX Coordinator. When the Title IX Coordinator has received a Formal Notice of the occurrence, Touro is compelled to take immediate and effective corrective action reasonably calculated to stop the harassment, prevent its recurrence, and as appropriate, remedy its effects.

3.0 SCOPE

This policy applies to all members of Touro (including Touro College, Touro University California, Touro University Nevada, New York Medical College and Hebrew Theological College), including students, faculty, and administrators as well as third-parties (including, but not limited to, vendors, invitees, etc.).

This policy applies to events that occur in the United State in any on-campus premises, any off campus premises that Touro has substantial control over or in any activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of Touro’s programs and activities over which Touro has substantial control.

4.0 PROCEDURES

4.1 HOW DOES THE TITLE IX GRIEVANCE POLICY IMPACT OTHER CAMPUS DISCIPLINARY POLICIES?

In recent years, “Title IX” cases have become a short-hand for any campus disciplinary process involving sex discrimination, including those arising from sexual harassment and sexual assault. But under the Final Rule, Touro must narrow both the geographic scope¹ of its authority to act under Title IX and the types of “sexual harassment” that it must subject to its Title IX investigation and adjudication process.

Only incidents falling within the Final Rule’s definition of sexual harassment will be investigated and, if appropriate, brought to a live hearing through the Title IX Grievance Policy defined below.

Touro remains committed to addressing any violations of its policies, even those not meeting the narrow standards defined under the Title IX Final Rule. Specifically, our campus has:

- A Code of Conduct that defines certain behavior as a violation of campus policy, and a separate Sexual Misconduct Policy that addresses the types of sex-based offenses constituting a violation of campus policy, and the procedures for investigating and adjudicating those sex-based offenses.

To the extent that alleged misconduct falls outside the Title IX Grievance Policy, or misconduct falling outside the Title IX Grievance Policy is discovered in the course of investigating covered Title IX misconduct, the institution retains authority to investigate and adjudicate the allegations under the policies and procedures defined within the Code of Conduct or Sexual Misconduct Policy through a separate grievance proceeding.

¹ The Title IX grievance process applies to the conduct of members of the Touro community, including students, employees, and third parties, who are located in the United States, and occurred in:

- Any on-campus premises
- Any off-campus premises that Touro has substantial control over. This includes buildings or property owned or controlled by a recognized student organization.
- Activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of Touro’s programs and activities over which Touro has substantial control.

The elements established in the Title IX Grievance Policy under the Final Rule have no effect and are not transferable to any other policy of the College for any violation of the Code of Conduct, employment policies, or any civil rights violation except as narrowly defined in this Policy. This Policy does not set a precedent for other

policies or processes of the College and may not be cited for or against any right or aspect of any other policy or process.

4.2 GENERAL RULES OF APPLICATION

Effective Date

This Title IX Grievance Policy became effective on August 14, 2020, and only applies to formal complaints of sexual harassment alleged to have occurred on or after August 14, 2020. Alleged Conduct that occurred prior to August 14, 2020 will be investigated and adjudicated according to the Title IX and Sexual Misconduct Policy then in effect². This specific provision may be subject to additional guidance from OCR (if issued).

Revocation by Operation of Law

Should any portion of the Title IX Final Rule, 85 Fed. Reg. 30026 (May 19, 2020), be stayed or held invalid by a court of law, or should the Title IX Final Rule be withdrawn or modified to not require the elements of this policy, this policy, or the invalidated elements of this policy, will be deemed revoked as of the publication date of the opinion or order and for all reports after that date, as well as any elements of the process that occur after that date if a case is not complete by that date of opinion or order publication.

Should the Title IX Grievance Policy be revoked in this manner, any conduct covered under the Title IX Grievance Policy shall be investigated and adjudicated under the existing Code of Conduct, Sexual Misconduct Policy or any other relevant policy.

How does the Title IX Grievance Policy impact the handling of complaints?

Our existing Title IX office and reporting structure remains in place. What has changed is the way our Title IX office will handle different types of reports arising from sexual misconduct, as detailed in full below.

4.3 MAKING A REPORT REGARDING COVERED SEXUAL HARASSMENT

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 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.

Contact Information for the Title IX Coordinator at each Touro School:

Touro College

Matthew Lieberman
500 Seventh Avenue, 4th Floor
New York, NY 10018
Phone: 646-565-6000 x55667
Email: Matthew.Lieberman@touro.edu

New York Medical College

Katherine Dillon Smith, M.S.W.
40 Sunshine Cottage Road
Valhalla, NY 10595
Phone: 914-594-4527
Email: Katherine_Dillon@NYMC.edu

Touro University Nevada

Zachary Shapiro
874 American Pacific Drive
Henderson, Nevada 89014

Phone: 707-638-5459
Email: Zachary.Shapiro@tu.edu

[Touro University California](#)
Zachary Shapiro
874 American Pacific Drive
Henderson, Nevada 89014
Phone: 707-638-5459
Email: Zachary.Shapiro@tu.edu

[Hebrew Theological College](#)
Dr. Malkie Eisenberg
2606 W. Touhy Avenue
Chicago, Illinois 60645
Phone: (773) 973-0241
Email: meisenberg@htc.edu

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.

4.4 INITIAL ASSESSMENT

Note: Until it is determined whether the alleged misconduct falls under the Title IX policy, Touro's Sexual Misconduct policy, or other relevant policy or procedure the "Responsible Administrator" can be the Title IX Coordinator, Compliance Officer or any other individual designated to investigate claims. When a determination is made such that the alleged misconduct meets the relevant requirements under the Title IX policy, only the term Title IX Coordinator will be used. In addition, an individual who makes a report of alleged misconduct is referred to as the "Potential Complainant" until he or she makes a written, formal complaint, as required by the Title IX regulations, at which point only the term "Complainant" will be used under this Title IX Grievance policy.

Whenever the Responsible Administrator receives notice of alleged misconduct, they will promptly contact the Potential Complainant regarding the alleged misconduct for an initial assessment. At that point, the Responsible Administrator will (in no particular order):

- assess the nature and circumstances of the report;
- assess immediate concerns including physical safety and emotional well-being of the Potential Complainant;
- discuss the Potential Complainant's right to contact law enforcement and right to seek medical treatment;
- provide the Potential Complainant information about resources (on-campus and off-campus) and the availability of appropriate and supportive measures;
- advise on Touro's policy regarding confidentiality and retaliation; and
- explain the process and requirements for filing a formal complaint under Title IX.

By law, a formal written complaint must be made before the Title IX process can begin. Before a Potential Complainant can file a formal complaint under Title IX, the Responsible Administrator will determine whether:

- the alleged misconduct can be classified under Title IX;
- the Title IX Coordinator has the ability to file a formal complaint on behalf of the Potential Complainant;
- the alleged misconduct should be handled under a separate college policy or procedure.

4.5 NON-INVESTIGATORY MEASURES AVAILABLE UNDER THE TITLE IX GRIEVANCE POLICY

Supportive Measures

Complainants (as defined above), who report allegations that could constitute covered sexual harassment under this policy, have the right to receive supportive measures from Touro regardless of whether they desire to file a complaint. Supportive measures are non-disciplinary and nonpunitive and may include, but are not limited to, the following as appropriate:

- Counseling
- extensions of deadlines or other course-related adjustments
- modifications of work or class schedules
- campus escort services
- restrictions on contact between the parties (no contact orders)
- changes in work or housing locations
- leaves of absence
- increased security and monitoring of certain areas of the campus

Emergency Removal

Touro retains the authority to remove a respondent from Touro program or activity on an emergency basis, where Touro (1) undertakes an individualized safety and risk analysis and (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of covered sexual harassment justifies a removal. If Touro determines such removal is necessary, the respondent will be provided notice and an opportunity to challenge the decision immediately following the removal. Administrative Leave Touro retains the authority to place a non-student employee respondent on administrative leave during the Title IX Grievance Process.

4.6 DETERMINATION OF TITLE IX RESPONSE

Definition of Sexual Harassment

If a complaint is to be addressed under Title IX, the alleged misconduct must first meet the definition of Covered Sexual Harassment, as defined under Title IX, which includes any conduct on the basis of sex that satisfies one or more of the following:

- An employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);
- Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the educational institution's education program or activity;
- Sexual assault (as defined in the Clery Act), which includes any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent;
- Dating violence (as defined in the Violence Against Women Act (VAWA) amendments to the Clery Act), which includes any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) The type of relationship; (iii) The frequency of interaction between the persons involved in the relationship.
- Domestic violence (as defined in the VAWA amendments to the Clery Act), which includes any felony or misdemeanor crimes of violence committed by a

current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under applicable state and local domestic or family violence laws or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State or local jurisdiction.

- Stalking (as defined in the VAWA amendments to the Clery Act), meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to-- (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.

Note that conduct that does not meet one or more of these criteria may still be prohibited under the Touro Code of Conduct or other relevant policy.

If the alleged misconduct meets the Title IX definition of Sexual Harassment provided above, the Title IX grievance process below then applies to the conduct of members of the Touro community, including students, employees, and third parties, who are located in the United States, and occurred in:

- Any on-campus premises
- Any off-campus premises that Touro has substantial control over. This includes buildings or property owned or controlled by a recognized student organization.
- Activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of Touro's programs and activities over which Touro has substantial control.

For Avoidance of doubt, the Title IX process will apply when all of the following elements are met, in the reasonable determination of the Responsible Administrator:

1. The conduct is alleged to have occurred on or after August 14, 2020;
2. The conduct is alleged to have occurred in the United States;
3. The conduct is alleged to have occurred in Touro's education program or activity; and
4. The alleged conduct, if true, would constitute covered sexual harassment as defined in this policy.

If the alleged misconduct meets these requirements, then the Title IX grievance process applies and the Potential Complainant may file a Formal Complaint or their prior Complaint submission will become a Formal Complaint.

If the alleged misconduct does not meet these Title IX requirements, it requires a mandatory dismissal under Title IX, but it may be addressed by the broader Touro Sexual Misconduct Policy or another applicable Touro policy. In the event of a dismissal, the Responsible Administrator will provide written reasoning for the dismissal determination to the Potential Complainant with information on how to appeal, if desired.

4.7 DISMISSAL OF COMPLAINTS

Under Title IX, there are instances when complaints are dismissed. These dismissals fall into two categories: (1) mandatory dismissals and (2) discretionary dismissals.

Mandatory Dismissal

A mandatory dismissal occurs in the event that the conduct:

- (1) is alleged to have occurred before August 14, 2020;
- (2) does not meet the Title IX definition of Sexual Harassment;
- (3) did not occur in Touro's education program or activity; or
- (4) did not occur against a person in the United States.

If any of these three situations are present, then Touro must dismiss the complaint under Title IX. Touro will provide notice of dismissal to the Parties, including information on how to appeal the dismissal. At the same time, if applicable, the alleged conduct may be addressed under another Touro policy.

Discretionary Dismissal

A discretionary dismissal may occur in a few situations:

- (1) the Complainant wishes to withdraw or does not submit the formal complaint,
- (2) the Respondent is no longer enrolled at or employed by Touro, or
- (3) the specific circumstances prevent Touro from gathering sufficient evidence to investigate or make a determination toward the allegations; or
- (4) Does not follow the process or protocols established in this Title IX Grievance policy.

In these events, Touro may choose to dismiss the complaint. Touro will provide notice of the dismissal to the parties currently involved and information on how to appeal the dismissal.

4.8 FORMAL COMPLAINT

Filing a Formal Complaint

If the alleged misconduct meets the Title IX requirements, the Responsible Administrator cedes responsibility of the Title IX complaint process to the Title IX Coordinator³ The Title IX Coordinator will then advise the Potential Complainant on the process to proceed with a Formal Complaint.

For the purposes of this Title IX Grievance Policy, “Formal Complaint” means a document – including an electronic submission - filed by a Complainant with a signature or other indication that the complainant is the person filing the formal complaint, or signed by the Title IX Coordinator, alleging sexual harassment against a respondent about conduct within Touro’s education program or activity and requesting initiation of the procedures consistent with the Title IX Grievance Policy to investigate the allegation of sexual harassment.

The timeframe for the Title IX Grievance Process begins with the filing of a Formal Complaint. The Grievance Process will be concluded within a reasonably prompt manner, provided that the Process may be extended in situations that, include but are not limited to, the absence of a party, a party’s Process Support Person, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

To file a Formal Complaint, a Complainant must provide the Title IX Coordinator a written, signed complaint describing the facts alleged. Complainants are only able to file a Formal Complaint under this Policy if they are currently participating in, or attempting to participate in, the education programs or activities of Touro, including as an employee. For complainants who do not meet this criteria, the College will utilize existing policy in the Code of Conduct, Sexual Misconduct Policy or any other relevant policy.

If a Potential Complainant chooses not to file a Formal Complaint and the matter is determined to fall under Title IX, the Title IX Coordinator may, in their sole discretion, choose to file a Formal Complaint on the individual’s behalf. The Title IX Coordinator must determine that failure to file the Formal Complaint would be clearly unreasonable and not in the best interests of the Touro community. Touro will inform the complainant of this decision in writing, and the complainant need not participate in the process further but will receive all notices issued under this Policy and Process.

Nothing in this Title IX Grievance Policy or the Code of Conduct, Sexual Misconduct Policy or any other Touro policy prevents a complainant from seeking the assistance of state or local law enforcement alongside the appropriate on-campus process.

Notice of Formal Complaint

If a Potential Complainant chooses to file a Formal Complaint in a Title IX matter, their status will be adjusted to Complainant. Touro will 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 a party, with sufficient time for the party to prepare to participate. The notice of the Formal Complaint will be sent promptly to all relevant parties, as soon as practicable, after the institution receives a Formal Complaint of the allegations if there are no extenuating circumstances, which includes:

- the identities of the parties involved in the alleged incident, if known;
- the alleged conduct constituting Sexual Harassment;
- the date and location of the alleged incident, if known;
- the prospective grievance process and next steps;
- a statement that the Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at conclusion of the grievance process;
- a statement informing both parties that they may choose a Process Support Person, who will be their advisor, who may be, but is not required to be an attorney;
- any measures taken by Touro that affects both parties;
- a notice informing parties of any provisions of other Touro policies that prohibit knowingly making false statements, or knowingly submitting false information; and
- a notice of Touro's retaliation policy.

The parties will be notified by their institutional email accounts if they are a student or employee, and by other reasonable means if they are neither.

After notice of the Formal Complaint has been received by both parties, and Touro has provided sufficient time for the parties to review the Notice of Allegations and prepare a response before any initial interview, the Title IX Coordinator, or their designee, will initiate the Title IX informal review process or investigation process.

4.9 INFORMAL RESOLUTION PROCESS

At any time after a Formal Complaint is filed, the Title IX Coordinator or their designee may, in their discretion, choose to offer and facilitate an Informal Resolution process, so long as both Parties give voluntary, informed, written consent to attempt Informal Resolution. Touro may not require the Parties to participate in an Informal Resolution process or 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 a formal Investigation and adjudication of Formal Complaints of Title IX Prohibited Conduct. Any person who facilitates an Informal Resolution will be experienced and trained in dispute resolution and trained on this Title IX Procedure.

Withdrawing from an Informal Resolution Process

At any time prior to agreeing to an Informal Resolution, any Party has the right to withdraw from the Informal Resolution process and resume the process with respect to the Formal Complaint.

Matters Not Eligible for Informal Resolution

- No Informal Resolution process will be offered before a Formal Complaint is filed.
- No Informal Resolution process will be offered to resolve Formal Complaints involving a student as Complainant and a staff or faculty member as Respondent.

4.10 INVESTIGATION General

Rules of Investigations

The Title IX Coordinator and/or an investigator designated by the Title IX Coordinator will perform an investigation under a reasonably prompt timeframe of the conduct alleged to constitute Covered Sexual Harassment under Title IX after issuing the Notice of Allegations. Touro cannot access, consider, or disclose medical records without a waiver from the party (or parent, if applicable) to whom the records belong or of whom the records include information. Touro will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence, (i.e. evidence that tends to prove and disprove the allegations) as described below.

Process

As a first step in the investigation process, a Title IX Investigator will be designated to conduct a prompt, thorough, and impartial investigation into the alleged conduct identified in the Formal Complaint.

The Title IX Investigator will, at a minimum, interview both the Complainant and the Respondent who will each have an equal opportunity to:

- speak about the complaint;
- to submit any inculpatory or exculpatory evidence or information; and
- to identify witnesses who may have information directly related to the alleged conduct.

The Title IX Investigator may also interview any relevant witnesses and interested parties, and reinterview the Complainant or Respondent, if appropriate.

Both parties may also have a Process Support Person of their choice present with them during any phase of the investigation⁴. Touro may, at its discretion, establish restrictions on a Process Support Person's participation. The restrictions must apply equally to both parties including, but not limited to, barring a Process Support Person's participation during the interview process.

Relevant Evidence and Questions

"Relevant" evidence and questions refer to any questions and evidence that tends to make an allegation of sexual harassment more or less likely to be true.

"Relevant" evidence and questions do not include the following types of evidence and questions, which are deemed "irrelevant" at all stages of the Title IX Grievance Process:

- Evidence and questions about the complainant's sexual predisposition or prior sexual behavior unless:
 - They are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or
 - They concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
- Evidence and questions that constitute, or seek disclosure of, information protected under a legally-recognized privilege (e.g., attorney-client privilege).
- Any party's medical, psychological, and similar records unless the party has given voluntary, written consent.

Investigation – Review of Information

Upon completion of the investigation, but prior to completing the investigative report, the Title IX Investigator will provide both the Complainant and Respondent evidence and information gathered directly related to the alleged misconduct in the Formal Complaint. The evidence and information will be provided in a manner equally accessible to both parties.

Both parties will then be given a ten (10) business day review period to examine the evidence and information. At the conclusion of the ten (10) business day review period, each party has the right to submit a written response to the Title IX Investigator commenting on the evidence and information that can be considered before completing the draft investigative report.

Inspection and Review of Evidence

Prior to the completion of the investigation, the parties will have an equal opportunity to inspect and review the relevant evidence obtained through the investigation. The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation.

Evidence that will be available for inspection and review by the parties will be any evidence that is directly related to the allegations raised in the Formal Complaint. It will include any:

1. Evidence that is relevant, even if that evidence does not end up being relied upon by the institution in making a determination regarding responsibility;
2. inculpatory or exculpatory evidence (i.e. evidence that tends to prove or disprove the allegations) that is directly related to the allegations, whether obtained from a party or other source.

All parties must submit any evidence they would like the investigator to consider prior to when the parties' time to inspect and review evidence begins.

Investigation – Investigative Report

After both parties have had an opportunity to review directly related evidence and information, the Title IX Investigator will then draft an investigative report that compiles and fairly summarizes all of the relevant evidence.

The Investigative Report is not intended to catalog all evidence obtained by the investigator, but only to provide a fair summary of that evidence.

Only relevant evidence (including both inculpatory and exculpatory – i.e. tending to prove and disprove the allegations - relevant evidence) will be referenced in the Investigative Report.

The investigator may redact irrelevant information from the Investigative Report when that information is contained in documents or evidence that is/are otherwise relevant.

Both the Complainant and Respondent will then be given a ten (10) business day review period to examine the draft of the investigative report. At the conclusion of the ten (10) business day review period, each party has the right to submit a written response to the Title IX Investigator to comment on the investigative report.

The Title IX Investigator will prepare the final investigative report for the adjudication phase of the grievance process.

Confidentiality/Destruction of Evidence, Information and Documents

Each Party is responsible to keep private (by not disseminating beyond Support Persons) documents, materials, and information received from Touro during this process. Failure to comply will be considered a violation of Touro policy and may incur separate sanctions.

Additionally, The responsibility to destroy, when so directed by Touro, evidentiary materials and/or writings submitted by the other Party as party of the process⁵.

4.11 DECORUM AND PERMISSIVE CONDUCT OF PROCESS SUPPORT PERSON

Both the Complainant and Respondent have the right to choose a Process Support Person.

The Process Support Person will be the advisor of choice for such Party.

Touro has a long-standing practice of requiring students to participate in the process directly and not through an advocate or representative. Students participating as Complainant or Respondent in this process may be accompanied by a Process Support Person of choice to any meeting or hearing to which they are required or are eligible to attend.

While all parties involved in the Title IX grievance process may have a Process Support Person present (including at investigative interviews and scheduled live hearings) and, aside from questioning parties or witnesses during the live hearing, a Process Support Person may not actively participate at any other point in the process. Any Process Support Person who violates these expectations may not be permitted to participate further in the process. All questioning by the parties must be conducted through a Process Support Person.

Touro will not intentionally schedule meetings or hearings on dates where the Process Support Person of choice for all parties are not available, provided that the Process Support Person act reasonably in providing available dates and work collegially to find dates and times that meet all schedules.

Only one Process Support Person will be allowed to accompany a Party to meetings with Investigators or at the Hearing (including meetings that occur using technology, such as Zoom). Each Party may elect to identify an attorney to serve as a Process Support Person. An attorney acting in this role has no different role in the process and serves in the same capacity as a non-attorney.

If a Party arrives at the Hearing without a Process Support Person, Touro will designate a Process Support Person to conduct the oral cross-examination on behalf of the Party. The oral cross-examination questions will be provided to the Process Support Person by the Party they are designated to assist.

Touro is not obligated to provide a Process Support Person to either party at the investigation stage of the Title IX process. Additionally, any Process Support Person provided by Touro is solely provided for the purpose of asking questions requested by the party during the cross-examination stage of the Hearing. A Process Support Person provided by Touro does not represent either party in any legal, strategic or other advisory capacity and, as such, are not responsible for any outcomes or consequences related to their involvement. Under no circumstances, is any attorney-client, fiduciary or other duty-bound relationship formed by the Touro's provision of a Process Support Person during the Hearing.

4.12 ADJUDICATION/HEARINGS

General Rules of Hearings

Touro will not issue a disciplinary sanction arising from an allegation of covered sexual harassment without holding a live hearing unless otherwise resolved through an informal resolution process.

The live hearing may be conducted with all parties physically present in the same geographic location, or, at Touro's sole discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually through Zoom or other appropriate video conferencing tools available at the time. This technology will enable participants simultaneously to see and hear each other. At its discretion, Touro may delay or adjourn a hearing based on technological errors not within a party's control.

All proceedings will be recorded through either recording and/or transcript. The choice of medium is at Touro's sole discretion.

Prior to obtaining access to any evidence, the parties and their Process Support Person must sign an agreement not to disseminate any of the testimony heard or evidence obtained in the hearing or use such testimony or evidence for any purpose unrelated to the Title IX Grievance Process. Once signed, this Agreement may not be withdrawn. Failure to sign or adhere to this

agreement may result in a negative inference against the party and the immediate withdrawal of that Process Support Person from the Title IX grievance process.

Notice of Hearing

Upon completion of the investigation, and after the investigative report is complete, the Complainant and Respondent will be notified in writing of:

- the date, time, and location of the live hearing;
- the applicable grievance process;
- that both Parties can have a Process Support Person of their choice;
- that they may inspect and review evidence obtained in the investigation;
- the allegations and conduct that potentially constitute Sexual Harassment;
- the identities of the Parties involved (if known); and
- the date and location of the alleged offense (if known).

Depending on the circumstances and, at the sole discretion of Touro, the hearing may be conducted in-person or virtually but will always be conducted in real-time. Permission to postpone a hearing may be granted provided that the request to postpone is reasonable. Prior to the scheduled hearing, a trained Decision-maker will be appointed to be the fact-finder of responsibility for the alleged conduct. The Title IX Investigator will provide the Decision-maker with the finalized investigative report for review prior to the hearing. While the Complainant, Respondent and witnesses are expected to be present and fully participate in the hearing (including being subject to questioning by a Process Support Person), it is the right of any and all parties to choose not to participate in the hearing of the alleged conduct. In the event that any party chooses not to participate fully in the hearing process, their statements (including those made in the investigation stage) may not be considered in the Decision-maker's determination of responsibility.

If the hearing is held in-person (not virtually), by request of either the Complainant or Respondent, questioning by a Process Support Person can be conducted in separate rooms with technology available that enables the other party to see and hear the questioning in real-time. The entire hearing will be recorded, either by electronic means or transcription. The recording will be made available, upon request, for inspection and review to both Parties. This recording will be kept on file by Touro in accordance with applicable rules and regulations.

Continuances or Granting Extensions

Touro may determine that multiple sessions or a continuance (i.e. a pause on the continuation of the hearing until a later date or time) is needed to complete a hearing. If so, Touro will notify all participants and endeavor to accommodate all participants' schedules and complete the hearing as promptly as practicable.

Before the Hearing

Prior to the Hearing, each party will be required to submit any questions, that have not already been addressed in the investigation, that they wish to ask at the oral-cross examination to the Title IX Coordinator no later than twenty-four (24) hours before the Hearing is scheduled to begin.

The Title IX Coordinator will provide the questions to the Decision-Maker, who will determine the relevancy of each of the questions. If deemed relevant, the question is permissible to be asked during the hearing. If the Decision-Maker determines that a question is not relevant, they will provide a brief reasoning for that decision and the question will not be permitted to be asked during the Hearing. Parties may appeal the relevance determinations at the beginning of the Hearing. The Decision-Maker will endeavor to provide their relevancy

determinations at least one hour prior to the Hearing, but no later than the commencement of the Hearing.

Understanding Relevance:

For these adjudications, the basic test for relevance is whether the question posed is probative to the question of responsibility. This includes a Process Support Person asking questions that addresses the credibility of the party. However, there are some topics that are presumptively never relevant unless an exception applies or a party has waived a privilege. These topics include questions and evidence:

- about the Complainant's sexual predisposition or prior sexual behavior, unless offered to prove that someone other than the Respondent committed the alleged conduct;
- that concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent, unless offered to prove consent;
- that would traditionally be protected by a legally recognized privilege (e.g., attorney-client privilege), unless the party has waived the privilege;
- in reference to a party's psychological or medical records unless the party has given voluntary, written consent.

Participants in the Live Hearing

Live hearings are not public, and the only individuals permitted to participate in the hearing are as follows:

Complainant and Respondent (The Parties)

- The parties cannot waive the right to a live hearing.
- The institution may still proceed with the live hearing in the absence of a party, and may reach a determination of responsibility in their absence, including through any evidence gathered that does not constitute a "statement" by that party.
- Touro will not threaten, coerce, intimidate or discriminate against the party in an attempt to secure the party's participation.
- If a party does not submit to cross-examination, the Decision-Maker cannot rely on any prior statements made by that party in reaching a determination regarding responsibility, but may reach a determination regarding responsibility based on evidence that does not constitute a "statement" by that party.
- The Decision-Maker cannot draw an inference about the determination regarding responsibility based solely on a party's absence from the live hearing or refusal to answer cross examination or other questions.

The Decision-Maker

- The hearing body will consist of a single Decision-Maker.
- The Decision-Maker will also not have served as the Title IX Coordinator, Title IX investigator, or Process Support Person to any party in the case, nor may the Decision-Maker serve on the appeals body in the case.
- The Decision-Maker will not have a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case.
- The Decision-Maker will be trained on topics including how to serve impartially, issues of relevance, including how to apply the rape shield protections provided for complainants, and any technology to be used at the hearing.
- The parties will have an opportunity to raise any objections regarding a Decision-Maker's actual or perceived conflicts of interest or bias at the commencement of the live hearing.

Process Support Person

- Both the Complainant and Respondent have the right to choose a Process Support Person. The Process Support Person will be the advisor of choice for such Party at the Hearing and may be, but does not have to be, an attorney. An attorney acting in this role has no different role in the process and serves in the same capacity as a non-attorney.
- The Process Support Person of choice may accompany the parties to any meeting or hearing they are permitted to attend, but may not speak for the party, except for the purpose of cross-examination.
- The parties themselves are not permitted to conduct cross-examination; it must be conducted by the Process Support Person. As a result, if a party does not select a Process Support Person, the institution will select a Process Support Person to serve in this role for the limited purpose of conducting the cross-examination at no fee or charge to the party.
- The Process Support Person is not prohibited from having a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case.
- The Process Support Person is not prohibited from being a witness in the matter.
- If a party does not attend the live hearing, the party's Process Support Person may appear and conduct cross-examination on their behalf.
- If neither a party nor their Process Support Person appear at the hearing, Touro will provide a Process Support Person to appear on behalf of the non-appearing party.
- Process Support Personnel shall be subject to Touro's Rules of Decorum, and may be removed upon violation of those Rules.

Witnesses

- Witnesses cannot be compelled to participate in the live hearing, and have the right not to participate in the hearing free from retaliation.
- If a witness does not submit to cross-examination, as described below, the Decision-Maker cannot rely on any statements made by that witness in reaching a determination regarding responsibility, including any statement relayed by the absent witness to a witness or party who testifies at the live hearing.

Hearing Process

1. The hearing will begin with any appeals by the Parties to the Pre-Hearing relevancy determinations by the Decision-maker.
2. The Decision-Maker will then open the hearing by establishing the rules and expectations. The Decision-maker will then read the charges.
3. The Title IX Investigator will then provide a statement summarizing the investigation findings as recorded in the investigative report.
4. Either party (Complainant or Respondent) that has provided a statement that is included in the investigative report may subsequently request to provide a brief statement of additional clarification of no more than five (5) minutes in duration.
5. Upon conclusion of any clarification statement, the Decision-Maker will ask questions of the Parties and Witnesses.
6. Parties will be given the opportunity for live cross-examination after the Decision-Maker conducts its initial round of questioning; During the Parties' cross-examination, Decision-Maker will have the authority to pause cross-examination at any time for the purposes of asking their own follow up questions; and at any time necessary in order to enforce the established rules of decorum. The Complainant, then followed by the Respondent, may have their Process Support

Person ask any approved, relevant questions that have not already been addressed in the investigation or hearing. Should a Party or the Party's Process Support Person choose not to cross-examine a Party or Witness, the Party shall affirmatively waive cross-examination through a written or oral statement to the Decision-Maker. A Party's waiver of cross-examination does not eliminate the ability of the Decision-Maker to use statements made by the Party.

7. Each Party will have an opportunity to submit additional questions for review by the Decision-Maker after the initial Oral Cross-Examination has concluded. Should such questions be approved, the Complainant, followed by the Respondent, may have their Process Support Person ask any additional approved, relevant questions. There will only be one round of additional questions allowed.
8. There shall be no Oral Direct Examination at any point in the hearing process. The only time it is may be allowed is if a Party identifies, and provides sufficient justification for, an "Expert Witness" prior to the Hearing. If an "Expert Witness" is identified by one party, the other party will have an opportunity to Cross-Examine that "Expert Witness", if they so choose.
9. Upon completion of questioning, any Party must raise any procedural, substantive, bias, conflict or other perceived irregularity to the Decision-Maker's attention for review and consideration. Failure to do so will forever waive such complaint.
10. Thereafter the Decision-Maker will conclude the hearing.

Live Cross-Examination Procedure

Each party's Process Support Person will conduct live cross-examination of the other party or parties and witnesses. During this live-cross examination the Process Support Person will ask the other party or parties and witnesses relevant questions and follow-up questions, including those challenging credibility directly, orally, and in real time.

Cross-examination questions that are duplicative of those already asked, including by the Decision-Maker, may be deemed irrelevant if they have been asked and answered.

Newly-discovered Evidence

As a general rule, no new evidence or witnesses may be submitted during the live hearing. If a party identifies new evidence or witnesses that were not reasonably available prior to the live hearing whose testimony could affect the outcome of the matter, the party may request that such evidence or witnesses be considered at the live hearing.

The Decision-Maker will consider this request and make a determination regarding (1) whether such evidence or witness testimony was actually unavailable by reasonable effort prior to the hearing, and (2) whether such evidence or witness testimony could affect the outcome of the matter. The party offering the newly discovered evidence or witness has the burden of establishing these questions by the preponderance of the evidence.

If the Decision-Maker answers in the affirmative to both questions, then the parties will be granted a reasonable pause in the hearing, or at the Decision-Maker's sole discretion an adjournment, to review the evidence or prepare for questioning of the witness.

4.13 DETERMINATION OF RESPONSIBILITY

Standard of Proof

Touro uses the preponderance of the evidence standard for investigations and determinations regarding responsibility of formal complaints covered under this Policy. This means that the investigation and hearing determines whether it is more likely than not that a violation of the Policy occurred.

General Considerations for Evaluating Testimony and Evidence

While the opportunity for cross-examination is required in all Title IX hearings, determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the Decision-Maker.

Decision-Makers shall not draw inferences regarding a party or witness' credibility based on the party or witness' status as a complainant, respondent, or witness, nor shall it base its judgments in stereotypes about how a party or witness would or should act under the circumstances.

Generally, credibility judgments rest on the demeanor of the party or witness, the plausibility of their testimony, the consistency of their testimony, and its reliability in light of corroborating or conflicting testimony or evidence.

Still, credibility judgments should not rest on whether a party or witness' testimony is non-linear or incomplete, or if the party or witness is displaying stress or anxiety.

It is well within the Decision-Maker's purview to make credibility determinations and the Decision-Maker will afford the highest weight relative to other testimony to first-hand testimony by parties and witnesses regarding their own memory of specific facts that occurred. Both inculpatory and exculpatory (i.e. tending to prove and disprove the allegations) evidence will be weighed in equal fashion.

Except where specifically barred by the Title IX Final Rule, a witness's testimony regarding third-party knowledge of the facts at issue will be allowed, but will generally be accorded lower weight regarding direct knowledge of specific facts that occurred.

The Final Rule requires that Touro allow parties to call "expert witnesses" for direct and cross examination. Touro does not provide for expert witnesses in other proceedings. While the expert witness will be allowed to testify and be crossed as required by the Final Rule, the Decision-Maker will be instructed to afford lower weight to non-factual testimony of the expert relative to fact witnesses, and any expert testimony that is not directed to the specific facts that occurred in the case will be afforded lower weight relative to fact witnesses, regardless of whether the expert witness testimony is the subject of cross examination and regardless of whether all parties present experts as witnesses.

The Final Rule requires that Touro allows parties to call character witnesses to testify. Touro does not provide for character witnesses in other proceedings. While the character witnesses will be allowed to testify and be crossed as required by the Final Rule, the Decision-Maker will be instructed to afford very low weight to any non-factual character testimony of any witness.

The Final Rule requires that Touro admit and allow testimony regarding polygraph tests ("lie detector tests") and other procedures that are outside of standard use in academic and nonacademic conduct processes. While the processes and testimony about them will be allowed to testify and be crossed as required by the Final Rule, the Decision-Maker will be instructed to afford lower weight to such processes relative to the testimony of fact witnesses.

Where a party or witness' conduct or statements demonstrate that the party or witness is engaging in retaliatory conduct, including but not limited to witness tampering and intimidation, the Decision-Maker may draw an adverse inference as to that party or witness' credibility.

Components of the Determination of Responsibility

Upon reviewing the investigative report and considering the statements and questions made by the Parties at the Hearing, within a reasonable time thereafter, the Decision-Maker will make a determination of responsibility under the Preponderance of the Evidence standard. The

Decision-Maker will provide a written determination of whether the respondent is found to be responsible or not responsible. This written determination will be provided to both the Complainant and the Respondent simultaneously. The Decision-Maker's written determination will also include the following information:

- identification of the allegations potentially constituting Sexual Harassment;
- a description of the procedural steps taken from receipt of the formal complaint through the making of the determination;
- the findings of fact used to make the determination;
- conclusions regarding the application of Touro's Code of Conduct to the facts;
- a statement, and rationale for, the result of each allegation, including a determination regarding responsibility, any disciplinary sanctions, recommendation of or referral for disciplinary sanctions to be imposed on the Respondent, and whether remedies designed to restore or preserve equal access to Touro's education program or activity will be provided to the Complainant; and
- information on the procedures and permissible bases for parties to appeal the determination.

While both the Complainant and Respondent will be made aware of the determination of responsibility and the specifics of sanctions imposed on the Respondent (if any), any remedies provided to the Complainant will only be specified in the event that the remedy implicates and affects both parties.

Further, the Title IX Coordinator has the responsibility to ensure the effective implementation of any remedies set forth in the written determination.

The decision is considered served and delivered on the date it is transmitted electronically to the Complainant and Respondent at their Touro provided email address. The time to appeal shall run from and including the date of such transmission.

4.14 APPEALS

The Complainant and Respondent will both be provided with at least one level of appeal. The Complainant and Respondent are eligible to file an appeal to the final determination based on:

- a procedural irregularity that affected the outcome of the matter;
- 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;
- the Title IX Coordinator, Investigator, or Decision-Maker 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; or
- the sanction imposed is disproportionate to the violation.

The Complainant and Respondent may also appeal the mandatory or discretionary dismissal of a complaint based on the first three points listed above.

The request for an appeal must include the grounds for which the request is based and be submitted in writing to the Title IX Coordinator within seven (7) business days following the date of the written determination. The appeal should also state the remedy sought by the appealing party. Upon receipt of the appeal, the other party will receive notification of the appeal and be provided opportunity to respond in writing. Written responses to the other party's appeal must be submitted within three (3) business days following the delivery of notice of the appeal.

In order to ensure a neutral and unbiased review, a party's request for appeal will be sent to an Appeals Panel comprised of individuals with no connection to the initial determination, which serves as a separate Decision-Maker. An appeal decision will be rendered within twenty (20) business days after the receipt of the formal appeal request. The appeal decision will be provided in writing to both parties.

Finality

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 consistent with the procedures and timeline outlined in "Appeals" above, or if an appeal is not filed, the date on which the opportunity to appeal expires.

5.0 RETALIATION

Touro will keep the identity of any individual who has made a report or complaint of sex discrimination confidential, including the identity of any individual who has made a report or filed a Formal Complaint of sexual harassment under this Title IX Grievance Policy, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as 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 under this Title IX Grievance Policy.

No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations.

No person may intimidate, threaten, coerce, or discriminate against any individual 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 Title IX Grievance Policy.

Any intimidation, threats, coercion, or discrimination, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations constitutes retaliation. This includes any charges filed against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but that arise from the same facts or circumstances as a report or complaint of sex discrimination or a report or Formal Complaint of sexual harassment.

Complaints alleging retaliation may be filed with the Office of Institutional Compliance at Compliance@touro.edu.

6.0 PRIVACY AND CONFIDENTIALITY

References made to confidentiality refer to the ability of identified confidential resources (e.g. priests/clergy) to not report crimes and violations to law enforcement or college officials without permission, except for extreme circumstances, such as a health and/or safety emergency or child abuse. References made to confidentiality or privacy mean Touro offices and employees who cannot guarantee confidentiality but will maintain privacy to the greatest extent possible, and information disclosed will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible for tracking patterns and spotting systemic issues. Touro will endeavor to limit the disclosure as much as practicable, even if the Title IX Coordinator determines that the request for confidentiality or privacy cannot be honored.

7.0 DISABILITY ACCOMMODATIONS

This Policy does not alter any institutional obligations under federal disability laws including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point before or during the Title IX Grievance Process that do not fundamentally alter the Process. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other institutional programs and activities.

8.0 NON-DISCRIMINATION IN APPLICATION

The requirements and protections of this policy apply equally regardless of sex, sexual orientation, gender identity, gender expression, or other protected classes covered by federal or state law. All requirements and protections are equitably provided to individuals regardless of such status or status as a Complainant, Respondent, or Witness. Individuals who wish to file a complaint about Touro's policy or process may contact the Department of Education's Office for Civil Rights using contact information available at <https://ocrcas.ed.gov/contact-ocr>.

9.0 SPECIFIC INCORPORATIONS

Touro's Title IX Policy sits within the larger Touro Sexual Misconduct Policy. As such, this embedded policy specifically incorporates certain sections that impact the Title IX process. Those specific sections are:

- Section 4 - Definitions
- Section 6 – Sanctions for Violations
- Section 9 - Assistance for Victims: Rights & Options
- Section 10 – Victim Assistance
- Section 11 – External Reporting
- Section 14 – Resources for Sexual Harassment Victims

In the case of any inconsistency between this Title IX policy and the Sexual Misconduct policy, the language found in the policy related to the identified (Title IX or Sexual Misconduct) conduct shall control.

10.0 TRAINING

Section 106.45(b) of the 2020 Final Title IX Rules require the sharing of "All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. A recipient must make these training materials publicly available on its website, or if the recipient does not maintain a website the recipient must make these materials available upon request for inspection by members of the public." Accordingly, the following links to trainings are provided below.

Thompson Coburn – Title IX Training Series

Module 1 – Fundamentals of the Law:

<http://content.thompsoncoburn.com/video/Module-1-Fundamentals-of-the-Law.mp4>

Module 2 – Formal Complaints:

<http://content.thompsoncoburn.com/video/Module-2-Formal-Complaints.mp4>

Module 3 –Investigations & Informal Resolutions:

<http://content.thompsoncoburn.com/video/Module-3-Investigations-and-InformalResolutions.mp4>

Module 4 – Hearings:

<http://content.thompsoncoburn.com/video/Module-4-Hearings.mp4>

Module 5 - Determinations:

<http://content.thompsoncoburn.com/video/Module-5-Determinations.mp4>

FOR TOURO COLLEGE NEW YORK ONLY:

Student Conduct Institute – Campus Title IX Training

This website includes all training materials created by the Student Conduct Institute for member institutions to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process in Title IX compliance and practices.

11.0 IMPLEMENTATION

This policy shall be implemented by the Office of the Title IX Coordinator

Appendix C: Controlled Substance Policy

Policy: Touro University California (TUC) Controlled Substances Policy Responsible

Executive: Touro University California Dean of Student Affairs **Executive Council**

Approval Date: January 24, 2018

Revised and Approved : ALT June 9, 2020

1.0 POLICY

Pursuant to the Federal Drug-Free Workplace Act of 1988 (Public Law 101-690); Drug-Free Schools and Communities Act Amendments of 1989 (Public Law 101 – 226); and California Drug-Free Workplace Act of 1990 (California Code, Government Code § 8355), TUC University California (TUC) prohibits the unlawful sale, manufacture, distribution, dispensing, possession, or use of a controlled substance in the workplace, on university property, or as part of any university activity. In compliance with Federal Law and California State Law, this policy includes information to ensure that all members of the TUC Community are aware of the dangers of substance abuse and outlines the sanctions for violating this policy.

The illegal use or abuse of drugs which impairs a person’s ability to perform work or academic endeavors, or disrupts others in the performance of their work or academic endeavors is strictly prohibited. This includes drugs such as alcohol or marijuana, which would otherwise be legal. Alcoholic beverages on the premises of TUC are prohibited unless at an event sanctioned by TUC administration in writing. Violations of federal and state laws may lead to prosecution and criminal sanctions, including, but not limited to, fines and/or imprisonment. Violations of TUC policy and procedures may result in sanctions outlined below in section (4).

TUC recognizes that drug addiction and alcoholism are illnesses that may not be easily resolved and may require professional assistance and treatment. TUC is committed to educating and informing students, faculty and staff about the dangers and effects of substance abuse.

TUC may provide confidential counseling and referral services to students, faculty and staff with drug and/or alcohol problems. These services are available through the Human Resources department (for staff and faculty), the Student Health Center (for students), the Counseling Center (for students). All inquiries and requests for assistance will be handled with confidentiality.

TUC conducts a biennial review of the drug and alcohol usage to evaluate and document student and employee drug and alcohol use on campus as well as to provide insight into how TUC’s Alcohol and Drug policy and educational activities could be improved.

In order to enforce this policy, the university reserves the right to conduct searches

of university property, student, or employees and/or their personal property, and to implement other measures necessary to deter and detect abuse of this policy. Further, the university reserves the right to require drug and alcohol toxicology testing for any student or employee reasonably suspected of being in violation of this policy.

2.0 PURPOSE

TUC seeks, with this policy, to safeguard the health and well-being of TUC students, faculty and staff and to comply with state and federal laws and regulations. All members of TUC are accountable to know the laws and to understand the policies and procedures of TUC. All faculty, staff and students are notified annually of this policy as described below.

3.0 PUBLIC EDUCATION STATEMENT ON ILLICIT DRUG AND ALCOHOL USE

In order to better educate students, faculty and staff, TUC will provide all members of TUC with an education of the effects of substance abuse. Each fall students are provided, via the classroom management system, a copy of this policy which includes a comprehensive list of the health impacts for drug use. Faculty and staff receive the policy during employee orientation, then all employees have access to the policy posted on TouroOne. The drug use, intervention and legal consequence information are reviewed on a regular basis as part of the biennial review of the drug and alcohol use conducted in accordance with the Clery Act. Students and staff are reminded that while legal; alcohol, marijuana and tobacco use can have severe negative health impacts. The TUC community is reminded that the university is a tobacco and marijuana free environment; meaning that the use of cigarettes, electronic cigarettes, cigars, chewing tobacco, or tobacco and marijuana in any form, except for FDA approved dosage forms for medicinal use, is prohibited at all times on university property, educational sites, and all university activities.

4.0 DISCIPLINARY STANDARDS FOR POSSESSING, USING, DISTRIBUTING AND/OR SELLING DRUGS & CONTROLLED SUBSTANCES

For students:

It is the policy of TUC, as stated in the Code of Conduct, that the unlawful sale, manufacture, distribution, dispensing, possession, or use of a controlled substance in the workplace, on university property, or as part of any university activity of drugs or controlled substances is strictly prohibited. Individuals, who improperly or unlawfully sell, manufacture, distribute, dispense, or unlawfully possess, or use drugs or a controlled substance in the workplace, on university property, or as part of any university activity are subject to disciplinary action, up to and including expulsion from his/her academic program of study, as well as possible criminal prosecution.

Students cited, arrested or convicted of any drug or alcohol violation are required to notify the Dean of Student Affairs (or designee) within five days of the action. The university may then report a conviction to the appropriate agencies. Within 30 days after receiving notice of the above, the university will impose corrective measures on the student found in violation this policy by:

1. Taking appropriate action against the student up to and including expulsion or referral for prosecution and/or
2. Recording the violation in the permanent student record, which may be included in third party recommendation letters such as a Dean's Letter or MSPE.
3. Requiring such student to successfully complete a drug and/or alcohol abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency.

Any student who is using prescription or over-the-counter drugs that may impair their ability to safely perform their academic, clinical or experiential duties, or affect the safety or well-being of others, must notify the Director of the Student Health Center. These drugs are identified by California Code of regulations Section 1744 as including the following:

(a) Because the following classes of drugs may impair a person's ability to operate a vehicle or vessel, a pharmacist shall include a written label on the drug container indicating that the drug may impair a person's ability to operate a vehicle or vessel:

- (1) Muscle relaxants.
- (2) Antipsychotic drugs with central nervous system depressant effects.
- (3) Antidepressants with central nervous system depressant effects.
- (4) Antihistamines, motion sickness agents, antipruritics, antinauseants, anticonvulsants and antihypertensive agents with central nervous system depressant effects.
- (5) All Schedule II, III, IV and V agents with central nervous system depressant effects.
- (6) Anticholinergic agents that may impair vision.
- (7) Any other drug which, based on the pharmacist's professional judgment, may impair a patient's ability to operate a vehicle or vessel.

The student need not disclose the condition(s) for which the drugs are being used but will be required to document a valid prescription or physician letter. Following the required disclosure, the university will determine whether reasonable accommodations can be made which would allow the student to perform his or her duties safely. Students are referred to the university catalog section on drug testing for more information on how to disclose the use of proscriptioin or over the counter drugs prior to required drug testing.

The university will encourage and reasonably accommodate students with alcohol or drug dependencies to seek treatment and/or rehabilitation. Students may consult with Counseling Services or the Student Health Center for referral information. The university is not obligated, however, to retain any student whose

academic or professionalism performance is impaired because of drug or alcohol use, nor is the university obligated to re-admit any person who has participated in treatment and/or rehabilitation. Students who are given the opportunity to seek treatment and/or rehabilitation, but fail to successfully overcome their dependency, will not automatically receive a second opportunity to seek treatment and/or rehabilitation.

Students found in violation of these policies may be subject to disciplinary proceedings in accordance with the procedures outlined in the University Catalog and their respective college student handbooks. Sanctions are determined by the severity of the incident. When levying the sanction, prior student conduct sanctions will be considered as student conduct/discipline sanctions are cumulative. Student violators may be subject to the following university sanctions and remedial measures:

Nature of Violation	Responses for First-Time Violations May Include, But Are	Responses for Repeat Violations May Include, But Are
Possession or use of alcohol or other drugs in violation of university policy or federal, state, or local law	<ul style="list-style-type: none"> • Warnings • Disciplinary Probation • Counseling and treatment • Parental/Family Notification • College-level disciplinary action • Service to the college community 	<ul style="list-style-type: none"> • Disciplinary Probation • Mandatory referral for counseling and treatment • Suspension or expulsion from university • Parental/Family Notification • College-Level disciplinary action • Suspension or
Possession or use of alcohol or other drugs in violation of TUC policy or federal, state, or local law in a manner involving aggravated circumstances (e.g. actual/potential harm to self or others, disruption of the TUC community, repeated offenses)	<ul style="list-style-type: none"> • Warnings • Disciplinary Probation • Mandatory counseling and treatment • Parental/Family Notification • College-Level disciplinary action 	<ul style="list-style-type: none"> • Disciplinary Probation • Mandatory counseling and treatment • Service to the college community • Parental/Family Notification • College-Level disciplinary action • Suspension or expulsion from university
Distribution or intent to distribute a controlled substance in violation of TUC policy or federal, state, or local law	<ul style="list-style-type: none"> • Legal action • College-level disciplinary actions 	<ul style="list-style-type: none"> • Legal action • College-level disciplinary action • Suspension or expulsion from university

TUC uses the following definitions for the above sanctions:

- **Possession:** Illegal holding or controlling of alcohol, drugs, or associated paraphernalia.
- **Use:** Illegal personal use of alcohol or drugs.
- **Abuse:** Repeated illegal use of alcohol or drugs, or use accompanied by other behavior, including but not limited to:
 - o Disorderly, disruptive, or aggressive behavior that interferes with the well-being, safety, security, health, or welfare of the community and/or the regular operations of TUC
 - o Engaging in or threatening to engage in any behavior that endangers the health, safety, or well-being of oneself, another person, or property
 - o Physical violence (actual or threatened) against any individual or group of persons
- **Distribution:** Illegal sale, exchange, or giving of alcohol or other drugs to one or more persons. Factors considered when determining TUC's response include, but are not limited to:
 - o Health and wellness of the responsible student
 - o Impact on the TUC community
 - o Type, quantity, and packaging of the substance
 - o Number of persons to which the substance was distributed
 - o Amount of revenue associated with the distribution
 - o Existence of any other aggravating or extenuating circumstances
- **Warning:** A written reprimand putting the student on notice that s/he has violated the Code of Conduct and indicating that further misconduct may result in a more severe disciplinary action. A copy of this warning is placed in the student's disciplinary file kept by the Associate Dean of Student Affairs.
- **Probation:** A student may be placed on disciplinary probation for a defined period of time. While on probation, students may not hold office in Student Government Organizations, Clubs or Societies or represent TUC in any capacity. Further violations while on probationary status will result in suspension or expulsion from TUC. Probation status will be noted on the student transcript.
- **Counseling and Treatment:** A student's continued enrollment at TUC may be conditioned on his/her participation in counseling or treatment at outside counseling and treatment agencies. A student's failure to participate in such a program after being advised that his/her enrollment is conditional upon it, may result in more severe disciplinary sanctions.
- **Legal Action:** The academic program Dean, Dean of Student Affairs, or the Associate Dean of Student Affairs may recommend to the Provost that the student(s) be turned over to law enforcement authorities for legal action. The final decision on

referring student cases to the authorities is made by the TUC Provost in consultation with TUC Compliance.

College-Level Sanctions:

- **Service to University Community:** Student must complete a designated number of hours of service to the TUC community. Service hours cannot interfere with the individual's course schedule.
- **Disciplinary Probation:** Exclusion from participation in specified privileges or university programs and activities as set forth in the notice of disciplinary probation for a designated period of time.
- **Restitution:** A student may be required to pay restitution to TUC or to fellow students for damages and losses resulting from his/her actions.
- **Suspension:** At any time during a student's enrollment at TUC he/she may be suspended and barred from attending classes or any university function or activity for a defined period, not to exceed two years. Notification of the suspension will appear on the student's academic transcript and will remain. Notice of when the suspension is lifted will also be placed and will remain on the student's transcript. A student may not be automatically re-enrolled at the end of the suspension. S/he must apply to the office of the academic programmatic Dean for re-enrollment.
- **Expulsion:** This is termination of the student's enrolled status at the university. A student who is expelled from the university is not permitted to complete his/her courses and may not re-register for a future semester. Expulsion will appear on the student's academic transcript.

Click [HERE](#) for a link to the University Student Catalog to review the Student Conduct Code (Appendix C) and the Student Code of Responsibilities and Rights (Appendix E) .

For faculty and staff members:

Each faculty and staff member of TUC is expected to abide by TUC's policies for maintaining a drug-free workplace. The policy statement on drug abuse pertaining to students also applies to faculty and staff. Furthermore, all faculty and staff are required to notify the Director of Human Resources of any criminal conviction relating to his or her own drug activity, including a DUI or public intoxication within five(5) days of such conviction. Faculty and staff (part-time or full-time) who violate TUC policies on drugs and controlled substances may be subject to disciplinary sanctions, or other sanctions, as follows (sanctions need not be progressive):

- **Censure:** A written reprimand, outlining the violation(s) of TUC's policies, may be placed in the personnel file of individual violators.
- **Probation:** Faculty and/or staff may be placed on probation for a defined period of time up to a maximum of one year. In such instances, individuals may be required to enroll in a therapeutic counseling or treatment program.
- **Suspension:** Faculty and/or staff may be suspended from employment without pay for a period of time ranging from seven days to a maximum of one year.
- **Termination of Employment:** Faculty and/or staff may be dismissed from employment upon written notice by the Director of Human Resources or the Provost.
- **Legal Action:** Faculty and/or staff may be turned over to law enforcement authorities for criminal prosecution and legal action.

In all cases, for students and faculty and staff, the existence of a tiered system of disciplinary sanctions measures does not preclude TUC from levying a heavy sanction prior to levying a lesser sanction. By way of illustration and not exclusion, TUC may, at its sole discretion, expel a student or terminate a staff member for a violation of policy without first issuing a warning or putting that student or employee on probation.

5.0 REGULATIONS ON ALCOHOL USE/ABUSE

The following regulations apply to students, faculty and staff of TUC:

- The consumption of alcoholic beverages by individuals under the age of 21 is illegal. Provision of alcohol by any student or employee to anyone under the age of 21 is a violation of this policy and is a violation of state and federal law.
- All persons are prohibited from consuming alcoholic beverages on the premises of TUC (unless at an event specifically sanctioned by TUC Administration in writing according to related alcohol use policies), or entering or remaining on TUC premises in an impaired state.
- Any student, who falsely represents himself/herself at a sanctioned TUC event as being of age to consume alcohol, may be subject to disciplinary action as outlined in the Student Code of Conduct.
- Any faculty and/or staff member of TUC who provides alcohol to a minor on TUC premises shall be subject to full penalty under California law.
- Forcing any student or faculty member to consume alcohol and/or drugs for the purpose of initiation into or affiliation with any TUC sanctioned organization is not permitted.

- Alcoholism, while it may be a disability, does not excuse any faculty and/or staff member of TUC from violating a legitimate TUC policy or neglecting their responsibilities to TUC. Individuals whose work performance is impaired as a result of the use/abuse of alcohol may be required to participate in an appropriate evaluation/treatment program and may, in certain circumstances this may lead to sanctions against that individual. If an individual is an alcoholic, they may self-identify to the Director of Human Resources, and request confidential counseling and/or referral services for assistance and treatment. All inquiries and requests for assistance will be handled with strict confidentiality.
- TUC observes the culpability laws for serving drinks to the mentally-impaired and to individuals who are already inebriated. Some signs that may indicate if a person is inebriated may be the smell of alcohol on their clothes, impairment to speech, mood changes, slowed reflexes, or impairment of coordination.
- NOTE: Mothers who drink alcohol during pregnancy may give birth to infants with irreversible physical abnormalities and mental retardation. Research shows that children of alcoholic parents are at greater risk.

6.0 CRIMINAL SANCTIONS FOR ALCOHOL MISUSE

Persons giving or selling alcohol to someone under 21 years of age are committing a criminal misdemeanor punishable in California State by up to a year in jail and a \$2,500 fine. Persons under the age of 21, are prohibited from possessing alcoholic beverages with the intent to consume them. Each violation is punishable by a fine of up to \$500 and/or completion of community service not to exceed 48 hours. The person's driver's license can be suspended for 12 months if under 21 and attempting the use of a driver's license to try to purchase alcohol illegally, even if it is a first violation.

7.0 SUBSTANCE ABUSE SELF-IDENTIFICATION AND AMNESTY

TUC recognizes that sometimes there may be health or safety emergencies related to the use of drugs or alcohol in which the potential for disciplinary action by TUC may deter students who want to seek assistance for themselves or for another member of the TUC community. In such instances, the health and safety of the at-risk student will be TUC's top priority. Therefore, should a student, or another individual on behalf of that student, voluntarily come forward seeking assistance in a situation involving the over-consumption or abuse of drugs

and/or alcohol, TUC's student conduct response to the over-consumption/abuse will be, first and foremost, focused on medical treatment, counseling, and/or educational interventions. However, TUC reserves the right to address any associated acts that compromises the well-being of its community and its members, such as harassment, violence, damage, harm to self or others, or distribution of illegal substances, on a case-by-case basis as deemed appropriate and necessary.

Reporting a Personal Concern: Students who have concerns about their use of alcohol and/or other drugs, or students who are concerned of such use by a friend, are encouraged to seek assistance through TUC's Student Health Center or Counseling services. with TUC policy and applicable regulations (e.g. FERPA, HIPAA, etc.).

8.0 SUBSTANCE ABUSE COUNSELING

Many different mutual and self-help programs are available near TUC campuses. Although most programs are abstinence-based and follow the 12-step approach, there are programs that support moderation as a goal and/or do not use 12 steps. Some of the programs listed below may have a religious affiliation; others may merely use spirituality as part of the program. Meeting times and locations are available upon contacting the corresponding phone numbers or websites. Each meeting is somewhat different from any other, even within the same program, both in terms of structure and participants. Many people find it helpful to explore different options. The list of Drug Abuse & Addiction & Treatment Centers is reviewed as part of the biennial review process.

Drug Abuse & Addiction Information & Treatment Centers.

For a listing, of external support services, please click [HERE](#)

9.0 IMPLEMENTATION

This policy shall be implemented by the Department of Human Resources, Student Affairs and the Provost/interim CAO.

Students are required to sign the Drug Free Workplace statement of risks and information each Fall.

10.0 APPROVAL

This policy was approved on _____ by the Provost and the TUC Executive

Council. Changes to this policy must be approved by the same entities.

11.0 Drug Use Health Risks:

For current information on the health risks associated with the use of various narcotics, depressants, stimulants, hallucinogens, or alcohol please click [HERE](#).

12.0 Laws relating to Drug Violations:

Click on this link [HERE](#) for a list of violation codes associated with the unlawful manufacture, distribution, dispensing, possession or use of any controlled substance. Any student violating any of the described laws of the Health and Safety Code or the Business and Professional Code could be subject to fines and imprisonment.

13.0 Rehabilitation:

Touro University California will reasonably accommodate any student or employee who volunteers to enter an alcohol or drug rehabilitation program, provided the reasonable accommodation does not impose undue hardship on Touro University California. Reasonable accommodation could include a Medical Leave of Absence. However, Touro University California is not obligated to offer an accommodation for any student or employee who has violated any university policy that in Touro University California's sole discretion merits termination of the relationship before asking for assistance. Touro University California will take reasonable measures to safeguard the privacy of the student or employee concerning enrollment in an alcohol or drug rehabilitation program. If the student or employee enters into a state approved rehabilitation program, he/she shall sign an agreement with Touro University California, which will include the following:

1. Enroll in and complete a university approved rehabilitation program at the student's or employee's expense.
2. Execute the appropriate release of medical information forms to the university in order to monitor the compliance with the rehabilitation program.
3. Ensure the treatment facility provides the university with the necessary documentation to establish compliance.
4. Abstain from any illegal drug or alcohol misconduct.
5. Acknowledge that any future violation of Touro University California drug and alcohol prohibitions may result in immediate dismissal.
6. Failure to comply with any provision of the agreement may result in immediate dismissal.

14.0 Where can students or employees go for help?

Students:

Call or visit the University Student Counseling Center at:
Building H89 in the Student Health Clinic

Touro University California

1310 Club Drive

Vallejo, CA 94592

Phone: (707) 638-5822

Email: ryan.guetersloh@tu.edu

Or, Associate Dean of Student
Service 690 Walnut Avenue,
Suite 200 Touro University
California 1310 Club Drive
Vallejo, CA 94592
Phone: (707) 638-5883
Email: james.binkerd@tu.edu

Employees Contact:
Pawan Sahota
Director of Employee Relations
690 Walnut Avenue, Suite 210
Touro University California
1310 Club Drive
Vallejo, CA 94592
Phone: (707) 638-5806

15.0 Policy Distribution Procedures:

Touro University California's policy on Drug and Controlled Substances (the Drug-Free Workplace Policy) will be distributed to all students on an annual basis using the following procedure:

- New students will receive a copy of this policy after the receipt of their tuition deposit, via a link to the University Student Catalog which is contained in their acceptance packet.
- In each subsequent year of attendance an annual email will be sent to the student, via their university assigned official email address which will contain a link to this policy. Students will then be asked to electronically confirm receipt.

Appendix 1: List of Drug and Alcohol Support Services

United States and California State Resources

- National Drug & Alcohol Treatment Referral Service: Phone: 800-662-4357
- California State Addiction Hotline: Phone: 800-729-6686

Solano County

- National Institute on Drug Abuse 888.644.6432
- Alcohol Abuse 800.356.9996
- Alcoholics Anonymous World Services (meeting times and locations) 212.870.3400
- Solano County South AA Central Office 707.745.8822
- Solano County North AA Central Office 707.446.2244 □ All California AA Meetings
<http://www.usrecovery.info/AA/California.htm>
- Rapid Detox 800.996.3784
- Treatment Access Services 1 800.750.2727
- National Recovery Referral 1 800-363-0075
- Solano County Substance Abuse Services (707) 784-2220
- Solano County Narcotics Anonymous 866.642.3848
- All California Narcotics Meetings: [//www.usrecovery.info/AA/California.htm](http://www.usrecovery.info/AA/California.htm)

Napa County

- National Institute on Drug Abuse 888.644.6432
- National Recovery Referral 1 800-363-0075
- Alcohol Abuse 800.356.9996
- Rapid Detox 800.996.3784
- Treatment Access Services 1 800.750.2727
- All California AA Meetings www.usrecovery.info/AA/California.htm
- Narcotics Anonymous: <http://www.usrecovery.info/AA/California.htm>

Contra Costa County

- National Institute on Drug Abuse 888.644.6432
- Alcohol Abuse 800.356.9996
- Alcoholics Anonymous World Services (meeting times and locations) 212.870.3400
- Rapid Detox 800.996.3784
- Treatment Access Services 1 800.750.2727
- National Recovery Referral 1 800-363-0075
- All California AA Meetings: <http://www.usrecovery.info/AA/California.htm>
- All California N A Meetings: <http://www.usrecovery.info/AA/California.htm>

Sonoma County

- Sonoma County Department of Public Health Services (707) 565-6680
- Adult Children of Alcoholics (AA) (707) 575-7837
- National Institute on Drug Abuse 888.644.6432
- Alcohol Abuse 800.356.9996
- Alcoholics Anonymous World Services (meeting times and locations) 212.870.3400
- Rapid Detox 800.996.3784

- Treatment Access Services 1 800.750.2727
- National Recovery Referral 1 800-363-0075
- All California AA Meetings: <http://www.usrecovery.info/AA/California.htm>
- All California N A Meetings: <http://www.usrecovery.info/AA/California.htm>

- Vallejo Fellowship of Alcoholics Anonymous:
 - Phone: 707-557-6318
 - Website: www.aa.org
- Marijuana Anonymous:
 - Phone: 800-766-6779
 - Website: www.marijuana-anonymous.org
 - Children of Alcoholics Foundation:
 - Website: www.coaf.org
- Cocaine Anonymous:
 - Website: www.ca.org
- Narcotics Anonymous:
 - Website: www.na.org
- Al-Anon:
 - Website: www.al-anon.alateen.org

Appendix 2: Drug Use Health Risks

The use and abuse of narcotics, depressants, stimulants, hallucinogens, or alcohol - can cause serious detriment to a person's health. The health risks associated with the misuse of the previously mentioned drugs vary but include, and are not limited to: convulsions, coma, paralysis, irreversible brain damage, tremors, fatigue, paranoia, insomnia, and possible death. Drug and alcohol abuse is extremely harmful to a person's health, interferes with productivity and alertness, and attending classes/rotations while under the influence of drugs or alcohol could be a danger to the student under the influence, fellow students, and to patients/clients under the student's care. Described below are some of the additional dangers and symptoms relative to use/abuse:

- **Marijuana:** Commonly known as "pot", it is a plant with the botanical names of either *cannabis sativa* or *cannabis indicus*. Pot is almost always smoked but can be ingested. Use causes the central nervous system to become disorganized and confused. Most users experience an increase in heart rate, reddening of eyes and dryness of the throat and mouth. Studies have proven that marijuana's mental effects include temporary impairment of short-term memory and an altered sense of time. It also reduces the ability to perform tasks requiring concentration, swift reactions and coordination. Feelings of euphoria, relaxation and bouts of exaggerated laughter are also commonly reported. Smoking "pot" may cause: brain chemical changes, an altered reality, physically damaged lungs, emphysema, chronic bronchitis, lung cancer, a weakened immune system, damage to sperm in males, irregular menstrual cycles in females, reduced fertility and sex drive.
- **Cocaine/Crack:** Cocaine is a stimulant drug, which is derived from the coca plant. Street cocaine is available in the form of a powder or a "rock" of crack and is most commonly inhaled or smoked. Cocaine increases the heart rate and blood pressure and is very addictive. Crack is a form of smoke-able cocaine named for the popping sound it makes when burned. It is a mixture of cocaine, baking soda, and water. It is 5-10 times more potent than cocaine and is extremely dangerous. It has been reported that addiction can occur with as few as two "hits". Some of the symptoms of cocaine/crack abuse are: personality changes, unexplained weight loss, excess sniffing and coughing, insomnia, depression, irritability, neglect of responsibility toward work, school, family and friends, and panic attacks.
- **Alcohol:** In small doses, alcohol has a tranquilizing effect on most people, although it appears to stimulate others. Alcohol first acts on those parts of the brain that affect self-control and other learned behaviors; lowered self-control often leads to the aggressive behavior associated with those who drink. Alcohol use can also quickly cause dehydration, coordination problems, and blurred vision. In large doses, alcohol can dull sensation and impair muscular coordination, memory and judgment. Taken in larger quantities over a long period of time, alcohol can damage the liver and heart and cause brain damage and a great number of other health, medical, and social issues.
- **Hallucinogens:** These are also known as psychedelics. The effects vary; the same person may have different reactions on different occasions. Most users are affected by changes in time and space perception, delusions and hallucinations. The effects may be mild or overwhelming, depending on the dose and quantity or the drug. Physical reactions

range from minor changes such as dilated pupils, a rise in temperature and heartbeat to tumors. High doses can greatly alter the state of consciousness. After taking a hallucinogenic, the user loses control of thought processes. Although many perceptions are pleasant, others may cause panic or may make a person believe that he or she cannot be harmed. These delusions can be quite dangerous.

- **Heroin:** Heroin is a narcotic, which relieves pain and induces sleep. Commonly known as “junk” or “smack”, heroin is a highly addictive depressant and has been attributed as the cause of many deaths. Obvious symptoms include “pin point pupils”, drowsy, lethargic, slurred speech and an inability to concentrate. Related medications used to treat pain include oxycontin and oxycodone, methadone, and codeine. The abuse of painkillers ranks second only to the abuse of marijuana in the United States. Heroin users experience a high rate of infectious diseases due to a weakened immune system and dirty needles shared by users. Children can be born addicted or can become addicted from heroin in the mother’s milk.
- **Crystal Methamphetamine:** Crystal methamphetamine is a colorless, odorless powerful and highly addictive synthetic (man-made) stimulant. Crystal methamphetamine typically resembles small fragments of glass or shiny blue-white “rocks” of various sizes. Like powdered methamphetamine, crystal methamphetamine produces long lasting euphoric effects. Crystal methamphetamine, however, typically has a higher purity level and may produce even longer-lasting and more intense physiological effects than the powdered form of the drug. Crystal methamphetamine use is associated with numerous serious physical problems. The drug can cause rapid heart rate, increased blood pressure, and damage to the small blood vessels in the brain – which can lead to stroke. Chronic use of the drug can result in inflammation of the heart lining. Overdoses can cause hyperthermia (elevated body temperature), convulsions, and death. Individuals who use crystal methamphetamine also may have episodes of violent behavior, paranoia, anxiety, confusion, and insomnia. The drug can produce psychotic symptoms that persist for months or years after an individual has stopped using the drug. Crystal methamphetamine users who inject the drug expose themselves to additional risks, including contracting HIV (human immunodeficiency virus), methamphetamine also risk scarred or collapsed veins, infections of the heart lining and valves, abscesses, pneumonia, tuberculosis, and liver or kidney disease.
- **Depressants:** Depressants are highly addictive. They are usually known as “downers”. A user may be drowsy, lethargic, suffer from memory loss and have slurred speech. Many lawful drugs that have a depressant feature are from the family of drugs called barbiturates. More serious effects of the abuse of downers are liver damage, paradoxical anxiety and excited rage, coma and death.
- **Ecstasy:** (MDMA) Also known as XTC, X and E, Ecstasy is a mind altering drug with hallucinogenic and speed like side effects. Often used at raves it is taken to promote loss of inhibition, excited-ness, euphoria, energy, and sexual stimulation. Ecstasy increases the amounts of serotonin in a person’s brain, which causes increased energy and cheerfulness; it also contains anti-coagulative properties, which can cause a person to bleed to death if injured. Ecstasy can also cause serious brain damage in a short time. Side effects of ecstasy are: depression, increase in heart rate and blood pressure, muscle tension, nausea, blurred vision, faintness, chills, brain damage, organ damage, and

death. Similar “designer drugs” include MDEA and MDA (also known as “Adam” and “Eve”)

- **Ritalin:** Methylphenidate (Ritalin) is a medication prescribed for individuals who have attention-deficit hyperactivity disorder (ADHD). It contains amphetamines and can be abused as a stimulant by those other than for whom prescribed. When abused, the tablets are either taken orally or crushed and snorted. Some abusers dissolve the tablets in water and inject the mixture – complications can arise from this because insoluble fillers in the tablets can block small blood vessels.
- **GHB:** Gamma-hydroxyl butyrate is an intoxicating chemical with medical, recreational, and potentially dangerous uses. Its use is illegal for any purpose in the United States. Nicknamed the “date rape drug,” it is a clear liquid often mixed in drinks to promote relaxation or increased sociability. When taken, side effects can be: drowsiness, dizziness, vomiting, amnesia, decreased motor skills, slurring of speech, unrouseable sleep (coma) and death. GHB was used as a dietary supplement until banned by the FDA. GHB is now illegal in the United States. Common slang names for GHB are: G, Liquid X, GBH, Gamma-oh, Blue Verve, **G**rievous **B**odily **H**arm, Goop, and EZLay.

Appendix 3: Laws Relating to Drug Violations

Federal Trafficking Penalties for Schedules I, II, III, IV, and V (except Marijuana) SCHEDULE SUBSTANCE/QUANTITY PENALTIES SUBSTANCE/QUANTITY PENALTIES

II Cocaine: 500 -4999 grams mixture

First Offense:

Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life imprisonment. Fine of not more than \$5 million if an individual, \$25 million if not an individual.

Second Offense:

Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.

Cocaine 5 kilograms or more mixture

First Offense:

Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life imprisonment. Fine of not more than \$10 million if an individual, \$50 million if not an individual.

Second Offense:

Not less than 20 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.

2 or More Prior Offenses:

Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.

II Cocaine Base 28-279 grams mixture

Cocaine Base 280 grams or more mixture

IV Fentanyl 40 -399 grams mixture

Fentanyl 400 grams or more mixture

I Fentanyl Analogue 10 -99 grams mixture

Fentanyl Analogue 100 grams or more mixture

I Heroin 100 -999 grams mixture

Heroin 1 kilogram or more mixture

I LSD 1 -9 grams mixture

LSD 10 grams or more mixture

II Methamphetamine 5-49 grams pure or 50 -499 grams mixture

Methamphetamine 50 grams or more pure or 500 grams or more mixture

II PCP 10 -99 grams pure or 100 -999 grams mixture

PCP 100 grams or more pure or 1 kilograms or more mixture

SUBSTANCE/QUANTITY PENALTY

Any Amount of Other Schedule I & II Substances

First Offense:

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 not an individual.

Second Offense:

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.

Any Drug Product Containing Gamma Hydroxybutyric Acid Flunitrazepam (Schedule IV) 1 gram

Any Amount of Other Schedule III Drugs

First Offense:

Not more than 10 yrs. If death or serious bodily injury, not more than 15 yrs.
Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.

Second Offense:

Not more than 20 yrs. If death or serious bodily injury, not more than 30 yrs.
Fine not more than \$1 million if an individual, \$5 million if not an individual

Any Amount of All Other Schedule IV Drugs (other than one gram or more of Flunitrazepam)

First Offense:

Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.

Second Offense:

Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual.

Any Amount of All Schedule V Drugs

First Offense:

Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.

Second Offense:

Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.