



# Annual Security Report

Clery Crime Statistics 2017-2019

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## INTRODUCTION

The University of Arizona Global Campus (“University”) is providing the following information to all current and prospective students and employees as part of the University’s commitment to safety and security pursuant to the requirements of the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”) and the Violence Against Women Reauthorization Act of 2013 (“VAWA”), which added Campus SaVE Act provisions. Safety and security is a shared responsibility; the best protection against crime is a community that is informed, aware, and engaged in helping to keep us safe. To further those ends, we prepare an annual security report that includes the three most recent calendar years. Please take a moment to read this year’s report, which contains statistics about crime on campus from January 1, 2017 through December 31, 2019.

As a point of reference, the Violence Against Women Act (VAWA) amended the Clery Act, requiring institutions to compile statistics for incidents of domestic violence, dating violence, sexual assault, and stalking and to include certain policies, procedures, and programs pertaining to these incidents in their annual security reports. Effective July 1, 2015, the U.S. Department of Education published final regulations implementing the changes to the Clery Act by VAWA. While VAWA has not been reauthorized by Congress since February 2019, the University continues to comply with its applicable provisions.

The Clery Act requires universities to provide timely warnings of dangerous situations that may pose a threat to the community and to collect and report certain crime data. The Clery Act also requires reports of student disciplinary referrals, as well as arrests for drug, alcohol and weapons offenses on campus.

It is important to note that as of February 2020, the University no longer had or has students frequenting a campus or a location. The University does conduct periodic workshops at various locations, and the policies and procedures contained in this Report currently apply to on-site employees, the online context, and/or the workshops, as applicable and as indicated. Policies and procedures related to crime statistics are both current and apply to the last three (3) years, as that is the time period required to be reported in this Report.

Due to facility closures and remote staffing coordinated in response to public health orders and the pandemic, many of the procedures described in this Report, while current, were not applicable or operational for much of 2020. They will commence as facilities reopen and they become applicable once again.

We hope you find this report informative and welcome questions and requests for more information about safety and security.

Requests for a hard copy of the University’s Annual Security Report can be made by emailing [studentaffairs@uagc.edu](mailto:studentaffairs@uagc.edu).

With Kind Regards,

Mathew Galloway, Student Care Manager

## PREPARING THE ANNUAL SECURITY REPORT

This report was prepared in cooperation with the San Diego, California and Clinton, Iowa Police Departments, and the University of Arizona Global Security Department, Financial Services, Legal and Compliance, Human Resources, Facilities, and Student Affairs Offices. Crime, arrest, and referral statistics include those reported to designated University officials (including but not limited to the Vice President, Student Affairs, ADA/504 Coordinator, Title IX Coordinator, other directors, deans, department heads), and local law enforcement agencies.

This report is compiled annually under the direction of the Student Care Manager, Student Affairs, and the Title IX Coordinator, who are responsible for checking the accuracy of reports, and reconciling statistics to assure proper categorization and avoid double counting. For questions about any of the information provided in this report, please contact the Student Care Manager, Student Affairs, Mathew Galloway, at 866.974.5700 Ext. 20787.

## PREPARING THE ANNUAL DISCLOSURE OF CRIME STATISTICS

Federal law requires all institutions of higher education to collect and maintain statistics concerning specific crimes and to report these statistics annually to students and employees, and prospective students and employees.

The University gathered statistics concerning the occurrence of certain offenses on the Iowa location, the San Diego location, in or on non-campus buildings or property, and on public property. The University ceased offering on-campus housing to students after May 2016, and has never offered on-campus housing to students in San Diego.

The University prepared this report in cooperation with the Clinton Police Department, the San Diego Police Department, and University administrators. Campus crime, arrest, and referral statistics include those reported to the Campus Public Safety Office, designated campus officials and local law enforcement agencies.

<sup>^</sup>Hate Crimes: These include any crimes reported to local police agencies or to a campus security authority that manifest evidence that the victim was intentionally selected because of the victim's actual or perceived race, gender, religion, national origin, sexual orientation, gender identity, ethnicity, or disability and refers to the following crimes: criminal homicide (murder and non-negligent manslaughter), sex offenses (rape, fondling, incest, statutory rape), robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, intimidation, destruction/damage/vandalism of property and any other crime involving bodily injury.

IOWA: CRIMINAL OFFENSES 2017-2019

Criminal Offenses	Year	On-Campus (Including Residence Halls)	Residence Halls*	Public Property**	Total
Murder and Non-Negligent Manslaughter	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
Manslaughter by Negligence	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
Rape	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
Fondling	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
Incest	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
Statutory Rape	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
Robbery	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
Aggravated Assault	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
Burglary	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
Motor Vehicle Theft	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
Arson	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0

IOWA: HATE CRIMES 2017-2019

Hate Crimes^	Year	On-Campus (Including Residence Halls)	Residence Halls*	Public Property**	Total
Murder and Non-Negligent Manslaughter	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
Rape	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
Fondling	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
Incest	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
Statutory Rape	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
Robbery	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
Aggravated Assault	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
Burglary	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
Motor Vehicle Theft	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
Arson	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
Larceny/Theft	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
Simple Assault	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	NA	0	0

Intimidation	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
Destruction/ Damage/Vandalism of Property	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
Any Crime Involving Bodily Injury	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0

IOWA: VAWA OFFENSES 2017-2019					
VAWA Offenses	Year	On- Campus (Including Residence Halls)	Residence Halls*	Public Property**	Total
Domestic Violence	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
Dating Violence	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
Stalking	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0

IOWA: ARRESTS AND REFERRALS FOR DISCIPLINARY ACTION 2017-2019					
Offense	Year	On- Campus (Including Residence Halls)	Residence Halls*	Public Property**	Total
Liquor Law Arrests	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
Liquor Law Referrals	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
Drug Law Arrests	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0

Drug Law Referrals	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
Weapons Law Arrests	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
Weapons Law Referrals	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0

IOWA: UNFOUNDED 2017-2019		
Offense	Year	Total
Unfounded Crimes	2017	0
	2018	0
	2019	0

SAN DIEGO: CRIMINAL OFFENSES 2017-2019

Criminal Offenses	Year	On-Campus	Public Property**	Total
Murder and Non-Negligent Manslaughter	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
Manslaughter by Negligence	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
Rape	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
Fondling	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
Incest	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
Statutory Rape	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
Robbery	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
Aggravated Assault	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
Burglary	2017	2	0	2
	2018	0	0	0
	2019	0	0	0
Motor Vehicle Theft	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
Arson	2017	0	0	0
	2018	0	0	0
	2019	0	0	0

SAN DIEGO: HATE CRIMES 2017-2019				
Hate Crimes^	Year	On-Campus	Public Property**	Total
Murder and Non-Negligent Manslaughter	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
Rape	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
Fondling	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
Incest	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
Statutory Rape	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
Robbery	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
Aggravated Assault	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
Burglary	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
Motor Vehicle Theft	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
Arson	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
Larceny/Theft	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
Simple Assault	2017	0	0	0
	2018	0	0	0
	2019	0	0	0

Intimidation	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
Destruction/ Damage/Vandalism of Property	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
Any Crime Involving Bodily Injury	2017	0	0	0
	2018	0	0	0
	2019	0	0	0

SAN DIEGO: VAWA OFFENSES 2017-2019				
VAWA Offenses	Year	On-Campus	Public Property**	Total
Domestic Violence	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
Dating Violence	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
Stalking	2017	0	0	0
	2018	0	0	0
	2019	0	0	0

SAN DIEGO: ARRESTS AND REFERRALS FOR DISCIPLINARY ACTION 2017-2019				
Offense	Year	On-Campus	Public Property**	Total
Liquor Law Arrests	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
Liquor Law Referrals	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
Drug Law Arrests	2017	0	0	0
	2018	0	0	0
	2019	0	0	0

Drug Law Referrals	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
Weapons Law Arrests	2017	0	0	0
	2018	0	0	0
	2019	0	0	0
Weapons Law Referrals	2017	0	0	0
	2018	0	0	0
	2019	0	0	0

SAN DIEGO: UNFOUNDED 2017-2019		
Offense	Year	Total
Unfounded Crimes	2017	0
	2018	0
	2019	0

## REPORTING CRIMINAL ACTIONS & OTHER EMERGENCIES

For reporting under Title IX and/or the following offenses where the University may have jurisdiction, see “How to Report Under IX/Clery,” below: sexual assault, dating violence, domestic violence, stalking.

All members of the community are encouraged to report all crimes in an accurate and timely manner to the University and to law enforcement, when the victim of a crime elects to, or is unable to, make such a report. It is also important for students, as well as other members of the community, to take responsibility for their own safety and wellbeing. The University strongly encourages all members of our community to take steps to ensure the safety and security of their belongings, themselves, and others. The University encourages all members of our community to also report suspicious activity, safety hazards or emergencies to Security Officers as applicable or to police by dialing 9-1-1.

To report a crime or emergency occurring at the University of Arizona Global Campus in San Diego, California, employees should contact the following:

San Diego Contact Information to Report a Crime or Emergency	
San Diego Police Department	911 or 619.531.2000 (non-emergency)
General Security line	866.475.0317 x 13033

Students and employees in workshops at hotel or other locations should contact security personnel at the facility where they are located to report criminal actions and other emergencies. Additionally, University participants are directed to follow related policies and procedures outlined by the facility where the workshop takes place. Students can also alert the University Title IX Coordinator or the Manager of Faculty Support and Development in addition to facility security personnel.

Students attending a workshop are provided with a Student In Residence Welcome Packet prior to arrival, and are encouraged to refer to this information in the event they encounter an emergency, threat, or a crime in progress. It provides instructive information on how to respond to an emergency and who can be notified of a concern about a safety or security issue.

All incident reports, including those related to workshop participation, are forwarded to Student Affairs for review and potential action if Student Community Standards and/or violations of law are suspected. When appropriate, these will be referred to law enforcement agencies. When a potentially dangerous threat to the University community arises, a timely warning or emergency notification will be issued as set forth in the sections above.

## EMERGENCY RESPONSE AND EVACUATION

The University's emergency response and evacuation policies and procedures are overseen by the Security Department. Two cross-functional teams are responsible for anticipating, monitoring, and responding to threats or emergencies and bring this information to the Security Department. They include:

The Crisis Threat Management Team (CTMT) consists of key stakeholders of the University who respond to any threat to employees or the organization. The team includes representatives from Facilities & Security, Employee Relations (HR), Business Technology (IT), Student Affairs, and Corporate Communication. The cross functional team will determine which (if any) additional tactical expertise or resources are needed to ensure the incident is contained.

The University of Arizona Global Campus Behavioral Intervention Team (BIT) addresses students of concern who may present a threat to the community. This team meets bi-weekly, or as needed, to evaluate and respond to concerning behaviors, assess threats and/or risks, identify appropriate interventions, and recommend departmental processes that will contribute to a safe educational environment for students and staff. Team membership includes representation from most student support departments, as well as Dispute Resolution and the Center for Excellence in Teaching and Learning (faculty support).

Departments are responsible for developing contingency plans and continuity of operations plans for their staff and areas of responsibility. The University conducts emergency response exercises each year, these include evacuation drills and tests of the security equipment and systems. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution.

The University Security Department receive emergency management training such as active shooter and incident response. When a serious incident occurs that causes an immediate threat, the first responders to the scene are usually the Security Department in conjunction with local Police, Fire and Emergency Medical Services, and they typically respond and work together to manage the incident. Depending on the nature of the incident, other University departments and other local or federal agencies could also be involved in responding to the incident.

The Emergency Volunteer Team (EVT) is an emergency response team comprised of employees that have agreed to participate and assume specific roles in the event of an emergency/evacuation. These volunteers participate as a member of the team are required to complete annual online training to learn about who is on the team, the roles, and how to efficiently evacuate the building while ensure all employees/students and visitors are evacuated to assembly area safely.

All members of the community are notified on an annual basis that they are required to notify the University of any situation or incident that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of the University community. The Security Department has the responsibility of responding to, and summoning the necessary resources, to mitigate, investigate, and document any situation that may cause a significant emergency or dangerous situation. In addition, the Security Department has a responsibility to respond to such incidents to determine if the situation does in fact, pose a threat to the community. If that is the case, the institution will immediately notify the University community or the appropriate segments of the community that may be affected by the situation.

The overall security and safety program includes components including annual online training and quarterly emails which are sent to all community members and include emergency evacuation behaviors, safe assembly areas, reminders of the policy on piggy backing and see something / say something reminders for reporting. Due to facility closures and remote staffing coordinated in response to public health orders, training and testing were interrupted or not completed during 2020 and will commence upon restoring an in-person presence onsite.

Students attending workshops are directed to follow policy and procedures outlined by the facility, and to report safety concerns to the facility security personal. Students can also alert the University Title IX Coordinator or the Manager of Faculty Support and Development of emergencies in addition to security personnel at the workshop facility.

#### TIMELY WARNINGS FOR CLERY CRIMES (SEE ALSO EMERGENCY NOTIFICATION)

The university will issue a timely warning when appropriate, including to students and employees at workshop locations. The Crisis Threat Management Team (CTMT) is responsible for the decision to issue a timely warning and will confer with any applicable and available campus security authorities upon receiving a report of an incident. The CTMT will complete a case-by-case analysis utilizing open communication and collaboration analyzing the reported crime, the known pertinent facts of a reported incident, and determine whether the incident meets all of the following factors: 1) is a Clery reportable crime; 2) occurred in Clery defined geography; and 3) poses a serious or ongoing threat to the community. If it is determined that any of the three factors are not met, then a timely warning may not be issued.

If it is determined that all three factors are met, the CTMT will determine the content of the timely warning bulletin, disseminates the timely warning expeditiously in a manner likely to reach the entire affected campus community utilizing one or more, and not limited to, the following methods to issue the timely warning bulletin:

- All employee and student e-mail distribution
- University website

For clarity to the community when a timely warning is issued it will be titled “Timely Warning Crime Bulletin” and include the following:

- A statement that the Timely Warning Bulletin is being issued in compliance with the Jeanne Clery Act and the purpose is to provide preventative information to the campus community to aid members from becoming the victim of a similar crime.
- The Clery Act reportable crime that occurred
- The date, time, and location the crime occurred
- The date the Timely Warning Bulletin is issued
- A description of the suspect, and name if known, when the suspect is at large and evading apprehension and/or law enforcement is seeking assistance from the public to locate
- Preventative information specifically related to the type of crime which occurred that could help others from becoming the victim of a similar crime

Every effort to ensure that the timely warning bulletins will not include the name of the victim, or information so specific that would or likely could identify the victim of the crimes of sexual violence to include rape, dating violence, domestic violence, or stalking. Issuance of timely warnings will be delayed only if the issuance would compromise the apprehension of the suspect or compromise the ability of law enforcement to investigate the crime.

Students attending workshops are directed to follow related policies and procedures outlined by the facility, and to report safety concerns to the facility security personnel. Students can also alert the University Title IX Coordinator or the Manager of Faculty Support and Development of emergencies in addition to security personnel at the workshop facility.

## EMERGENCY NOTIFICATION

The University will issue an emergency notification when appropriate, including to students and employees at workshop locations. The Crisis Threat Management Team (CTMT) is responsible for the decision to issue an emergency notification and will confer with any applicable and available campus security authorities upon receiving a report of an incident. The CTMT will confer with the appropriate public official (e.g., fire chief, police, health department) and any officials responsible for managing the emergency, if available, and will complete a case by case analysis utilizing open communication and collaboration analyzing the reported crime, the known pertinent facts of a reported incident, and determine whether the incident meets both factors for emergency notification: 1) an emergency or dangerous situation in fact exists in applicable Clery geography; and 2) the emergency or dangerous situation poses an immediate or imminent threat to members of the University community. If both of the above factors are not met, no emergency notification will be issued.

If it is determined that both factors are met, the CTMT will prepare the content of the notification taking into account the safety of the community. They will also determine, based on the confirmed facts of the emergency, if the entire community or only a specific segment of the community is threatened and need to be notified.

Once the notification is prepared, the CTMT or the management designee(s) will, without delay and taking into account the safety of the community, transmit the emergency notification unless doing so would delay the ability to mitigate and/or contain the emergency, including the ability to provide immediate, life saving measures.

- All employee and student e-mail distribution
- The mass notification system, including but not limited to phone, email, or text messaging
- Audible alarms/sirens
- Other means appropriate under the circumstances

For clarity to the community when an emergency notification is issued it will be titled “Emergency Notification.” The CTMT or the management designee(s) will provide follow-up notifications and information until the emergency is mitigated and no longer poses a threat.

Students attending workshops are directed to follow processes and procedures outlined by the facility, and to report safety concerns to the facility security personal. Students can also alert the University Title IX Coordinator or the Manager of Faculty Support and Development of emergencies in addition to security personnel at the workshop facility.

## ANNUAL TESTING OF EMERGENCY RESPONSE AND EVACUATION PROCEDURES

University policy requires the planning and conducting of periodic and annual physical security inspections, testing of equipment, and physical security surveys to remain cognizant of security changes or requirements impacting security to company’s assets (people, property and information). This policy is overseen by the Security Department and includes specific requirements for the testing of security equipment and systems such as the access badge system, the CCTV system or the building alarm system, which are considered essential elements of security infrastructure. Security equipment inspection and maintenance must be considered an important element of overall physical security and is the responsibility of the Security and Facilities departments. Results for each equipment/system test will be recorded in a Testing Log, maintained by the Facilities Department.

An annual, unannounced evacuation drill is coordinated by the Security Department and Facilities. Evacuees learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting the building for a short- term evacuation.

The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of an emergency. During the drill, occupants practice drill procedures and familiarize themselves with the location of exits, meeting points, and the sound of the fire alarm. The process also provides the University an opportunity to test the operation of fire alarm system components.

Evacuation drills are monitored by the Security Department, Building Management, and the Emergency Volunteer Team (EVT) to evaluate egress and behavioral patterns. After the all clear is given for the floor, EVT Members proceed to evacuate the building and assemble at their designated safe zone. Once there, the Floor Warden will give the all clear check-in for their floor zone, report the location of any personnel with special needs to emergency responders and await further instructions from emergency responders and the Security Department. Reports are prepared by participating EVT Members to help identify deficient equipment so that repairs can be made immediately. Recommendations for improvements are also submitted by the EVT Members for consideration.

Emergency Evacuation Team Members are provided with online training including the Emergency Volunteer Flow Chart which provides information on the roles and responsibilities of each volunteer assignment. Roles include Floor Warden, Sweeper, Elevator Monitor, and Stairwell Monitor; all EVT members will report to their Floor Warden in emergency situations. The Emergency Volunteer Flow Chart include instructions on EVT roles and processes.

## VOLUNTARY CONFIDENTIAL REPORTING

University policies do not provide for victims or witnesses to report crimes on a voluntary, confidential basis with us. The University neither employs professional counselors or pastoral (faith--based) counselors for use by students, faculty or staff, nor follows a policy that encourages pastoral counselors and professional counselors to inform the persons whom they are counseling to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

Non-University resources for confidential reporting of crimes are outlined below:

San Diego, California Contact Information for Voluntary and Confidential Reporting	
San Diego Crime Stoppers	<a href="https://www.sdcrimestoppers.org/">https://www.sdcrimestoppers.org/</a>

## SECURITY OF AND ACCESS TO FACILITIES

The University does not have any campus residences, and currently has no campus. This statement addresses employee facilities and on-ground student workshops.

Students attending workshops are directed to follow policies and procedures outlined by the facility, and to report safety concerns to the facility security personal. Students can also alert the University Title IX Coordinator or the Manager of Faculty Support and Development of emergencies in addition to security personnel at the workshop facility.

University policy requires that it define, implement and maintain procedures and control devices/mechanisms to grant, limit and revoke access to physical facilities, and that access to facilities will be justified, authorized, logged and periodically audited.

Access to all University facilities during business and non-business hours is by access card or key, or by admittance via security staff only. After-hours access to facilities is limited to authorized faculty and staff with valid access card or key. Visitors are subject to University policies. All criminal incidents involving, or observed by, visitors should be reported immediately.

The Security Department meets periodically to discuss any issues of pressing concern related to facilities, security, and maintenance.

## LAW ENFORCEMENT AUTHORITY

The University takes any reported criminal action seriously and responds to it accordingly; the University relies on law enforcement authorities to assist during criminal investigations and emergencies. Students attending workshops are directed to follow policies and procedures outlined by the facility where the workshop takes place, including law enforcement authority. The University does not have or employ campus police.

The University coordinates with the San Diego Police Department and any other local, applicable jurisdictions for any online or workshop-related incidents and refers all criminal incidents to local authorities who have jurisdiction. The Security Department, and local authorities confer on issues of security and safety. The University and the local law enforcement authorities have not entered into a formal memorandum of understanding. Students and staff may contact the local authorities directly. The Security Department will make contact on behalf of the University or individuals involved if it is necessary or when such contact is requested.

During the period covered by this report, the University contracted with a professional security firm to provide additional security services. Campus public safety officers had the authority to

ask persons for identification and to determine whether individuals have lawful business at the University. In addition, they had the authority to issue parking tickets for parking violations on University property. Campus public safety officers had no formal arrest authority. City, county, or state law enforcement officers made arrests, if necessary.

## CRIME PREVENTION PROGRAMS

During time periods when the University had a campus, crime prevention information was posted on campus bulletin boards, in the Campus Safety Tips Brochure, and at presentations offered throughout the year. In locations where employees are still present, community members are informed of the BIT and their referral process during various departmental trainings throughout the year. In addition, the Security Department best practices and updates are also sent to employees through internal email and intranet postings. Students attending a workshop are provided with a Student In Residence Welcome Packet prior to arrival, and are encouraged to refer to this information in the event they encounter an emergency, threat, or a crime in progress. It provides instructive information on how to respond to an emergency and who can be notified of a concern about a safety or security issue.

For primary and ongoing programs, see “Title IX Notice, IX/Clery Education and Training,” below.

The University does not have officially recognized student organizations with non-campus locations, and therefore does not monitor or document activity of this type.

## ALCOHOL AND DRUG POLICIES

### STUDENT ALCOHOL POLICY

All individuals must observe state and federal laws regarding the use, consumption, possession, and distribution of alcohol. The University strictly prohibits the unauthorized use, consumption, possession, and distribution of alcohol by any student, regardless of legal drinking age, at the University or at University sponsored events and activities. The University Sanctions section set forth in the *University of Arizona Global Campus Catalog* provide additional explanation of the institution’s disciplinary procedures for students who are found to be in violation of this policy.

Alcohol may be served at certain University events or functions and only to those persons of legal drinking age who can verify their age with identification as required by the state in which the event or function occurs. Written permission must be obtained from the Vice President of Student Affairs or Clery designee to serve alcohol and any legally required alcohol permits obtained prior to the function.

#### EMPLOYEE ALCOHOL POLICY

The Company prohibits employees from reporting to work under the influence of, dispensing, possessing or using alcohol on Company premises or while conducting Company business except as permitted at specific Company events. For the purposes of this policy, any alcohol concentration of greater than .04, expressed in terms of grams of alcohol per two hundred liters of breath, or its equivalent, shall be deemed to violate this policy.

Upon receipt of a confirmed positive alcohol test that indicates violation of this policy by an employee who (1) has been employed by the Company for at least twelve of the preceding eighteen months and (2) has not previously violated this policy, the Company shall give the employee the option of enrolling in a Company-provided or approved rehabilitation, treatment, or counseling program ("Rehabilitation Program") as an alternative to disciplinary action. If an eligible employee declines to participate in a Rehabilitation Program, then that employee shall be subject to the disciplinary action set forth in this policy. A Rehabilitation Program may include additional drug or alcohol testing. For employees participating in a Rehabilitation Program pursuant to this policy, participation in and successful completion of a Rehabilitation Program may be a condition of continued employment. The costs of the Rehabilitation Program shall be apportioned as provided under the Company's employee benefits plan.

The Company shall not take adverse action under this policy against any employee who complies with the requirements of and successfully completes a Rehabilitation Program. Participation in a Rehabilitation Program, however, shall not preclude the Company from taking any adverse employment action against an employee during the Rehabilitation Program based on the employee's failure to comply with any requirement of the Rehabilitation Program, including any action by the employee to invalidate a test sample provided by the employee pursuant to the Rehabilitation Program.

#### STUDENT DRUG POLICY EMPLOYEE DRUG POLICY

The unlawful possession, use, sale, or distribution of illegal drugs or controlled substances is prohibited at the University or at University-sponsored events and activities. Controlled substances include those drugs listed in the federal Controlled Substances Act. The Student Community Standards section of the *Academic Catalog* provides additional explanation of the institution's disciplinary procedures for students who are found to be in violation of this policy.

#### EMPLOYEE DRUG POLICY

The Company prohibits the manufacture, distribution, dispensation, sale, purchase, or transfer of any controlled substance by its employees on Company premises or while conducting Company business. The Company prohibits the unlawful possession or use of any controlled substance by its employees on Company premises or while conducting Company business. Employees may not report to work under the influence of an unauthorized controlled substance. Controlled substances include those drugs listed in the federal Controlled Substances Act.

The Company also prohibits the use, possession, distribution, transfer or sale of any drug paraphernalia on Company premises or while conducting Company business.

In compliance with the Drug-Free Workplace Act of 1988, and as a condition of employment, all employees must:

Abide by the terms set forth above;

Notify the President, Director of Human Resources, or other office designated for violations if an employee is convicted of violating any criminal drug statute and the violation occurred on or off Company premises while conducting Company business within five (5) days of the conviction.

When the President, Director of Human Resources, or other office designated for violations receives notice of a conviction of any criminal drug statute; he or she will coordinate efforts to comply with the reporting requirements of the Drug-Free Workplace Act of 1988.

#### PRESCRIPTION AND OTC DRUGS

Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with safe performance of his/her job. If the use of a medication could compromise the safety of the employee, fellow employees or the public, it is the employee's responsibility to use appropriate personnel procedures (e.g., call in sick, use leave, request change of duty, notify supervisor) to avoid unsafe workplace practices.

#### DRUG AND ALCOHOL TESTING

The Company reserves the right to conduct blood and/or urine tests for alcohol and drugs when the Company has reasonable suspicion that: the employee is under the influence of, or impaired by, controlled substances while performing services for the Company or while on Company premises; has used controlled substances while performing services for the Company or while on Company premises; is impaired by alcohol while performing services for the Company or while on Company premises; or has used alcohol while on Company premises or while performing services for the Company, except at approved Company events. Reasonable suspicion may be based on a variety of factors, including but not limited to the employee's appearance, conduct, activity/inactivity, equilibrium, speech, attention span, behavior, mental and physical reactions, statements made, odor of intoxicants on breath or clothing of the employee, unsteady gait, and dilated or constricted pupils. The testing will be performed by qualified personnel at an independent drug testing facility selected by the Company.

When a supervisor believes that an employee is under the influence of drugs or alcohol while on the job, the employee's supervisor will immediately contact the Human Resources

Department. The employee may be removed from the workplace until the employee is no longer under the influence and/or during the time an investigation is underway. The Human Resources Department will arrange to have the employee transported home or, if there is reasonable suspicion to believe that the employee violated this policy, the Human Resources Department will arrange for transportation to a drug testing facility selected by the Company.

Desks, cubicles, offices, storage areas, and all Company materials are Company property and must be maintained according to Company rules and regulations. The Company reserves the right to inspect all Company property without notice to the employee and at any time to ensure compliance with this policy.

Additionally, whenever the Company suspects that an employee has violated this policy, the Company may inspect the employee's personal effects (including parcels, purses, lunch boxes and briefcases) or automobile if those personal effects or automobile are located on Company property.

## ALCOHOL AND DRUG ABUSE PREVENTION PROGRAM

The University provides Student Advocates who can assist students in identifying resources related to drug and alcohol use and abuse for students. In addition, employees may receive services through the Employee Assistance Program. The University disseminates informational materials, education programs, and referrals regarding the use of alcohol and /or controlled substances. Students who violate University policies related to the use of drugs or alcohol are subject to the disciplinary procedures. Employees who violate the Drug Free Workplace policy face discipline, up to and including termination. Student Affairs coordinates the [Drug-Free Schools and Communities Act Program](#) through the following departments:

*Alcohol and Drug Education:* Access and Wellness, Student Affairs, Human Resources

*Counseling Referrals:* Access and Wellness, Human Resources

*University Disciplinary Actions:* Student Affairs

*Employee Disciplinary Actions:* Human Resources

The University provides local and national toll--free telephone numbers to help any member of the University community who may require assistance in dealing with a drug or alcohol problem. The University maintains this information in the [Emergency and Counseling Hotline Telephone Numbers](#) section found on the [Community Safety page](#) of the website. Additional resources are offered through contact with a Student Advocate.

## UNIVERSITY OF ARIZONA GLOBAL CAMPUS NOTICE OF NONDISCRIMINATION

The University of Arizona Global Campus does not discriminate in its education programs and activities on the basis of race, color, creed, national or ethnic origin, religion, sex, pregnancy, childbirth and related medical conditions, marital status, medical condition, service in the uniformed services, political activities and affiliations, age, disability, sexual orientation, gender identity, veteran status, or any other consideration made unlawful by federal, state, or local laws. Please report any non-Title IX incidents to the Student Dispute Resolution Center: <https://www.uagc.edu/student-experience/student-dispute-resolution-center>, 866.974.5700, ext. 20091, fax 877.817.6732 or email [dispute.resolution@uagc.edu](mailto:dispute.resolution@uagc.edu)

For Title IX related incidents, see below on how to report.

## UNIVERSITY OF ARIZONA GLOBAL CAMPUS NOTICE OF TITLE IX NONDISCRIMINATION

The University of Arizona Global Campus does not discriminate on the basis of sex/gender in its education program or activity, and the University is required by title IX and PART 106 of title 34 of the Code of Federal Regulations not to discriminate in such a manner. This requirement not to discriminate in the education program or activity extends to admission and employment. Inquiries about the application of title IX and PART 106 to Ashford University may be made to the Title IX Coordinator, to the Assistant Secretary of the US Department of Education, or both. The University's grievance procedures and grievance process, including how to report or file a complaint of sex/gender discrimination, misconduct, or harassment, and how the University will respond, can be found below.

## HOW TO REPORT UNDER IX/CLERY; CONTACT INFORMATION

Any person may report sex/gender discrimination, including sex/gender harassment and misconduct, or related retaliation (whether or not the person reporting is the person alleged to be the victim of such conduct), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.

**Leah Belsley: Title IX Coordinator**

P / 866.974.5700 X/ 20705

E / [titleIX@uagc.edu](mailto:titleIX@uagc.edu)

M / 8620 Spectrum Center Blvd., San Diego, CA 92123

**Christina Jaquez: Deputy Title IX Coordinator**

P / 866.974.5700 X/ 20793

E / [titleIX@uagc.edu](mailto:titleIX@uagc.edu)

M / 8620 Spectrum Center Blvd., San Diego, CA 92123

## TITLE IX NOTICE, IX/CLERY EDUCATION AND TRAINING

***The University of Arizona Global Campus prohibits the crimes of domestic violence, dating violence, stalking and sexual assault as those terms are defined for purposes of the Clery Act (see Definitions).***

The University notifies applicants for admission and employment, students, and employees of this policy through the *University of Arizona Global Campus Academic Catalog*, which is provided to the University community online through the University website, the Student Portal, and other appropriate channels of communication.

The University of Arizona Global Campus incoming students and new employees are provided with **primary** prevention and awareness training and educational materials to promote familiarity with the University's policy on sex/gender discrimination, misconduct and harassment. This material is provided via an online training program that prepares the community to recognize, respond to, and prevent, especially but not exclusively, domestic violence, dating violence, stalking and sexual assault. The primary program also:

- Defines the crimes of dating violence, domestic violence, sexual assault and stalking;
- States that the University prohibits such crimes;
- Provides a definition of consent in reference to sexual activity, in the applicable jurisdiction;
- Describes safe and positive options for bystander intervention and information on risk reduction.

Additionally, the University provides **ongoing** prevention and awareness campaigns for students and employees that provide the same information as the primary prevention and awareness programs. For example, they identify safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or to intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than such bystander. Information is also provided on risk reduction so that students, faculty, and staff may recognize warning signs.

### Promoting Awareness and Wellness (PAWs)

This monthly initiative is an awareness program that highlights diversity and wellness related topics that reflect the values of the University, and actively promotes equality.

### The Hub

The Hub is a monthly electronic magazine that promotes student wellbeing across the spectrum of individual health and wellbeing topics. Monthly publications provide an *ongoing prevention and awareness campaign* that promote student wellbeing and specifically addresses topics of gender equity and sexual health and wellbeing. Specific topics covered annually include publications promoting bystander intervention, sexual assault prevention, consent, and educational support for survivors of sexual assault.

### University of Arizona Global Campus Community Safety Page

The Community Safety Page of the University of Arizona Global Campus website provides site visitors with information related to sexual assault prevention, including information on seeking support, understanding sexual violence, contact information, and emergency assistance resources.

### Confidential Campus Student Resources

If a student desires that details of the incident be kept confidential, he or she should speak with support resources maintained by the University. Online students should contact the Office of Student Access and Wellness Student Advocate HELpline at (866) 974-5700 ext. 24357 in order to access support services.

For additional student resources, please refer to the [Counseling, Treatment, and Rehabilitation Programs section in the Student Support, Health, and Safety](#) section of the Academic Catalog.

## RECORD KEEPING

The University of Arizona Global Campus will maintain the records described below for a period of seven (7) years. The Title IX Coordinator, Student Dispute Resolution Center, and Human Resources when applicable, are responsible for maintaining these records.

1. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
2. Any disciplinary sanctions imposed on the Respondent;
3. Any remedies provided to the Complainant designed to restore or preserve equal access to the University's education program or activity;
4. Any appeal and the result therefrom;
5. Any Informal Resolution and the result therefrom;

6. All materials used to train Title IX Coordinators, Investigators, Hearing Officers, and any person who facilitates an Informal Resolution process. The University will make these training materials publicly available on the University's website;
7. Any actions, including any protective/supportive measures, taken in response to a report or formal complaint of sexual harassment, including:
  - a. The basis for all conclusions that the response was not deliberately indifferent;
  - b. Any measures designed to restore or preserve equal access to the University's education program or activity; and
  - c. If no protective/supportive measures were provided to the Complainant, documentation of the reasons why such a response was not clearly unreasonable in light of the known circumstances.

## DEFINITIONS - PROCEDURAL

### FORMAL COMPLAINT

*Formal complaint* means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the recipient investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the recipient with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator under § 106.8(a), and by any additional method designated by the recipient. As used in this paragraph, the phrase "document filed by a complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the recipient) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party under this part or under § 106.45, and must comply with the requirements of this part, including § 106.45(b)(1)(iii).

### COMPLAINANT

*Complainant* means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

### RESPONDENT

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

## DEFINITIONS - OFFENSES

### SEXUAL HARASSMENT

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

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

## ADDITIONAL FEDERAL DEFINITIONS (FOR CALIFORNIA DEFINITIONS, INCLUDING THAT OF CONSENT, SEE END OF THIS POLICY/PROCEDURE):

### SEXUAL ASSAULT

The term "sexual assault" means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

#### Related Definitions:

Sex Offense: Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. A. 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. B. Incest—Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. C. Statutory Rape—Sexual intercourse with a person who is under the statutory age of consent.

Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

### DATING VIOLENCE

The term "dating violence" means violence committed by a person— A. who is or has been in a social relationship of a romantic or intimate nature with the victim; and B. where the existence

of such a relationship shall be determined based on a consideration of the following factors: i. The length of the relationship. ii. The type of relationship. iii. The frequency of interaction between the persons involved in the relationship.

#### DOMESTIC VIOLENCE

The term “domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

#### STALKING

The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to— A. fear for his or her safety or the safety of others; or B. suffer substantial emotional distress.

### GENERAL RESPONSE TO SEX/GENDER DISCRIMINATION, MISCONDUCT AND HARASSMENT (AND CLERY ALLEGATIONS)

When the University has actual knowledge of sex/gender discrimination, misconduct or harassment in the University’s education program or activity, the University will respond equitably and reasonably, with a prompt, fair and impartial process. The University treats complainants and respondents equitably and reasonably by offering protective/supportive measures, and by following its grievance process before the imposition of any disciplinary sanctions or other actions that are not protective/supportive measures against a respondent. The University ensures a prompt, fair and impartial proceeding by using reasonably prompt timeframes, with extensions for good cause (with written notice to the parties of the delay and reason for delay); and conducting the proceedings in a manner that is consistent with the institution’s policies, transparent, utilizes timely notice of meetings with both parties allowed to be present, and timely and equal access of parties/officials to any information that will be used during disciplinary meetings and hearings. Further, proceedings are conducted by officials who do not have a conflict of interest or bias against either party, and who receive annual training on applicable issues (including Clery offenses), how to conduct an investigation or hearing that protects safety of victims and promotes accountability.

The Title IX Coordinator will promptly contact the complainant to discuss the availability of protective/supportive measures, consider the complainant's wishes with respect to protective/supportive measures, inform the complainant of the availability of protective/supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.

University personnel will first inform students and employees in writing of their rights and options, including:

- The importance of preserving evidence, including through a forensic examination, that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protective order;
- That a forensic examination does not require a police report to be filed;
- Where to obtain a forensic examination, including specific contact information;
- How and to whom the alleged offense should be reported, including specific contact information;
- Options regarding the notification and/or assistance of local law enforcement and University officials, including specific contact information;
- The option to decline assistance, or decline notifying local law enforcement;
- The option to be assisted by University officials in notifying law enforcement: **The University of Arizona Global Campus will comply with a student's request for assistance in notifying authorities.**
- Rights of victims and institutional responsibilities for orders of protection, "no contact" orders, restraining orders, or similar lawful orders issued by a criminal, civil or tribal court, or by the institution, including legal options, how to request options (instructions), and specific contact information
- Options for protective/supportive measures, including available assistance in, and how to request changes to, academic or working situations, those that will be taken, how they will be determined, who will be responsible for making the decision on them; and
- Existing resources including counseling, health, victim advocacy, mental health, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community, with specific contact information.

The Title IX Coordinator will next engage in an initial assessment, which is typically one to five business days in duration. The steps in an initial assessment include:

The Title IX Coordinator seeks to determine if the complainant is alleging facts, which if taken as true, constitute sex/gender harassment, and occurred in the recipient's education program or activity and against a person in the United States.

- If so, the Coordinator determines if the complainant wishes to make a formal complaint, and assists them if desired.
  - If they do not wish to do so, the Title IX Coordinator determines whether to initiate a complaint under the circumstances allowed the Coordinator by law.
  - If an informal resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution, and may seek to determine if the Respondent is also willing to engage in informal resolution.

- If a formal or informal complaint is not applicable (there are no assumed facts alleging sex/gender harassment) AND desired (the Complainant does not desire a formal or informal procedure although alleged facts do constitute sex/gender harassment), the Title IX Coordinator works with the Complainant on a supportive and remedial response.

## PROTECTIVE/SUPPORTIVE MEASURES

The University will reach out to discuss protective/supportive measures to the parties upon notice of alleged sex/gender-based misconduct, harassment, discrimination, and/or retaliation.

Protective/supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or deter sexual harassment.

The University will maintain as confidential any protective/supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the protective/supportive measures.

Protective/supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual restrictions on contact between the parties, leaves of absence, and other similar measures.

## CONFIDENTIALITY

### CONFIDENTIALITY AND TITLE IX

The University of Arizona Global Campus will keep confidential the identity of any individual who has made a report or complaint of sex/gender discrimination, including any individual who has made a report or filed a formal complaint of sex/gender harassment, any complainant, any individual who has been reported to be the perpetrator of sex/gender discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute, FERPA regulations, as required by law, or to carry out the purposes of this IX policy and procedure, including the conduct of any investigation, hearing, or judicial proceeding arising under it.

## CONFIDENTIALITY AND THE CLERY ACT (APPLIES TO SEXUAL ASSAULT, DATING VIOLENCE, DOMESTIC VIOLENCE AND STALKING)

The University will protect a Clery crime victim's confidentiality, even if the victim does not specifically request confidentiality, where possible and in the following ways:

The victim's personally identifying information will not be included in any publicly available record, including Clery Act reporting and disclosures such as the annual security report. Personally identifying information is defined in Section 40002(a) of the Violence Against Women Act of 1994 as individually identifying information for or about an individual, including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault or stalking, regardless of whether the information is encoded, encrypted, hashed or otherwise protected, including a first and last name; a home or other physical address; contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number); a social security number, driver's license number, passport number or student identification number; and any other information, including date of birth, racial or ethnic background, or religious affiliation that would serve to identify any individual.

In some cases, the University may need to disclose some information about a victim to a third party to provide necessary accommodations or protective measures. The University will inform victims before sharing personally identifying information that the institution believes is necessary to provide an accommodation or protective measure and will tell the victim what information will be shared, with whom it will be shared and why. University Title IX Coordinators and professional staff of the Office of Student Access and Wellness, through professional consultation and drawing upon specialized training and expertise, will determine what information about a victim should be disclosed, to whom this information will be disclosed, and will use only official University systems to transmit the information necessary to provide the accommodation or protective measure.

## RESPONSE AND PROCESS FOR FORMAL COMPLAINTS OF SEXUAL HARASSMENT (INCLUDING CLERY ALLEGATIONS)

The University's grievance process *treats complainants and respondents equitably* by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following a grievance process before the imposition of any disciplinary sanctions or other actions that are not protective/supportive measures against a respondent. Remedies will be designed to restore or preserve equal access to the University's education program or activity. Such remedies may include the same individualized services as protective/supportive measures; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.

The University will ensure that Title IX Coordinator(s), investigators, hearing officer(s), hearing chair and any person who facilitates an informal resolution process, receive training on the

definition of sexual harassment, the scope of the recipient’s education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. The University’s process requires an *objective evaluation of all relevant evidence*—including both inculpatory and exculpatory evidence—and provides that credibility determinations may not be based on a person’s status as a complainant, respondent, or witness. Materials used to train Title IX Coordinators, investigators, hearing officer(s), hearing chair, and any person who facilitates an informal resolution process are available at <https://www.uagc.edu/student-experience/community-safety-support>.

The process begins with a *presumption* that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

## POSSIBLE SANCTIONS OR REMEDIES IN IX/CLERY PROCEEDINGS

Factors considered when determining a remedy/sanction may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent’s disciplinary history
- Previous allegations or allegations involving similar conduct
- The need for remedies/sanctions to bring an end to the discrimination, harassment, and/or retaliation
- The need for remedies/sanctions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Hearing Officers/Decision-maker(s)

The remedies/sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The remedies/sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed by external authorities. The following are examples of **student** sanctions that may be imposed upon students singly or in combination (for examples of remedies, see protective/supportive measures):

- *Warning*: A formal statement that the conduct was unacceptable and a warning that further violation of any University policy, procedure, or directive will result in more severe sanctions.

- *Required Counseling:* A mandate to meet with and engage in either University or external counseling to better comprehend the misconduct and its effects.
- *Probation:* A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student is found in violation of any additional institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include no-contact orders, and/or other measures deemed appropriate.
- *Suspension:* Termination of student status for a definite period of time not to exceed one year and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at the University.
- *Expulsion:* Permanent termination of student status. This sanction will be noted permanently as a Conduct Expulsion on the student's official transcript.
- *Withholding Diploma:* The University may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities.
- *Other Actions:* In addition to or in place of the above sanctions, the University may assign any other sanctions as deemed appropriate.

The following are the **employee** sanctions that may be imposed singly or in combination:

- Warning – Verbal or Written
- Performance Improvement/Management Process
- Required Counseling/ Employee Assistance Program
- Required Training or Education
- Probation
- Loss of Annual Pay Increase
- Loss of Oversight or Supervisory Responsibility
- Demotion
- Suspension with pay
- Suspension without pay
- Termination
- Other Actions: In addition to or in place of the above sanctions, the University may assign any other sanctions as deemed appropriate.

The *standard of evidence* to be used to determine responsibility in all applicable X/Clery proceeding is the preponderance of the evidence standard. The process will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized *privilege*, unless the person holding such privilege has waived the privilege.

## NOTICE OF ALLEGATIONS

Upon receipt of a formal complaint, the University will simultaneously provide the following written notice to the parties who are known.

- Notice of the recipient's grievance process, including any informal resolution process;
- Notice of the allegations potentially constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. The written notice will include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. The written notice will inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence. The written notice will inform the parties of the provision in the University's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process; and
- If, in the course of an investigation, the University decides to investigate allegations about the complainant or respondent that are not included in the first notice provided, the University will provide simultaneous and written notice of the additional allegations to the parties whose identities are known.

## DISMISSAL OF A FORMAL COMPLAINT

The University will investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint would not constitute sexual harassment, did not occur in the University's education program or activity, or did not occur against a person in the United States, then the University will dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under title IX. However, such a dismissal does not preclude action under another provision of the University code of conduct. The University may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing:

- A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
- The respondent is no longer enrolled or employed by the University; or
- Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations.

Upon a dismissal required or permitted above, the University will promptly and simultaneously send written notice of the dismissal, and the reason(s) for the dismissal, to the parties.

## CONSOLIDATION OF FORMAL COMPLAINTS

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

## INVESTIGATION OF A FORMAL COMPLAINT

Upon receipt of a formal complaint, the Title IX Coordinator will provide the written formal complaint to the investigators within the Student Dispute Resolution Center (SDRC), and, if applicable, Human Resources staff, to mutually investigate the complaint. Only trained investigators will analyze and document the available evidence to support reliable decisions, objectively evaluate the credibility of parties and witnesses, synthesize all available evidence – including both inculpatory and exculpatory evidence – and take into account the unique and complex circumstances of each case. The investigation results in a written report summarizing the relevant exculpatory and inculpatory evidence. The investigator(s) will present the written investigative report to the involved parties, advisors and hearing officers(s) within forty-five (45) business days of the receipt of the complaint. There may be extensions of this or any timeframe within this procedure for good cause with simultaneous, written notice to the parties of the delay and the reason(s) for the delay

When investigating a formal complaint and throughout this grievance process, the University:

- Will ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the University and not on the parties.
- Cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the University obtains that party's voluntary, written consent to do so for this grievance process.
- Will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.

- Will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
- Will provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding; however, the University may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.
- Will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
- Will provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the recipient does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the University will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have 10 calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report.
- Will make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.
- Will create an investigative report that fairly summarizes relevant evidence and, at least 10 calendar days prior to a hearing or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

After the University has sent the investigative report to the parties, simultaneously and in writing, and before reaching a determination regarding responsibility in a hearing, the hearing officer(s) must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The hearing officer(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

## HEARING

The University provides for a live hearing for formal complaints that are not dismissed pursuant to this policy and procedure.

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

## DETERMINATION REGARDING RESPONSIBILITY

The hearing officer chair, who will not be the same person(s) as the Title IX Coordinator or the investigator(s), will issue a written determination regarding responsibility. To reach this determination, the University will apply the preponderance of the evidence standard. The written determination will include:

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

## APPEALS

The University will provide these appeal procedures to both parties. The University offers both parties an appeal from a determination regarding responsibility, and from any dismissal of a formal complaint or any allegations therein, on the following alleged bases. Any appeal will be conducted by the Vice President of Student Affairs & University Registrar or designee.

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

As to all appeals, the University will:

- Notify the other party, simultaneously and in writing, when an appeal is filed and implement appeal procedures equally for both parties;

- Ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
- Ensure that the decision-maker(s) for the appeal complies with the standards set forth in this policy and procedure;
- Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
- Issue a written decision describing the result of the appeal and the rationale for the result; and
- Provide the written decision, including any changes to the result and when those results become final, simultaneously to both parties.

If the complainant and/or respondent do not indicate his/her acceptance or Appeal of the findings within five (5) business days of communication, non-communication will be considered acceptance.

If the appeal is denied, the Title IX Coordinator will proceed accordingly with any sanctions determined by the hearing chair.

If the appeal is granted, the Title IX Coordinator will begin an adjusted investigation/hearing process, and all involved will proceed without prejudice.

## INFORMAL RESOLUTION

Informal Resolution may commence when the parties agree to resolve a matter qualified for formal process, through an informal resolution mechanism such as restorative justice when available. The University will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution. *The University does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.*

To initiate Informal Resolution, a Complainant needs to submit a formal complaint, as defined above. If a Respondent wishes to initiate Informal Resolution, they should contact the Title IX Coordinator to so indicate. Any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process.

Prior to implementing Informal Resolution, the University will simultaneously provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by the University.

The ultimate determination of whether Informal Resolution is available or successful is to be made by the Title IX Coordinator. The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions. Results of complaints resolved by Informal Resolution are not appealable.

The University will not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment.

The University will not require the parties to participate in an informal resolution process under this section and may not offer an informal resolution process unless a formal complaint is filed.

## EMERGENCY REMOVAL

Nothing precludes the University from removing a respondent from the recipient's education program or activity on an emergency basis, provided that the University undertakes an individualized safety and risk analysis (when feasible, through its Behavioral Intervention Team). Removal may occur if the University determines that there is an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment that justifies removal. The University will provide the respondent with notice and an opportunity to challenge the decision immediately following the removal.

## VIOLENCE RISK ASSESSMENT

In many cases, the Title IX Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted by the Behavioral Intervention Team as part of the initial assessment. A VRA can aid in ten critical and/or required determinations, including:

- Emergency removal of a Respondent on the basis of immediate threat to physical health/safety;
- Whether the Title IX Coordinator should pursue/sign a formal complaint absent a willing/able Complainant;
- Whether to put the investigation on the footing of incident and/or pattern and/or climate created by behavior;
- To help identify potential predatory conduct;
- To help assess/identify grooming behaviors;
- Whether it is reasonable to try to resolve a complaint through informal resolution, and what modality may be most successful;
- Whether a Clery Act Timely Warning is needed.

A VRA is not an evaluation for an involuntary behavioral health hospitalization (e.g., 5150 in California), nor is it a psychological or mental health assessment. A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations.

## ADMINISTRATIVE LEAVE

Nothing precludes the University from placing a non-student employee respondent on administrative leave during the pendency of a grievance process.

## CALIFORNIA OFFENSE DEFINITIONS

### SEXUAL ASSAULT

**Sexual Assault** as defined in the California Penal Code is *rape* or *sexual battery*:

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

1. Where a person is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act.
2. Where it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.
3. Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused.
4. Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, "unconscious of the nature of the act" means incapable of resisting because the victim meets any one of the following conditions:
  - a) Was unconscious or asleep.
  - b) Was not aware, knowing, perceiving, or cognizant that the act occurred.
  - c) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.
  - d) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.
5. Where a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.

6. Where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.
7. Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

*Sexual battery* is when any person 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.

#### CONSENT

**Consent** means positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved. A current or previous dating or marital relationship shall not be sufficient to constitute consent where consent is at issue.

#### DATING VIOLENCE

**Dating Violence** is when a battery is committed against a spouse, a person with whom the defendant is cohabiting, a person who is the parent of the defendant's child, former spouse, fiancé, or fiancée, or a person with whom the defendant currently has, or has previously had, a dating or engagement relationship.

#### DOMESTIC VIOLENCE

**Domestic Violence** is when any person who willfully inflicts corporal injury resulting in a traumatic condition upon a victim, where the victim is or was one or more of the following:

1. The offender's spouse or former spouse.
2. The offender's cohabitant or former cohabitant.
3. The offender's fiancé or fiancée, or someone with whom the offender has, or previously had, an engagement or dating relationship.
4. The mother or father of the offender's child.

#### STALKING

**Stalking** is when 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.

## SEX OFFENDER REGISTRY AND RELATED INFORMATION

The State of California maintains a Sex Offense Registry known as the Megan's Law Sex Offense Registry. You may view this site at the following locations:

San Diego Police Department  
9225 Aero Dr  
San Diego CA 92123  
+1(858)495-7900

You may also access this information by logging onto, [Megan's Law Web Site](#).