

GNOMON

Annual Security Report 2018-2019

Submitted: October 1, 2018
GNOMON | 1015 N. CAHUENGA BLVD., LOS ANGELES, CA 90038

Notice of Non-Discrimination

Gnomon does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities. Inquiries regarding the non-discrimination policies or Title IX may be directed to either or both of the following:

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Introduction Letter

May 1, 2018

Safety on campus is one of Gnomon's highest concerns. This report shows our commitment to providing policies, processes, and procedures that support the safest community possible for all to work, teach and learn. This report addresses three (3) significant federal laws that are instrumental in providing protections for all who are a part of the education community.

The Violence Against Women Reauthorization Act (VAWA) imposes obligations on colleges and universities under its Campus Sexual Violence Act (SaVE Act) provision, Section 304. Those obligations require revision of institutional policy and practice. Under VAWA, colleges and universities are required to report domestic violence, dating violence, and stalking, beyond crime categories the Clery Act already mandates; adopt certain student discipline procedures, and adopt certain institutional policies to address and prevent campus sexual violence. These measures are designed to foster transparency by requiring institutions to report a broader range of sexual violence incidents occurring on campus while also providing increased support for victims.

With these landmark acts in place, Gnomon has examined current policies and procedures for safety, security, and education on preventative sexual assault programs to increase both the ease of access to resources available and options afforded to victims of sexual assault, by both federal law and institutional policies.

It takes the cooperation and collaboration of the entire community to maintain a proactive approach to public and personal safety. I hope you will take some time to review this information so that you may become more informed about crime, personal safety, and Gnomon's ongoing commitment to these goals.

Sincerely,

Patricia Winters
School Director

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Preparing the Annual Security Report

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (1990) (Clery Act), Gnomon furnishes to the public an Annual Security Report (ASR). This report provides information about campus security related institutional policies including the prevention and reporting of crimes, emergency notifications, alcohol and drug use, and policies and programs addressing sexual assault and violence.

The preparation of the ASR is a continual, coordinated effort by the Title IX Coordinator and Gnomon's executive administration (President/CEO, Vice President, and School Director). The process includes the gathering of crime statistics from security personnel, Television Center management, individuals identified as Campus Security Authorities, and local law enforcement agencies. Federal prescribed reportable crime statistics for Clery geographic locations related to Gnomon's campus from the three (3) most recent calendar years are included in this report.

The complete text of the Clery Act and the U.S. Department of Education regulations are available at the Clery Center for Security on Campus, Inc. website (<http://clerycenter.org/>).

The Annual Security Report is posted to the Gnomon website under [Disclosures & Policies](#) for viewing and is downloadable as a .pdf. A print copy may be obtained by contacting the Title IX Coordinator at studentaffairs@gnomon.edu.

Security of and Access to Campus Facilities

Gnomon's campus facilities ("campus") are spread throughout the Television Center (TVC) complex. The complex is owned by a third party who employ a private security service to provide 24-hour on-site security/surveillance, inclusive of the adjacent parking structure. Gnomon does not employ campus security personnel ("Security") of its own.

Gnomon classrooms, lab facilities, and common areas are open from 9:00 a.m. – 1:00 a.m. daily. The administrative offices are open from 9:00 a.m. – 6:00 p.m., Monday through Friday. Only students, employees, and other parties having business with the school should be on campus. Guests and visitors must check-in with the reception desk in the main office prior to entering any Gnomon facilities. Other individuals present on campus at any time without the express permission of the appropriate Gnomon official(s) shall be viewed as trespassing and may, as such, be subject to a fine and/or arrest. In addition, students and employees on campus during periods of non-operation without the express permission of the appropriate Gnomon official(s) shall also be viewed as trespassing and may also be subject to a fine and/or arrest.

Gnomon does not own or operate any residences (on or off-campus) or non-campus facilities.

Security Considerations for the Maintenance of Campus

Security cameras are positioned in TVC's common areas, the adjacent parking structure, and maintained by TVC. Video records are obtainable from Security as needed. Security patrols the common areas in the TVC complex in continual rotating schedules twenty-four (24) hours, seven (7) days a week. Video cameras are also located in each classroom and lab and monitored by the school's System Engineers department. Gnomon's Facilities Coordinator regularly inspects campus facility safety conditions, such as interior and exterior lighting, exterior doors/locks, and building structural concerns, and makes arrangements for repairs or corrections. Students, employees, and visitors are encouraged to report general maintenance concerns to the Facilities Coordinator or Security.

Law Enforcement Relationships and Jurisdiction

Los Angeles Police Department (LAPD)

The LAPD is vested with the authority and responsibility to enforce all applicable local, state and federal laws. Officers have the authority and duty to conduct criminal investigations, arrest violators and suppress campus crime. LAPD Officers are duly sworn peace officers authorized to carry firearms and have the authority as municipal police officers to use police powers of arrest. LAPD has primary jurisdiction over the TVC complex and housed Gnomon facilities.

Campus Security

TVC Security officers have the authority to ask persons for identification and to determine whether individuals have lawful business at Gnomon. Security officers patrol the TVC complex and adjacent parking structure daily, 24-hours a day. Security cameras are located throughout the common areas and monitored daily. Security personnel does not have the authority to make arrests. Criminal incidents are referred to the local police who have jurisdiction over the TVC complex. Security personnel maintain a close working relationship with the LAPD Hollywood Community Police Station and call upon them for support when the need arises. At present, there is no written memorandum of understanding between Security and the LAPD.

Security Awareness, Campus Safety, and Crime Prevention Programs and Policies

All members of the Gnomon community have a responsibility to maintain a safe, supportive, and cohesive learning and working community. Students and employees are urged to be responsible

for their own security and the security of others. Personal safety and security awareness issues are identified in required online sexual assault prevention training for all students, faculty, and staff. This online module is required viewing at least annually.

Topics such as sexual assault prevention, bystander intervention, risk reduction, alcohol and drug policy, weapons rules and regulations are included in student catalogs, employee handbooks, and instructor guidebooks. Information about on- and off-campus safety training and awareness opportunities are available to all Gnomon community members. Information is posted to the Student Activities calendar and the Gnomon Social Network Facebook page.

Crime prevention is always being alert to and aware of your immediate surroundings. Students are encouraged to “look out” for one another and take appropriate precautions:

- Avoid taking shortcuts and going into poorly lit areas.
- Stay in places with good visibility and be observant of surroundings.
- Lock your car.
- Always take and keep your car keys with you.
- At night, travel in well-lighted areas and in pairs or groups, if possible.
- Do not leave valuable items in your car, including personal items and school related materials such as laptops.
- Do not park in isolated areas.
- Leave highly valuable items at home.
- Do not leave your personal property unattended.
- Do not carry more cash than necessary.
- Keep your purse, backpack or bag close to your body.
- Mark personal items that you bring on campus. This includes marking textbooks and laptops with your name or some other traceable identification.
- Never bring any kind of weapon onto school property.

Students and employees who witness anyone or anything suspicious should notify the security officer on duty and/or any Gnomon staff member immediately.

Risk Reduction

The Clery Act defines risk reduction as, “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.” (34 CFR 668.46(j)(2)(v)) Sexual assault, like all other forms of violence, is NEVER the fault of the person

assaulted. Below are some general safety tips to consider that may help you avoid or escape situations where someone is trying to harm or take advantage of you sexually or physically.

Tips for risk reduction:

1. Be aware of your surroundings.
2. Listen to your intuition. If you feel like something is wrong, it probably is. Try to remove yourself from the physical presence of a sexual aggressor.
3. Don't be afraid to make a scene and yell, scream, or run for protection. Find someone nearby and ask for help.
4. Be especially careful when you drink, and when you're with someone who has been drinking. Remember, alcohol and drugs can impair your perceptions, reactions, and lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
5. Watch your beverage at all times. Date rape drugs are tasteless, colorless, and odorless. Victims don't know they have ingested these drugs until the effects are well under way.
6. Know your limits; make them known as early as possible. Tell a sexual aggressor "NO" clearly and firmly.
7. Go with a group of friends when you go out to a party or to the bars and look out for each other. Take care of your friends and ask that they take care of you.

New Student Orientation

Each quarter during new student orientation various topics are addressed, inclusive are campus security policies; parking regulations; facilities access; Title IX, Non-discrimination and Sexual Misconduct policies and reporting options; ASR; counseling services; personal and campus safety; and the school's emergency notification system. The Post Commander for Security is invited to each orientation to speak about their role on campus and various personal and campus safety scenarios.

The Great California Shakeout

Each year Gnomon participates in the Great California Shakeout "Drop, Cover, and Hold On" drill. This annual event is an opportunity to practice how to be prepared to survive and recover quickly from big earthquakes. This community-wide activity takes place every October and allows the school to review and update emergency preparedness plans and supplies, and facilities in order to prevent damage and injuries. During this drill, The Campus Alert System is tested. A text message and email are sent to all students, faculty, and staff stating that this is a test of Campus Alert System and a reminder to provide current contact information to Gnomon. Prior

to the event, students, faculty, and staff are sent an announcement providing information and instructions for participating in the Shakeout. A follow-up email is sent to all students, faculty, and staff to reiterate the purpose of the drill, how Gnomon participated and includes various emergency preparedness information.

Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act)

Enacted in 1991, the Clery Act requires all public and private institutions of postsecondary education that participate in federal financial aid programs to collect and disclose information about crime on and near their respective campuses. This information, along with statement of campus security policy, institutional policies, how to report suspicious and criminal activities, and personal safety and crime prevention information and programs, is compiled annually in this Annual Security Report (ASR) and made available to current and prospective students and employees.

Campus Security Authorities (CSA)

In accordance with the Clery Act, Gnomon designates by job function, specific individuals as Campus security authorities (CSA). This term encompasses four (4) groups of individuals and organization associated with an institution.

- A campus police department or a campus security department of an institution.
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property).
- Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings.

Examples of job functions that do not meet the criteria for being a CSA.

- A faculty member who does not have any responsibility for student and campus activity beyond the classroom.
- Clerical, food service, or maintenance staff.

An exemption from the criteria of having significant responsibility for student campus activities under the Clery Act are pastoral and professional counselors. This exemption is intended to protect the counselor-client relationship.

The function of a CSA is to report, NOT investigate, allegations of Clery Act crimes that he/she receives. CSAs are NOT responsible for reporting identifying aggregate data for Clery purposes, investigating or reporting incidents that they learn about in an indirect manner. CSAs are required to inform the Title IX Coordinator of allegations or reports of sexual assault. Identifying information must be reported to the Title IX Coordinator to comply with Title IX regulations.

Criminal Activity

Gnomon encourages every student, employee or visitor who observes any suspicious or criminal activity, including suspicious persons seen inside buildings and common areas within the TVC complex, and in the parking structure, to notify the nearest available security officer, or school official. In the event of emergency call 9-1-1 first. Non-emergency criminal offenses should be reported to the Hollywood Community Police Station at 213-972-2971 or 800-275-5273. Prompt reporting will ensure timely warning notices on campus, provide accurate disclosure of crime statistics, and help prevent crime from reoccurring. Security officers that surveil Gnomon's facilities utilized by students, employees, and visitors are not police officers, nor are they representatives of any police department or sheriff's office.

Reporting a Crime

An individual who is a victim of, or witness to a crime should:

1. Report the incident to Security, and when appropriate, the Title IX Coordinator
2. During business hours (Monday-Friday, 9:00 a.m. – 6:00 p.m.), report the incident to the front desk. Security, and when appropriate, the Title IX Coordinator will be immediately notified, and he/she will meet the victim, obtain necessary information for documentation and assist in contacting the LAPD, when necessary, to file an additional report.
3. During non-business hours, report the incident via email to the Title IX Coordinator, and to a System Engineer. The System Engineer will collect or disseminate information (e.g. description of the incident, where and when it occurred, etc.) and

forward the report to the Title IX Coordinator by the next business day for follow up and further reporting, as needed.

Filing a report with a campus Security generally, will not initiate a report to the LAPD or Los Angeles County Sheriff's Office. Campus Security can aid in the reporting of non-emergency criminal offenses to the LAPD as needed or requested.

Confidential Reporting of Crimes

Individuals who are the victim of, or witness to a crime and do not want to pursue action with local law enforcement agencies, may still want to consider making a confidential report through the school's internal procedures. To report that you are a victim of a crime, or information of a crime contact the Clery Coordinator (Gnomon's Title IX Coordinator/HR Administrator) in person at 323-466-6663, or via email at studentaffairs@gnomon.edu. Alternatively, a report may be submitted anonymously by utilizing the [ANONYMOUS Discrimination, Harassment, Retaliation Report](#) form found on Gnomon's website under [Disclosures & Policies](#). Only the Title IX Coordinator/HR Administrator receives anonymous reports and has a secure lockbox for anonymous submissions located outside the Title IX/Human Resources office. Upon receipt and review of a report, appropriate steps are determined to address safety or other concerns, compliant with any federal and state obligations, including individual internal remedies and external investigation by proper authorities. Anonymously reported crimes meeting the definition of a Clery Act crime are included in the ASR's crime statistics.

Reports of criminal activity made to pastoral and professional counselors are confidential. When deemed appropriate, counselors may encourage the individual to voluntarily make a confidential report.

Emergency Notification and Timely Warnings

Upon confirmation of a significant emergency or dangerous situation occurring on the campus that involves an immediate threat to the health or safety of students or employees, Gnomon will promptly issue an emergency notification to the school community via email, emergency texting services, and/or notification by a designated Gnomon safety officer. "Confirmation" means that Security or a first responder (e.g. police, fire department, or another professional emergency and first responders) has verified that a legitimate emergency or dangerous situation exists. Confirmation does not necessarily mean that all of the pertinent details are known or available. An "immediate" threat as used here includes an imminent or impending threat, such as fire, earthquake, bomb threat, or active shooter.

1. Upon notification and confirmation, the Title IX/HR Administrator (Clery Coordinator), President/CEO, Vice President, and/or School Director as needed, will take into account the safety of the entire Gnomon community and determine the appropriate segment or segments to receive a notification. The entire Gnomon community will be notified when there is at least the potential that a very large segment of the community will be affected by a situation, or when a situation threatens the operation of the campus as a whole. Active continual assessment of the situation by administrators may determine that additional segments of the community may be notified if a situation warrants such action.
2. Without delay, and taking into account the safety of the community, the content of the notification will be determined and the notification system will be initiated; unless issuing a notification will, in the professional judgement of responsible authorities, compromise efforts to assist a victim, contain the emergency, respond to the emergency, or otherwise mitigate the emergency. The content of the message will vary depending on the situation but will typically include the incident time, location, type, and recommended actions for safety.
3. Depending on the nature of the emergency, one or more methods of notification may be utilized. Gnomon employs “MessageSender”, a Campus Alert System designed to instantly alert an entire campus community via SMS, voice calls and/or emails in the event of an emergency or dangerous situation. Unless the event is limited to a defined area of campus, emergency notifications will be sent to all students and employees of the Gnomon community. Methods to inform the larger community about emergencies include posting information to the Gnomon website homepage and other Gnomon social media platforms (e.g. Facebook, Twitter, and local newspaper), as suitable. Follow-up information to the community will be provided, as needed.

To ensure timely communications, it is the responsibility of employees to provide and update their current contact information to Gnomon. Students are expected to update their contact information quarterly. Gnomon conducts an unannounced test of the Campus Alert System on an annual basis, at minimum.

Receipt and any directed response to the test are recorded. This information is evaluated for effectiveness and utilized in maintaining or improving the effectiveness of future tests.

Policies for Timely Warnings

In the event that a situation arises, either on or off campus that, in the judgment of the Title IX Coordinator/HR Administrator (Clery Coordinator) and President/CEO constitutes an ongoing or

continuing threat that may impact the safety of students and employees, an “emergency notification” or a school-wide “timely warning” will be issued.

Timely Warnings (Crime Alerts)

Gnomon Senior Administration in conjunction with the Title IX Coordinator will provide appropriate and Timely Warnings whenever there is a credible concern that poses a potential or actual ongoing threat to the community. The purpose is to notify pertinent community members about crimes and other safety concerns in order to engage appropriate precautionary measures to avoid being victims of similar crimes.

Timely warnings withhold the name(s) of the victim(s) and are intentionally composed to conceal personally identifiable information. The level of detail included in the Timely Warning will vary depending on the type of crime. Certain information may be excluded if the information would compromise law enforcement’s efforts to assist a victim or contain, respond to, or otherwise mitigate the emergency. Timely Warnings will include general precautionary measures persons may implement to avoid harm. Individuals must assess their respective situations and decide if the precautionary measures are. Timely Warnings will most often be distributed via email; however, additional messaging methods may be employed as needed. The decision to issue a Timely Warning will be made on a case-by-case basis. With respect to crimes reported to a pastoral or professional counselor, a timely warning will not be issued, unless there is grave and imminent danger to the community as a whole. Timely Warnings involving Clery crimes are included in that year’s crime statistics.

To take proactive measures against crime, Gnomon’s Title IX Coordinator subscribes to CrimeMapping.com and Nixle.com - online platforms that regularly provide the public with information from various local public safety agencies about recent crime data and activity, and other relevant notifications. The information disseminated by these services are up to date and verifiable. CrimeMapping.com utilizes an advanced mapping engine, which helps provide a high level of functionality as well as flexibility to the agencies serviced. Crime data is extracted on a regular basis from each agency’s records system so that the information being viewed through a web browser is the most current available. This data is always verified for accuracy and all address information is generalized by block in order to help ensure privacy is protected. Nixle.com provides an open communication and engagement platform that connects public safety agencies with the communities they serve by enabling real-time, two-way communication through text, email, voice messages, social media, and the Nixle mobile app. Through this platform, Gnomon may be quickly notified of critical situations such as severe weather, safety hazards, and evacuations.

If there is a confirmed significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus, emergency notification procedures will ensue.

Emergency Drills, Testing & Evacuation Procedures

Current evacuation plans, and Fire/Life/Safety systems are maintained via Gnomon's lessor, the Television Center complex (TVC). TVC is managed and maintained by an onsite agency that strictly enforces both regulatory requirements and the lease, routinely monitoring the sprinkler systems, fire extinguishers, and security cameras on campus, every 1-5 years as required by law. Notification of testing of the fire suppression systems, including power outages for testing of emergency lighting and other security measures are routinely sent to all affected employees, faculty and students.

Gnomon implements periodic evacuation and training procedures to prepare in the event of a perceived, real emergency or other impending danger. Evacuation maps and exit signs are posted in all classrooms, labs and, work areas. Additionally, a Gnomon safety officer is assigned to each Gnomon building/area and responsible for directing groups to the designated evacuation, and safe refuge locations. Once at the evacuation location, safety officers communicate with emergency responders to confirm that each location was fully evacuated. Emergency and/or TVC personnel are responsible for assessing the situation and providing clearance for re-entry.

Gnomon schedules participation in one fire drill, annually in the summer, and participation in the Great California Shakeout Earthquake drill each fall, at a minimum. All drills are communicated to employees, faculty and students via physical and online campus posts, as well as, via email and text notifications with instructions for participation.

Emergency evacuation plans, and maps are posted in all administrative offices and each Gnomon occupied classrooms and lab facilities. The evacuation plan provides a floor plan identifying the locations of all exits and preferred path of egress. A Health and Safety binder is posted in each Gnomon classroom and lab facility. Faculty and students are encouraged to use these for reference in an applicable situation. Each room is supplied with an emergency kit. Staff and faculty are advised to familiarize themselves with this information.

Crime Log

Gnomon does not employ campus security personnel. However, Gnomon maintains records of all alleged Clery crimes occurring within Clery geography that is reported to any Campus Security Authority (CSA). It is organized by the date of the report and includes the nature, date, time, and general location of each crime; and the disposition of the Complainant, if known. Entries or an addition to an entry to the log is made within two (2) business days of the report of

the information to a CSA. Required information may be withheld if there is a clear and convincing evidence that the release of the information would: jeopardize an ongoing criminal investigation or the safety of an individual; cause a suspect to flee or evade detection; or result in the destruction of evidence. Once the adverse effect (as described) is no longer likely to occur, the withheld information will be released.

The crime log for the most recent 60-day period is open for public inspection, upon request, during normal business hours from Gnomon's Title IX Coordinator/HR Administrator. Any portion of the log that is older than 60 days will be made available within two (2) business days of a request for public inspection. Crime logs are kept for three (3) years following the publication of the last Annual Security Report to which they apply (in effect, seven (7) years).

Crime Statistics

Every college and university receiving Title IV funds must disclose for the most recent three (3) calendar years concerning the number of each of the following crimes that occurred on or within its Clery geography and that are reported to local police agencies or to a CSA. An institution must specify whether each of the crime recorded occurred on campus, in or on a non-campus building or property, or on public property. Gnomon does not have any off-campus student organizations, residences or locations. Gnomon does not operate in any non-campus buildings or property.

Clery Act crimes are reported in the following eight (8) major categories:

1. Criminal Homicide
2. Sexual Assault
3. Robbery
4. Aggravated Assault
5. Burglary
6. Motor Vehicle Theft
7. Arson
8. Hate Crimes*

Disciplinary Referral or Arrest: Institutes of higher education (IHE) are also required to report the following three types of incidents if they result in either an arrest or disciplinary referral. If both an arrest and referral are made only the arrest is counted.

1. Liquor Law Violations
2. Drug Law Violations

3. Illegal Weapons Possession

VAWA reportable crimes are:

1. Domestic Violence
2. Dating Violence
3. Stalking

Hate Crimes include any of the following offenses that are motivated by bias.¹

1. Murder and Non-Negligent Manslaughter
2. Sexual Assault
3. Robbery
4. Aggravated Assault
5. Burglary
6. Motor Vehicle Theft
7. Arson
8. Larceny-Theft
9. Simple Assault
10. Intimidation
11. Destruction/Damage/Vandalism of Property

¹ *Larceny-Theft, simple assault, intimidation, and destruction/damage/vandalism of property are included in Clery Act statistics only if they are components of a hate crime.*

Drug, Alcohol & Substance Abuse Policy Statements

In accordance with the Drug-Free Schools and Campuses Regulations (EDGAR Part 86), Federal Drug-Free Workplace Act 34 CFR Part 85, Subpart F, and California Drug-Free Workplace Act of 1990 this institution is committed to maintaining a drug-free workplace and a drug-free school.

The unlawful manufacture, distribution, dispensing, possession or use of drugs, drug paraphernalia, alcohol or other illegal/controlled substances at this institution is strictly prohibited. On-campus possession and use of medical marijuana is not allowed. Students and employees are required, as a condition of enrollment and/or employment, to abide by this policy.

To the extent allowed by local state and federal laws, this institution will impose disciplinary action against students and employees for violating these standards of conduct. These actions may include suspension, expulsion, termination of employment, referral for prosecution, and/or required completion of a drug or alcohol rehabilitation or similar program.

In addition to institutional sanctions, students and employees convicted of the unlawful possession or distribution of illicit drugs or alcohol could face local, state, and federal legal penalties which include the loss of eligibility for federal financial aid, fines, imprisonment, and the seizure of drug related assets.

This institution, as required by federal regulation (34 CFR 85.635 and Appendix C), will report all employees convicted of a criminal drug offense occurring in the workplace to the U.S. Department of Education. Consistent with these same regulations, employees, as a condition of employment, are required to provide written notice to this institution of their conviction for a criminal drug offense occurring at the workplace within five (5) days after that conviction. In addition, students receiving Pell Grants who are convicted of a criminal drug offense during the period of enrollment for which the Pell Grant was awarded, are required by federal regulation to report that conviction in writing to the:

Director of Grants and Services
United States Department of Education
400 Maryland Avenue SW.
Room 3124, GSA Regional Office Bldg. #3
Washington, DC 20202-4571

The report must be made within 10 days after the conviction.

Drug awareness programs, counseling, treatment, rehabilitation and other related services are available on an ongoing basis to students and employees through the National Treatment Referral System 24-hour hotline (800-662-HELP). This hotline number can tell you how and where to get help for alcohol and other drug problems. Students and employees seeking

assistance in overcoming a drug or alcohol related problem are encouraged to contact this organization.

Also, available to students is the Gnomon Student Services Program (GSAP) as a resource to assist students in managing issues that affect their daily lives, such as drug, alcohol and substance abuse. The program is a free, comprehensive and fully confidential counseling service that helps students manage a wide variety of issues in support of their personal and academic well-being.

Drug-Free Schools and Communities Act (DFSCA) and Annual Notification

The 1989 amendments to the Drug-Free Schools and Communities Act (DFSCA), as articulated in the Education Department General Administrative Regulations (EDGAR) Part 86 —the DFSCA lay out several requirements with which all institutes of higher education (IHE) receiving any form of federal funding must comply. IHEs receiving federal funds or financial assistance must develop and implement a program and policies to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees. The program must include annual notification of the following: standards of conduct; a description of sanctions for violating federal, state, and local law and campus policy; a description of health risks associated with AOD use; a description of treatment options; and a biennial review of the program's effectiveness and the consistency of the enforcement of sanctions. Gnomon's Annual Notification of Alcohol and Other Drugs (AOD) Policy is downloadable and viewable in full at <https://www.gnomon.edu/>.

Parental Notification Policy

In accordance with the Family Educational Rights and Privacy Act of 1974 (FERPA) and California state regulations, Gnomon reserves the right to notify the parents/guardians of students under 21 years of age, and the parents/guardians of dependent students, regardless of age, of any incident in which the student is found responsible for violating the school alcohol and drug policy.

Title IX of the Education Amendments Act of 1972

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

Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §1681 *et seq.*, and its implementing regulations, 34 C.F.R. Part 106, prohibit discrimination on the basis of sex in education programs or activities operated by recipients of Federal financial assistance. Sexual harassment of students, which includes acts of sexual violence, is a form of sex discrimination prohibited by Title IX. As set forth by Title IX requirements:

- A school has a responsibility to respond promptly and effectively. If a school knows or reasonably should know about sexual harassment or sexual violence that creates a hostile environment, the school must take immediate action to eliminate the sexual harassment or sexual violence, prevent its recurrence, and address its effects.
- Every school must have and distribute a policy against sex discrimination.
- Every school must designate at least one employee who is responsible for coordinating the school's compliance with Title IX. This person is sometimes referred to as the Title IX coordinator. Schools must notify all students and employees of the name or title and contact information of the Title IX coordinator.

Gnomon believes that providing all students with an educational environment free from discrimination is extremely important. The sexual harassment of students, including sexual violence, interferes with students' right to receive an education free from discrimination and, in the case of sexual violence, is a crime.

Violence Against Women Reauthorization Act of 2013 and Campus SaVE Act

In October of 2014, the U.S. Department of Education released the final regulations implementing changes made to the Clery Act by the Violence Against Women Reauthorization Act of 2013 (VAWA). These regulations are intended to update, clarify, and improve the current regulations. Amongst other provisions, VAWA amended the Clery Act to expand its scope to include awareness and prevention of dating violence, domestic violence, sexual assault and stalking. Institutions' Annual Security Reports (ASR) house the description and procedures, of these policies, procedures and programs pertaining to these incidents. The Campus SaVE Act is Section 304 of the re-authorized VAWA and requires that higher education institutions have an intimate partner violence policy which should cover stalking, date violence, sexual violence, and domestic violence. It also provides provisions for improving victims' rights and promoting

prevention programs. Prior to the release of the final regulations, institutions were already required to make a good faith effort to comply with these rules. The new rules took effect July 1, 2015.

Programs to Prevent Dating Violence, Domestic Violence, Sexual Assault & Stalking Policy Statements

*Gnomon prohibits the crimes of dating violence, domestic violence, sexual assault and stalking.*¹

Definitions:

The following definitions in reference to sexual activity are recognized in the state of California:²

*Dating Violence*³ (34 CFR §668.41): Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Dating violence includes but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence (PC §13700(b)): "Domestic violence" means abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship.

*Sexual Assault*⁴ (PC §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 (assault).

¹ *Gnomon's full policy on sexual misconduct is included in Appendix 1.*

² *These are not the same definitions obtained from the FBI Uniform Crime Reporting Handbook when reporting crime statistics. UCR definitions are listed in Appendix 6.*

³ *For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition of Dating Violence is considered a crime for the purposes of Clery Act reporting.*

⁴ *For Clery Act purposes, sexual assault is further subdivided into non-consensual sexual contact (fondling) and non-consensual sexual penetration (rape).*

Consent (PC §27686(a)(1)): "Affirmative consent" means the affirmative, conscious, and voluntary agreement to engage in sexual activity.

Stalking (PC § 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".

Prevention and Awareness Programs

Primary prevention and awareness programs for all incoming students begins with online education including training on current Campus SaVE Act, Title IX, FERPA, Clery Act, and other relevant federal and state laws and regulations. This education program iterates: (1) a statement that Gnomon prohibits dating violence, domestic violence, sexual assault and stalking; (2) the definition of these terms, as well as the definition of consent in reference to sexual activity; (3) information about safe and positive options for bystander intervention; (4) information on risk reduction; and (5) information on Gnomon's policies and procedures concerning sexual misconduct. At new student orientation, Gnomon's Title IX Coordinator relates Gnomon's Harassment & Sexual Misconduct Policy and grievance procedures, available on- and off-campus victim resources, and any related planned events for the quarter.

Upon hire, employees are required to complete online training covering Campus SaVE Act, Title IX, sexual harassment, discrimination, and mandatory reporting. Additionally, Gnomon's Employee Handbook provides information on policies and procedures concerning sexual assault; prohibiting dating violence, domestic violence, sexual assault and stalking. The definition of these terms, the state of California's definition of consent in reference to sexual activity, and information about safe and positive options for bystander intervention and risk reduction are provided in the Handbook.

On-going prevention and awareness educational programs and campaigns for students and employees include online resource modules addressing topics such as drugs and alcohol, abusive conduct, and bullying and retaliation. On-campus events and campaigns focus on personal safety and mental health and wellness topics. All current students and employees receive annual online refresher training on sex assault prevention. Programs and educational opportunities for prevention and awareness are not static and modifications occur on an as needed or available basis. These programs are regularly reviewed for effectiveness.

SHIELD Self-Defense

Quarterly, at no charge to students (and staff), Gnomon has provided a self-defense class for women. SHIELD is a women's self-defense system that was designed by Nelson Nio. A combination of tae kwan do, Krav Maga, and other martial arts, this method can be compared to close-range fighting. During the three (3) hour session, students are armed with skills to be able to rescue themselves. Hands-on practice of techniques that emphasize using leverage and lower-body strength to generate power and use one's own body as a weapon is a method employed to empower self-confidence, personal safety, and awareness.

Safe and Positive Options for Bystander Intervention

“If you see something, say something.”

Bystanders are not directly involved but have the choice to intervene, speak up, or do something to discourage, prevent or interrupt an incident or potential situation when another individual needs help. Bystander intervention should not jeopardize the safety of the bystander. Safe and positive ways to prevent or intervene when there is a risk of sexual violence include: naming and stopping situations that could lead to sexual violence before it happens; stepping in during an incident; and speaking out against ideas and behaviors that support sexual violence.

Bystander engagement is encouraged through safe and positive intervention techniques and by empowering third-party intervention and prevention such as calling for help, using intervention-based apps, identifying allies, and/or creating distractions. Bystander empowerment training highlights the need for those who intervene to ensure their own safety in the intervention techniques they choose and motivates them to intervene as stakeholders in the safety of the community when others might choose to be bystanders.

Steps to safe and effective intervention involves:

1. Being aware. Pay attention to your surroundings.
2. Recognizing situations of potential harm. When in doubt, trust your gut, and intervene at the earliest possible point.
3. Taking personal responsibility and initiative to intervene. If you don't intervene, it is unlikely that anyone else will.
4. Deciding how to intervene without putting yourself at risk or make the situation worse.
5. Intervening. Take action and intervene at the earliest possible point. If you are not able to fully intervene in a situation, consider responding by asking the victim if he or she needs help or assistance, contacting the police, or seeking out others for assistance.
 - a. Types of Intervention:
 - Direct intervention: Directly addressing the situation in the moment to prevent harm.
 - Delegation: Seeking help from another individual. This may be someone who is in a role of authority, such as a police officer or campus official.
 - Distraction: Interrupting the situation without directly confronting the offender by distracting the offender's attention or directing the potential victim away from the situation.

6. Speak up or call authorities if you see someone who could be in trouble.
7. *Most importantly, "If you see something, say something!"*

Bystander Intervention Program

In response to requests by the male student body, SHIELD is creating a custom course for Gnomon. Raising awareness (for the male student population) of the effects and consequences of sexual assault is the focus for this course. Through learning the body mechanics of fighting, and the basic skills of a street fight this should provide safe and positive options for effective bystander intervention decisions. By teaching these skills, the intent is, to give them the tools to be an active part in sharing the responsibility for minimizing sexual assault.

Reporting Incidents of Sexual Assault, Dating or Domestic Violence, Harassment

All members of the Gnomon community are encouraged to immediately report actual or suspected discrimination or harassment to appropriate officials. Reports can be made by victims or third-party witnesses. Complaints of discrimination, harassment and/or sexual misconduct should be directed the Title IX Coordinator.

Reporting Process

Upon notification of an incident of sexual misconduct, Gnomon is obligated to take appropriate steps to investigate and, as appropriate, end and remedy the harassment/misconduct. The privacy of all parties to a report of sexual misconduct must be respected, except insofar as it interferes with Gnomon's obligation to fully investigate allegations of sexual misconduct. Gnomon will not disseminate information and/or written materials to persons not involved in the resolution process without the consent of both parties.

An institution is deemed to have notice of sexual harassment and/or misconduct if a Responsible Employee knew, or in the exercise of reasonable care should have known, that harassment/misconduct occurred.

- All Gnomon employees are enabled to receive a report of discrimination and/or sexual misconduct and are designated as a "Responsible Employee".
- All Gnomon faculty and staff (as Responsible Employees) have an obligation to share what they know about incidents of sexual misconduct with the Title IX Coordinator.
- Responsible Employees – such as an instructor or advisor - may talk to a victim in private but cannot provide confidentiality.

Throughout the process of investigation of a report, every effort will be made to protect the privacy interests of all individuals and respect and safeguard private information to the extent possible consistent with the legal obligations of Gnomon to investigate and respond effectively. Completion of required, publicly available records, including Clery Act reporting and disclosures, will be done without the inclusion of identifying information about the Complainant (42 U.S.C. 1395(a)(20)).

A victim is not required to participate if he/she chooses not to; however, this may limit the school's ability to respond to the incident.

The victim or the person(s) making the allegations is referred to as the "Complainant". The person(s) who the allegations have been made against is referred to as the "Respondent".

A Complainant has the option/choice and is NOT required, to file a report of sexual assault with local law enforcement agencies. If a report is initially made with law enforcement, they may refer the case to the Title IX Coordinator, but only with the victim's consent. If requested, Gnomon can assist you with making a report to law enforcement. A Complainant may pursue both the school disciplinary process (civil rights process) through the Title IX Coordinator, and the criminal process with local law enforcement simultaneously.

In response by the institution's personnel to a report of an incident, the following will take precedence:

- Providing resources and support to the victim
- Adherence to guidelines for the importance of preserving evidence
- Identification and location of witnesses

Prosecution of cases revolves around the preponderance of evidence obtained. The preservation of evidence is key in proving that an alleged criminal offense occurred or may be helpful in obtaining a protection order.

If an assault has occurred, attempts to preserve evidence, whenever possible, include:

- Avoid disturbance of physical evidence (i.e., change of clothing, bathing, brushing your teeth, smoking, etc.) until after medical attention is received
- Avoid disturbing items at the scene until law enforcement officials, when involved, have arrived
- Photograph injuries with date/time stamp
- Write down witness contact information

- Write notes regarding details (e.g., physical description names, license plate number, car description, etc.)
- Phone a friend or someone trustworthy to help

When external orders of protection (e.g., restraining orders, injunctions, protection from abuse), are involved, please notify local police department, if off-campus or Security and the Title IX Coordinator, if on-campus, so that a "no contact order" can be enforced, and observed.

California Assembly Bill No. 1433 (AB 1433)

On September 29, 2014, AB 1433 was enacted by the California Legislature as Chapter 798, amending Section 67380 of, and to add Section 67383 to the Education Code relating to student safety. All reported or knowledge of Part 1 violent crimes, sexual assault, or hate crime, committed on or off campus is immediately, or as soon as practically possible, forwarded to the appropriate law enforcement agency, as provided. The report is forwarded without identifying the victim unless the victim consents to being identified after the victim have been informed of his or her right to have his or personally identifying information withheld. AB 1433 provides that these requirements do not constitute a waiver of, or exemption to, any law providing for the confidentiality of information.

Online and Anonymous Reporting

If preferred, a Complainant may also file a report using the [Harassment/Sexual Misconduct, Discrimination \(Including Disability\) and Retaliation Complaint](#) form available online. Reports can be made by victims and/or third parties using the same form. All grievances submitted online are received only by the Title IX Coordinator. This reporting method is NOT confidential and will trigger an investigation of the report by the school, and the reporting party will be contacted by the Title IX Coordinator.

An anonymous report of harassment or sexual misconduct/assault may be submitted to Gnomon via an online anonymous reporting option. Utilizing this option will not initiate an investigation by Gnomon and the report will remain confidential. [The ANONYMOUS Report of Harassment/Sexual Misconduct, Discrimination \(Including Disability\) and Retaliation](#) form is found on Gnomon's website under [Disclosures & Policies](#). Only the Title IX Coordinator/HR Administrator receives anonymous reports and has a secure lockbox for anonymous submissions located outside the Title IX/Human Resources office. Upon receipt, a review of a report is done to determine if a trend or pattern may be apparent. And if so, appropriate steps are determined to address safety or other concerns, compliant with any federal and state obligations, including individual internal remedies and/or external investigation by proper authorities. Anonymously reported crimes meeting the definition of a Clery Act crime are included in the ASR's crime

statistics; which do not contain any personally identifiable information.

Private vs. Confidential Reporting

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality – meaning they are not required to report actual or suspected discrimination or harassment to appropriate school officials - thereby offering options and advice without any obligation to inform an outside agency or individual unless a victim has requested information to be shared. Other resources exist for a victim to report crimes and policy violations and these resources will take action when an incident is reported to them.

*“Who can I report an incident to, and have my information remain **private**?”*

All Gnomon employees are enabled to receive a report of discrimination and/or sexual misconduct and are designated as a “Responsible Employee”. All Gnomon faculty and staff (as a Responsible Employee) have an obligation to share what they know about incidents of sexual misconduct with the Title IX Coordinator. Responsible Employees – such as an instructor or advisor - may talk to a victim in private but cannot provide confidentiality. An institution is deemed to have notice of sexual harassment and/or misconduct if a Responsible Employee knew, or in the exercise of reasonable care should have known, that harassment/misconduct occurred. A Complainant is not required to participate if he/she chooses not to; however, this may limit the school’s ability to respond to the incident.

*“I want to report an incident, but I want to keep the details **confidential**.”*

There are confidential resources that can provide support while allowing a victim time and space needed to process what has happened. On-campus, resources exist for a victim to confidentially report crimes and policy violations without any obligation to inform the school, outside agency, or individual unless a victim has requested information to be shared. If you would like the details of an incident to be kept confidential, you may speak with the school counselor.

Off-campus resources available are local rape crisis center counselors, victim advocates, pastoral and professional counselors and therapists, domestic violence shelters, local or state agencies, and emergency care facilities. A confidential resource can provide you with basic information about victim’s rights, reporting options, and other means available. These individuals/resources are under no obligation to share your personal information with Gnomon and therefore an investigation by the school will not be prompted. They will keep your identity and information

private and anonymous, except in extreme cases of immediate threat or danger to the reporting party or general community.

Amnesty for Students Who Report Sexual Misconduct

Because Gnomon's primary concern is safety, minor alcohol and drug violations by a complainant, victim, and witnesses occurring during or around the incident will be handled informally whenever possible.

Retaliation Statement

An individual reporting sexual harassment or misconduct is entitled to protection from any form of retaliation following a report that is made in good faith, even if the report is later not proven. It is a violation of school policy to retaliate in any way against an individual as a result of that person's filing a complaint, or for participating in the investigation of a complaint.

Written Notification

Following a report of dating violence, domestic violence, sexual assault, or stalking, whether the incident occurred on- or off- campus, the Gnomon will provide the Complainant with a written explanation of victim's rights and options. This includes information on where and how to obtain health and mental health counseling, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to victims, both within the institution and in the community.

Gnomon will provide written notification to Complainants about available options and assistance with academic, living, transportation, and working situations, and protective measures. Accommodations or protective measures are available if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the incident to local law enforcement. Accommodations or protective measures made for the Complainant remain confidential to the extent that maintaining such confidentiality would not impair the ability of the school to provide said accommodations or protective measures. Requests for accommodations are made to the Title IX Coordinator in person, via email. An information pamphlet is available online ([Guide to Resources and Services for Victims of Sexual Assault](#)) and from the Title IX Coordinator, describing reporting options, resources on- and off-campus, sexual assault victim rights, and Gnomon's disciplinary process and procedures.

Disciplinary Procedures - Policy Statements

Institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking follow the process and procedures outlined in Gnomon's [Sexual Misconduct Grievance Policy and Procedures](#); and applies to all instances involving Gnomon students, faculty, and staff. Investigation and resolution are processed through an Administrative Proceeding.

Gnomon officials involved in harassment and sexual misconduct proceedings receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking, and on how to conduct an investigation and resolution process that protects the safety of victims and promotes accountability. Gnomon officials involved in these proceedings are knowledgeable about Gnomon's Harassment & Sexual Misconduct Policy, Title IX and grievance policy and procedures, and applicable confidentiality requirements. Any Gnomon official with a conflict of interest or bias for or against the Complainant or Respondent may voluntarily recuse himself/herself or will be administratively recused from the proceeding. For any institutional disciplinary action cases of alleged dating violence, domestic violence, sexual assault, or stalking, the standard of evidence is the "preponderance of the evidence" – more likely than not that violation(s) of the misconduct policy occurred.

Proceedings, including the implementation of disciplinary action(s) for students or employees, are generally completed within sixty (60) calendar days from the time the Title IX Coordinator receives sufficient information regarding the complaint to begin an investigation. The school will inform both parties at regular intervals of the status of its investigation. Generally, information gathering should be completed within thirty (30) calendar days of notice of a complaint. Although Gnomon strives to complete all investigations, issue a report, and implement student and/or employee disciplinary actions within sixty (60) calendar days of receipt of notice, occasionally more time may be needed to complete an investigation and associated processes. If additional time is necessary, the Complainant and Respondent will be notified in writing.

Trauma-Informed Investigation

Preliminary/Informal Investigation

Upon notification of a specific incident or course of conduct that may constitute a violation of the school's [Non-Discrimination](#) and [Harassment & Sexual Misconduct Policy](#), through a direct complaint or otherwise, Gnomon will perform an initial inquiry with both the Respondent and Complainant to determine if a comprehensive investigation is desired or necessary. If needed,

interim remedial measures such as no-contact orders, and other means necessary to avoid contact between the Complainant and the Respondent may be taken prior to completion of this investigation. Other measures to protect the parties or the broader school community will be implemented as necessary.

The investigation will be thorough, impartial and equitable. The Complainant and the Respondent will be informed in writing that an of the alleged charges and a fact-finding investigation is taking place. All individuals will be treated with appropriate sensitivity and respect and conducted in a manner that is respectful of individual privacy concerns. During this preliminary investigation, both parties will be regularly informed of the status of the proceedings.

An investigation report is produced and includes an overview of the complaint filed, a review of all relevant information gathered, and a determination if there is substantiating evidence indicating a violation of relevant school policies. The Investigator will provide in writing their recommendation; terms for resolution, proceeding to a formal investigation, or not to proceed further as no violation was committed or insufficient information available to continue. This report is then reviewed by the Title IX Coordinator and select Gnomon executive administration, as needed, along with the Investigator to determine how to proceed – return for more investigation, or acceptance of the findings with or without edits. The determination as to how to proceed will be communicated to both parties, in writing.

Formal Investigation

Should the results of a preliminary investigation does not provide an adequate resolution, a notice of formal investigation is issued and delivered to both Complainant and Respondent. The notice (charge letter) will address specific allegations of violation(s) to the Non-discrimination and/or Harassment & Sexual Misconduct policy, and comprehensive and sufficient details as a basis for allegations is stated.

All complaints involving sexual violence may not be mediated, in accordance to Title IX governance. Any interim measures in effect will continue and may be modified during an investigation. Affirmative consent is the standard by which determination of whether consent was given by both parties to sexual activity. In the determination of whether consent was given by both parties to engage in sexual activity “affirmative consent” means affirmative, conscious, and voluntary agreement. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any

time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

Proceedings are designed to provide for a prompt, fair, adequate, reliable gathering of the facts. In a manner, appropriate to the circumstances of the case, investigation typically includes interviews with the Complainant, the Respondent, and any witnesses. The interviews will be supplemented by the gathering of any physical, documentary or other evidence. As part of the investigation, the opportunity for the parties to present witnesses and other evidence is available.

A written notice of findings is constructed; and includes, at minimum, a statement of the allegations and issues, the positions of the parties, a summary of the evidence, findings of fact, the rationale for the result and a determination as to whether it is more likely than not (“preponderance of the evidence”) that violation(s) of the misconduct policy occurred.

In the evaluation of complaints in any disciplinary process, it shall not be a valid excuse to alleged lack of affirmative consent that the accused believed that the complainant consented to the sexual activity under circumstances involving intoxication, incapacitation, influence of drug, alcohol or medication, inability to communicate due to a mental or physical condition, or other contributing factors as outlined in California Education Code (CEC) Section 67386 which was enacted in 2015 (SB967, De Leon).

The written notification may be sent simultaneously to both the Complainant and Respondent and will include any sanctions⁵ imposed, and information about the appeal process. Information regarding employment action, if any, shall be delivered to the Respondent (and Complainant as appropriate pursuant to FERPA and relevant employment privacy laws).

Recommendations and Application of Sanctions and Remedies

Sanctions may be issued individually, or a combination of sanctions may be imposed. Sanctions are determined on a case-by-case basis; however reasonable steps will be taken to foster consistency for similar violations and circumstances. Sanctions imposed are implemented immediately and remain in effect during any appeal. Any modifications to sanctions will be applied upon issuance of the final decision. In cases where employee disciplinary action is recommended, designated Gnomon official(s) will begin the due process procedure, pursuant to Gnomon’s employment policy, and applicable federal and state laws.

Appeals

Each party is allowed to appeal the investigation findings and/or sanctions⁴ as provided by Non-Academic Appeal guidelines (Appendix 6). A submission for appeal does not predicate alterations to the findings and/or sanctions. The Complainant and/or Respondent may appeal only the parts of final outcome directly relating to him/her. Dissatisfaction with the outcome of the hearing is not grounds for appeal. Each party will be notified if an appeal request is made; informed of any changes that occur prior to the time that the results become final; the outcome of an appeal; and when results become final. If an appeal does not meet the qualifying grounds for appeal, and/or not submitted within the time allotted, the findings and sanctions become final. If modified or alternative disciplinary actions are imposed, a letter including final findings and/or sanctions and thoroughly documented specific reasons for the adjustments shall be delivered to the Respondent (and Complainant as appropriate pursuant to FERPA and/or other relevant laws). Failure to appeal within the specified time period will make the original decision final and conclusive.

⁴List of sanctions provided in [Appendix 5](#).

Equitable Rights, Responsibilities, and Opportunities

A Complainant and Respondent are provided equitable rights and opportunities throughout all proceedings and entitled to the same level of support in all aspects of the proceedings, investigation process, findings, implementation of sanctions, and appeals. Proceedings are completed in a reasonable and prompt timeframe wherein both parties, and appropriate officials, have timely access to information that will be used during informal and formal disciplinary meetings. Written notification of results, rationale, and available appeal procedures are delivered simultaneously to both the Complainant and Respondent.

Both parties are afforded the following. This list is intended to be thorough and comprehensive, not exhaustive.

- From initial intake through resolution both parties have timely notice of all major time-frames of the process.
- A Respondent is notified that an investigation is pending/on-going to provide for a timely defense from the onset of the investigation.
- Both parties have the right to end the informal grievance process and begin the formal process at any time.
- Each party is accommodated a designated Gnomon official to assist in disseminating information including, but not limited to, policies, procedures, and rights to promote a thorough and unbiased investigation and disciplinary proceeding.
- The Complainant and the Respondent are allowed one (1) non-Gnomon advisor of their choice, at their own expense.
 - These procedures are entirely administrative in nature and are not considered legal proceedings.
 - This advisor may accompany the Complainant/Respondent to any related meetings or proceedings.
 - The advisor may not speak or otherwise actively participate in meetings or proceedings, though they may communicate with the Complainant or Respondent as necessary, as long as it does not disrupt the proceedings. At the discretion of the investigator(s), if the advisor is disruptive he/she will be removed from any and/or all meetings or proceedings.
- Evidence of the Complainant's past relationships with anyone other than the Respondent is disallowed.
- Direct questioning and cross-examination of the Respondent and Complainant by each other is not permitted. Either party may request to not be in the same room at the same time.

- The Complainant is not required to be present at any disciplinary process as a prerequisite to proceeding.
- Both parties will receive timely notice at regular intervals of the status of any investigation.

Witnesses are required to maintain the privacy of information shared with them during interviews and/or hearings. Though both parties can share their perspectives and experiences, violating the privacy of either party may lead to sanctioning through Student Conduct processes. All parties, including witnesses, involved in an allegation are strongly encouraged to maintain the privacy of information and/or written materials

Finality of Process

This procedure is intended to apply to alleged discrimination or harassment in violation of Title IX. All other misconduct or grievances by students against students or employees against students will be addressed through Academic/Non-Academic Misconduct procedures.

The findings and associated employment or student disciplinary actions based on this process, including all associated appeals and statutory rights outlined in school policies and this document, are final and will not be further addressed through the student conduct process, departmental administration, or human resource processes. Information obtained in these proceedings may be shared with local law enforcement, external governing bodies (e.g. the U.S. Department of Education Office of Civil Right) with a properly issued subpoena.

In all resolutions of sexual misconduct, all parties will be informed of the outcome. In some instances, the administration also may choose to make a brief public announcement of the nature of the violation and the action taken, without using the name or identifiable information of the alleged victim. The institution also must statistically report the occurrence on campus of major violent crimes, including certain sex offenses, in an “Annual Security Report” of campus crime statistics. This statistical report does not include personally identifiable information.

Disclosure of Results of Disciplinary Proceedings

Upon request, Gnomon will disclose the results of any disciplinary proceeding conducted by the school against a student who is the alleged Respondent (perpetrator) of any crime of violence or a non-forcible sex offense (statutory rape, incest) to the alleged victim, or next of kin if the victim is deceased.

Other Procedural Requirements

Procedural requirements applicable to complaints of sexual violence under other federal laws may also apply, including the requirements of the Clery Act. The rights established under Title IX are interpreted consistently with any federally guaranteed due process rights.

[Misconduct Grievance Policies and Procedures](#) in full is available online, and available in print form from the Title IX Coordinator.

Non-Discrimination Policy

Gnomon does not discriminate in admission, treatment, or access to its programs or activities on the basis of race, color, national origin, ancestry, sex, gender, gender identification, sexual orientation, disability, age, religion, physical and/or mental disability, medical condition, veteran status, marital status or any other characteristic protected by institutional policy or state, local, or federal law. These practices include, but are not limited to, hiring, employment promotion and transfer, admissions policies, and administration of loan programs and participation in the benefits and services of education programs or related activities sponsored by Gnomon.

The institution complies with the Civil Rights Act of 1964, as amended; Title IX of the Education Amendment Act of 1972; Section 504 of the Rehabilitation Act of 1973; Age Discrimination Act of 1975; California SB-195 Equity in Higher Education Act, and any other applicable federal, state and local law. Gnomon is committed to a multicultural workplace and education programs involving cultural and ethnic diversity among the school's community.

For more information or if you believe you have been subject to discrimination on the basis of sex, sexual orientation, gender identity, or disability, please contact Gnomon's Title IX and ADA Section 504 Coordinator at 323-466-6663 x135, studentaffairs@gnomon.edu.

Questions regarding Title IX may also be directed to:

Office for Civil Rights,
San Francisco Office
U.S. Department of Education
50 Beale Street, Suite 7200
San Francisco, CA 94105-1813
Telephone: (415) 486-5555
Email: OCR.SanFrancisco@ed.gov

Appendix 1 - Clery Act Crime Statistics

The Hierarchy Rule[†] is employed for counting crimes when more than one (1) offense was committed during a single incident. The definitions for all Clery Crime Categories are found in [Appendix 2](#).

Crime Statistics 2015-2017

GNOMON ¹	2015		2016		2017	
	ON-CAMPUS	PUBLIC PROPERT Y	ON-CAMPUS	PUBLIC PROPERT Y	ON-CAMPUS	PUBLIC PROPERT Y
CLERY CRIME CATEGORIES						
Criminal Homicide – Murder and Non-Negligent Manslaughter	0	0	0	0	0	0
Criminal Homicide - Manslaughter by Negligence	0	0	0	0	0	0
Sexual Assault - Rape	0	0	0	0	0	0
Sexual Assault - Fondling	0	0	0	0	0	0
Sexual Assault - Incest	0	0	0	0	0	0
Sexual Assault - Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	3
Burglary	1	0	2	0	0	0
Motor Vehicle Theft	0	0	0	4	0	2
Arson	0	0	0	0	0	0
Liquor Law - Arrests	0	0	0	0	0	0
Liquor Law - Referrals for Disciplinary Action	0	0	0	0	0	0
Drug Law - Arrests	0	0	0	0	0	0
Drug Law - Referrals for Disciplinary Action	0	0	0	0	0	0
Illegal Weapons Possession - Arrests	0	0	0	0	0	0
Illegal Weapons	0	0	0	0	0	0

Possession - Referrals for Disciplinary Action						
Hate Crimes²: <i>There were no Hate Crimes reported for the years 2015, 2016, and 2017.</i>						
VAWA CRIMES						
Dating Violence	N/A	N/A	0	0	0	0
Domestic Violence	N/A	N/A	0	0	0	0
Stalking	N/A	N/A	0	0	0	0

*Note: There are no “unfounded” crimes for this reporting period.

† Arson is an exception to the Hierarchy Rule. Additionally, if rape, fondling, incest, or statutory rape occurs in the same incident as a murder, it is recorded as both a sex offense and murder statistic.

¹ *Gnomon does not operate in non-campus buildings or property.*

² *The definition and recording methodology of Hate crimes are included in [Appendix 9](#).*

Registered Sex Offender

Under section 121 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16921), concerning registered sex offenders, and California law (Penal Code § 290-294) requires mandatory registration as a sex offender with a local law enforcement agency. To obtain information submitted to the law enforcement database concerning such registered sex offenders (Megan’s Law sex offenders) may be found at <http://www.meganslaw.ca.gov/>.

Appendix 2 – Clery Act Crime Definitions

CRIME DEFINITIONS IN ACCORDANCE WITH THE FBI’S UCR PROGRAM (Appendix A to subpart D of part 668)

From the Summary Reporting System (SRS) User Manual:

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.

Criminal Homicide—Manslaughter by Negligence

The killing of another person through gross negligence.

Criminal Homicide—Murder and Non-Negligent Manslaughter

The willful (non-negligent) killing of one human being by another.

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. This offense includes the rape of both males and females.

Robbery

The taking or attempting to take anything of value from the care, 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

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. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

Burglary

The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Motor Vehicle Theft

The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned—including joyriding.)

Weapons: Carrying, Possessing, Etc.

The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

Drug Abuse Violations

The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

Liquor Law Violations

The violation of State or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

Referred for campus disciplinary action

The referral of any person to any campus official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.

CRIME DEFINITIONS FROM THE NATIONAL INCIDENT-BASED REPORTING SYSTEM (NIBRS) USER MANUAL**Sex Offenses (Sexual Assaults)**

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

Fondling—The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest—Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape—Sexual intercourse with a person who is under the statutory age of consent.

CRIME DEFINITIONS FROM THE HATE CRIME DATA COLLECTION GUIDELINES AND TRAINING MANUAL

Larceny-Theft (Except Motor Vehicle Theft)

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded. (Larceny and theft mean the same thing in the UCR.)

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

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.

GNOMON

1015 N Cahuenga Blvd
Hollywood, CA 90038

Appendix 3 – Clery Geography

Gnomon

1015 N. Cahuenga Blvd.

Los Angeles, CA 90038

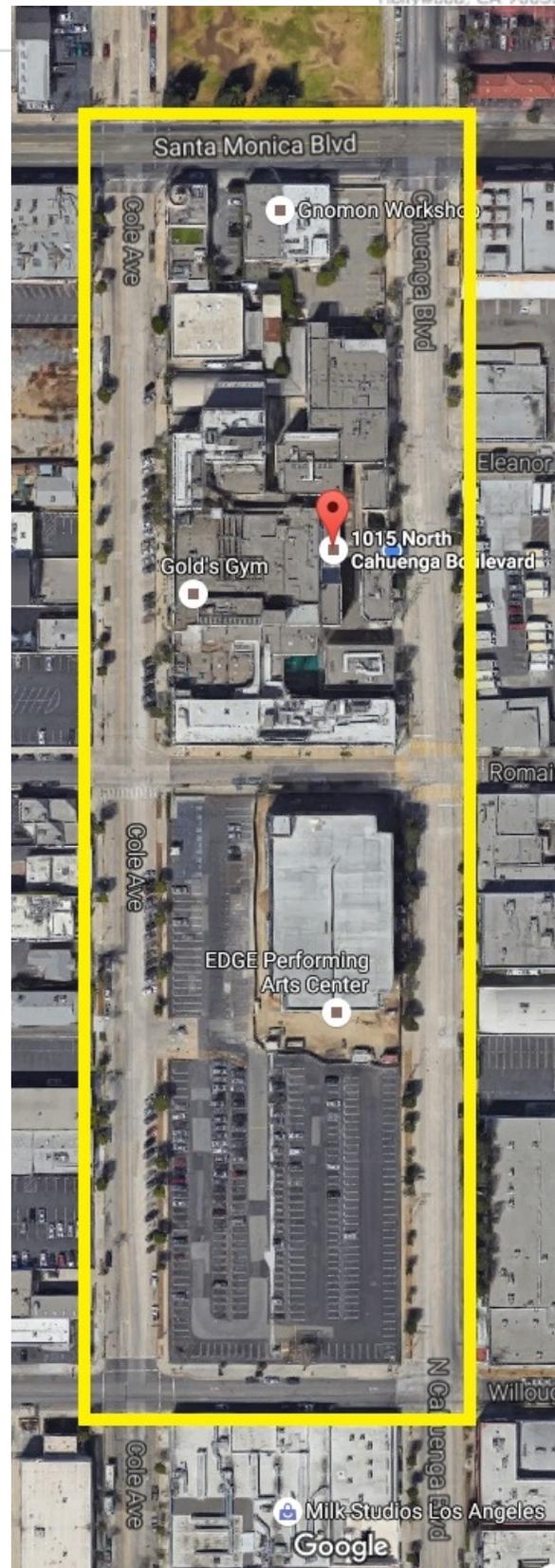
Campus bounded by:

Santa Monica Blvd. to the north

N. Cahuenga Blvd. to the east

Willoughby Ave. to the south

Cole Ave. to the west

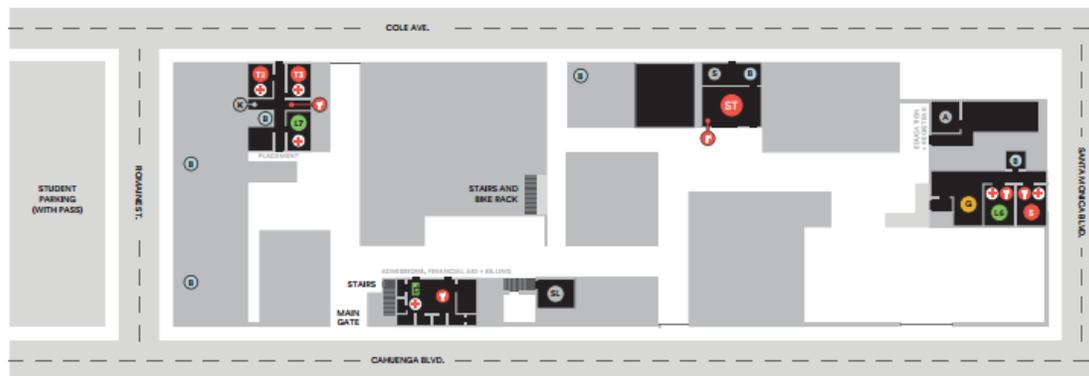


Appendix 4 – Campus Map

SECOND FLOOR



GROUND FLOOR



- | | | | | |
|--|---|--|---|--|
| L1 Lab 1 | L6 Lab 6 | D Drawing | FO Front Office | K Kitchen |
| L2 Lab 2 | L7 Lab 7 | T1 Lecture 1 | SL Student Lounge | G Gnomon Gallery |
| L3 Lab 3 | L8 Lab 8 | T2 Lecture 2 | A Academic Mentoring Center | B Bathroom |
| L4 Lab 4 | L9 Lab 9 | T3 Lecture 3 | S Store | + First Aid Kit |
| L5 Lab 5 | S Sculpture | ST Stage | T Lab Tech/Library | T Fire Extingisher |

Appendix 5 – Harassment & Sexual Misconduct Policy

Harassment & Sexual Misconduct Policy

Gnomon is committed to providing a safe learning and working environment for students and employees that is free from all forms of discrimination, harassment, exploitation, or intimidation. Sexual misconduct is a form of discrimination. Sexual harassment includes unwelcome sexual advances, requests for sexual favors and/or verbal or physical conduct of a sexual nature. This includes, but not limited to, sexually-related drawings, pictures, jokes, teasing, uninvited touching or other sexually-related comments. Gnomon strongly opposes harassment and sexual misconduct and such behavior is prohibited by school policy, federal and state law. This policy applies to all Gnomon community members, including students, faculty, administrators, staff, and third parties conducting business or having any official capacity with the school or on school property. Gnomon is prepared to take prompt action to prevent and correct such behavior of individuals who engage in sexual harassment, as well as any other unlawful harassment based on factors such as race, color, national origin, ancestry, sex, gender, gender identification, sexual orientation, disability, age, religion, physical and/or mental disability, medical condition, veteran status, marital status or any other characteristic protected by institutional policy or state, local, or federal law. Violations of this policy are not permitted and may result in disciplinary action up to and including expulsion or termination.

Gnomon encourages any student or employee to immediately report these incidents. Gnomon is committed to protecting the privacy of all individuals involved in a report of sexual harassment, sexual misconduct, and sexual violence. Throughout the process of investigation of a report every effort will be made to protect the privacy interests of all individuals, and respect and safeguard private information, to the extent possible consistent with the legal obligations of Gnomon to investigate and respond effectively. Adverse action will not be taken against a student or employee who, in good faith, reports or participates in the investigation of a violation of this policy. Retaliation against a person who properly reports, complains about, or participates in the investigation of such harassment is strictly prohibited.

Appendix 6 – Interim Remedial Remedies

Sexual Misconduct Policy Interim Remedial Remedies

Interim measures are those services, accommodations, or other assistance that the school puts in place for victims after receiving notice of alleged sexual misconduct but before any final outcomes – investigatory, disciplinary, or remedial – have been determined. Gnomon wants students to be safe, to receive appropriate medical attention, and to get the help they need to heal and to continue equal access their educational opportunities.

Some possible interim measures are listed below, and the school determines which measures are appropriate for a particular victim on a case-by-case basis. Not all of the measures listed below will be necessary in every case to keep victims safe and ensure their equal access to educational programs and activities. If the victim or advocate identifies an interim measure that is not already provided by Gnomon, the school will consider whether the request can be granted. In those instances, where interim measures affect both a victim and the alleged perpetrator, Gnomon will minimize the burden on the victim wherever appropriate.

Available Interim Measures:

- Assistance in obtaining, and information about off campus victim advocacy, medical and mental health, and counseling and support services.
- Campus No Contact Order.
- Rescheduling of exams and assignments (in conjunction with appropriate faculty).
- Providing alternative course completion options (with the agreement of the appropriate faculty).
- Transferring to another section of a lecture or laboratory.
- Change in class schedule, including the ability to take an “incomplete,” drop a course without penalty or transfer sections (with the agreement of the appropriate faculty).
- Limit an individual access to certain school facilities or activities pending resolution of the matter.
- Voluntary leave of absence or withdrawal.
- Providing an escort to ensure safe movement between classes and activities.
- Providing academic support services, such as tutoring.
- Interim suspension or school-imposed leave.
- Any other remedy that can be tailored to the involved individuals to achieve the goals of this policy.

Appendix 7 – Sanctions & Remedies

Sexual Misconduct Policy Sanctions and Remedies

Appropriate sanctions in response to a Respondent found responsible for a violation of the Sexual Misconduct Policy may include, but are not limited to, those set forth below.

The Complainant and Respondent will each have the opportunity to present a written statement about impact and/or requested sanctions. Statements will be reviewed only if the Respondent has been found responsible for one or more violation.

In general:

- Any Respondent who is determined to have committed sexual assault may receive a sanction ranging from suspension or probation, to expulsion or termination.
- Any Respondent who is determined to have committed non-consensual sexual contact or any other prohibited form of conduct may receive a sanction ranging from conduct warning to expulsion or termination.

Deviation from the recommended sanctions may be applicable, based upon a full consideration of the following factors: (1) the Respondent’s prior discipline history; (2) how the school has sanctioned similar incidents in the past; (3) the nature and violence of the conduct at issue; (4) the impact of the conduct on the Complainant; (5) the impact of the conduct on the community, its members, or its property; (6) whether the Respondent has accepted responsibility for his/her actions; (7) whether the Respondent is reasonably likely to engage in the conduct in the future; (8) the need to deter similar conduct by others; and (9) any other mitigating or aggravating circumstances.

Restorative justice outcomes may also be considered when taking into account the safety of the community as a whole. These outcomes allow a Respondent to learn about the origins of his/her behavior, his/her responsibility for this behavior, and how he/she can change this behavior.

Service, education or rehabilitation, or research projects may also be assigned.

In appropriate cases, it may be determined that the conduct was motivated by bias, insofar as a Complainant was selected on the basis of his or her race, color, ethnicity, national origin, religion, age, disability or other protected class. If the student misconduct is deemed motivated by bias, it may be elected to increase the sanction imposed as a result of this motivation.

Sanctions and corrective actions that may be imposed under this policy include:

- **Written Warning:** Notice, in writing, that continuation or repetition of prohibited conduct may be cause for additional disciplinary action. Restrictions or conditions may also be imposed.
- **Restitution:** Repayment to the school or to an affected party for damages resulting from a violation of this policy. To enforce this sanction, Gnomon reserves the right to withhold its transcripts and degrees or to deny a student participation in graduation ceremonies and privileged events.
- **Censure:** A written reprimand for violating the Sexual Misconduct Policy. A specific period of time is established during which the student's good standing with the school may be in jeopardy. This is an official warning that continuation or repetition of prohibited conduct may warrant additional conduct action including suspension, dismissal, or expulsion.
- **Suspension:** Exclusion from school premises, attending classes or employment, and other privileges or activities for a specified period of time, as set forth in the suspension notice. Conditions for return to Gnomon may be specified in the suspension notice.
- **Dismissal:** Termination of student status and exclusion from all Gnomon premises, activities, privileges, and Alumni services. Conditions for consideration for re-admittance may be specified in the dismissal notice. This action will be permanently recorded on the student's academic transcript.
- **Expulsion/Termination:** Permanent termination of student status or employment, and exclusion from all Gnomon premises, activities, privileges, and Alumni services. This action will be permanently recorded on the student's academic transcript.
- **Withholding/Revocation of Certificate/Degree:** Gnomon may withhold awarding a certificate, or revoke a degree otherwise earned until the completion of the process put forward in the Sexual Misconduct Policy, including the completion of all sanctions imposed, if any.

Employee sanctions may also include:

- Performance improvement plan
- Required counseling
- Required training or education

- Demotion
- Loss of pay increase
- Suspension without pay
- Suspension with pay

Other sanctions may be imposed instead of, or in addition to, those specified here. More than one of the sanctions listed above may be imposed for any single violation. Furthermore, exceptions or deviations from the normal procedure may occur whenever Gnomon deems it appropriate. Expulsion/Termination decisions will be based on an assessment of all relevant factors.

Appendix 8 – Non-Academic Appeal Guidelines

Non-Academic Appeal Guidelines

Appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal. Dissatisfaction with the outcome of the dispute is not grounds for appeal.

Grounds for Appeal Requests

A request for appeal must be based on one or more of the following:

1. The established procedures were not followed, in a significant way, and as a result, the findings, the sanctions, or both, were not correct.
2. The severity of the sanction imposed is not appropriate or is disproportionate based on the nature of the violation or the circumstances;
3. There is new information that would have been material to the outcome. Information is not considered new if the information was voluntarily withheld during the original investigation and resolution process. The new information must be included with the student's request for appeal. Also, the student must show that the new information could not have been presented withheld during the original investigation and resolution process.

Guidelines

- The appeal shall consist of a plain, concise and complete written statement outlining the grounds for appeal and all relevant information to substantiate the basis for the appeal.
- An appeal of finding(s) and/or sanction(s) is submitted to the Gnomon official specified in the original finding(s).
- An appeal must be submitted within five (5) business days of issuance of the original finding(s).
- A decision will be rendered, and written notification will be made within fifteen (15) business days from the date of the submission of all appeal documents. Appeal decisions are final.
- If an appeal does not meet the qualifying grounds for appeal, and/or not submitted within the time allotted, the findings and sanctions become final.

Appendix 9 – Glossary of Terms

Glossary of Terms

Annual Security Report

Colleges and universities must outline specific policies and procedures within their annual security reports, including those related to disseminating timely warnings and emergency notifications, options for survivors of sexual assault, domestic violence, dating violence, and stalking, and campus crime reporting processes.

Federal Bureau of Investigation’s (FBI) Uniform Crime Reporting (UCR) Program

The FBI UCR program is a nationwide, cooperative statistical effort in which city, university and college, county, state, tribal, and federal law enforcement agencies voluntarily report data on crimes brought to their attention. The UCR program also serves as the basis for the definitions of the following crimes in and the requirements of 34 CFR § 668.41 for classifying crimes.

Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f))

Originally known as the Campus Security Act, the “Clery Act” is a federal law that requires all colleges and universities who receive federal funding to share information about crime on campus and their efforts to improve campus safety as well as inform the public of crime in or around campus. The Clery Act is enforced by the United States Department of Education. This information is made publicly accessible through the university's annual security report.

For the purposes of § 668.46 (a) the definitions of the following terms are:

(On-)Campus: (1) 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 (2) 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 Authority: (1) A campus police department or a campus security department of an institution. (2) 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 one of this definition, such as an individual who is responsible for monitoring entrance into institutional property. (3) 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. (4) 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.

Clery Geography: (1) For the purposes of collecting statistics on the crimes listed in paragraph (c) of this section for submission to the Department and inclusion in an institution's annual security report, Clery geography includes-- (i) Buildings and property that are part of the institution's campus; (ii) The institution's non-campus buildings and property; and (iii) Public property within or immediately adjacent to and accessible from the campus. (2) For the purposes of maintaining the crime log required in paragraph (f) of this section, Clery Geography includes, in addition to the locations in paragraph (1) of this definition, areas within the patrol jurisdiction of the campus police or the campus security department.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. (1) The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. (2) For the purpose of this definition- (i) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. (ii) Dating violence does not include acts covered under the definition of domestic violence. (3) For the purposes of complying with the requirements of this section and § 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Domestic Violence: (1) A felony or misdemeanor crime of violence committed-- (i) By a current or former spouse or intimate partner of the victim; (ii) By a person with whom the victim shares a child in common; (iii) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; (iv) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (v) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred. (2) For the purposes of complying with the requirements of this section and § 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Hate crime: A crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias

against the victim. For the purposes of Clery Act reporting, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

Hierarchy Rule: A requirement in the FBI's UCR program that, for purposes of reporting crimes in that system, when more than one criminal offense was committed during a single incident, only the most serious offense be counted.

Non-campus building or property: (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or
(2) Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

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

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

Programs to prevent dating violence, domestic violence, sexual assault, and stalking: (1) Comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that-- (i) 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 (ii) Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels. (2) Programs to prevent dating violence, domestic violence, sexual assault, and stalking include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees.

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

Referred for campus disciplinary action: The referral of any person to any campus official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.

Sexual assault: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program and included within.

Stalking: (1) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to— (i) Fear for the person's safety or the safety of others; or (ii) Suffer substantial emotional distress.

Test: Regularly scheduled drills, exercises, and appropriate follow-through activities, designed for assessment and evaluation of emergency plans and capabilities.

For the purposes of § 668.46 (c) the definition of the following term is:

Unfounded: A situation where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the report was false or baseless. Only sworn or commissioned law enforcement personnel may "unfound" a crime report for purposes of reporting under this section.

For the purposes of § 668.46 (j) the definitions of the following terms are:

Awareness programs 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.

Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

Ongoing prevention and awareness campaigns mean programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution.

Primary prevention programs mean 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.

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.

For the purposes of § 668.46 (j)(C) the definition of the following term in the State of California is:

“Affirmative consent” means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent. Affirmative consent is the standard in the determination of whether consent was given by both parties to sexual activity. The use of alcohol or other drugs alone never makes an individual at fault for sexual violence.

For the purposes of § 668.46 (k) the definitions of the following terms are:

Advisor means any individual who provides the accuser or accused support, guidance, or advice.

Proceeding means all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact finding investigations, formal or informal meetings, and hearings. *Proceeding* does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

Result means any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution. Notwithstanding FERPA, the result must also include the rationale for the result and the sanctions.