



# Annual Security & Fire Safety Report 2024

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*\*\*\*Please Note that the TUW online division is a distance education-only school, and per Department of Education Guidance on Campus Safety and Security is EXEMPT from HEA Clery Compliance. Any reference to TUW or TUW administrative offices are included solely for internal record keeping and administrative purposes. Therefore, all TUW reporting for Clery purposes will only engender its brick-and-mortar campus at TCLA.\*\*\**

## **NOTICE OF NONDISCRIMINATION**

Touro University Worldwide and Touro College Los Angeles (“TUV and TCLA”) are an equal opportunity employers. TUW and TCLA treat all employees, job applicants, and students without unlawful consideration of race, ethnicity, religious creed, color, national origin, ancestry, sex (including pregnancy, childbirth or related medical condition), age, disability, medical condition, marital status, genetic information, sexual orientation, gender, gender identity, gender expression, military service or veteran status, citizenship status, or any other classification protected by applicable federal, state or local laws. We are committed to ensuring the fulfillment of this policy in all decisions, including but not limited to, recruitment, the administration of educational programs and activities, hiring, compensation, training and apprenticeship, placement, promotion, upgrading, demotion, downgrading, transfer, layoff, suspension, expulsion and termination, and all other terms and conditions of admission, matriculation, and employment.

Inquiries or complaints concerning the non-discrimination policies should be sent to Zachary Shapiro, 1310 Club Drive, Vallejo, California, 94592, (707) 638 5459, [zshapiro@touro.edu](mailto:zshapiro@touro.edu) or, alternatively, to the Chief Compliance Officer at [compliance@touro.edu](mailto:compliance@touro.edu) and 646-565-6000 x55330.

Please refer to the link provided for locations:

<http://www2.ed.gov/about/offices/list/ocr/addresses.html> or [https://ocrcas.ed.gov/contact-ocr?field\\_state\\_value=642](https://ocrcas.ed.gov/contact-ocr?field_state_value=642) .

## **OVERVIEW**

In accordance with the Jeanne Clery and the Higher Education Opportunity Act, Touro University Worldwide (“TUW”) and Touro College Los Angeles (“TCLA”) (collectively referred to as “Touro” or “University”) has created this report identifying the following:

- Operations of the Office of Campus Safety and Security
- University policies pertaining to adherence to state and federal laws
- Policies and procedures regarding reporting of incidents, missing students, access into facilities, fire safety, emergency response and notification systems
- Crime prevention programs
- Statistical information on crimes that occurred in or near Touro property over the past three years
- Fire related incidents that occurred in student residential facilities
- Life safety systems installed in student residential facilities.

Touro prepares this report to comply with the Jeanne Clery Disclosure of Campus Security and Crime Statistics Act using information maintained by the Security Department, information provided by University offices and other Campus Security Authorities and information provided by local law enforcement agencies in the communities where Touro has sites.

This report provides statistics for the previous three years concerning reported crimes that occurred on campus. This report also includes institutional policies concerning campus security, such as policies regarding sexual assault, alcohol and other drugs.

Faculty, staff and students are notified by email of the availability of the Annual Crime Statistics & Fire Safety Report on the website. Hard copies of this brochure are also available in the Office of the Registrar upon request.

### **ANNUAL SUBMISSION OF REPORTS:**

An Annual Security Report (“ASR”), including Crime Statistics for the reporting calendar year, will be prepared timely by security director/designee(s) and the Office of Institutional Compliance and published in accordance with federal regulations under the Clery Act.<sup>1</sup>

- A) The ASR will be posted to the TUW and TCLA website on or before the first (1) day of October of each year.
- B) The ASR will include Crime Statistics by appropriate location, where applicable, and will include the previous three (3) years of reported statistics.
- C) Notification of the availability of the ASR must be sent on or before the first (1) day of October of each year to students, faculty and employees by available means. The notification will include the link to the report and the Crime Statistics.
- D) Touro College provides the notification via email communications and, where applicable, posting on bulletin boards within the facility.

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<sup>1</sup> Please note that due to the COVID-19 pandemic, the publication requirement of this ASR was delayed.

- E) Distribution is made electronically via web page, portal, email communication or hard copy upon request.
- F) Documentation of the steps taken to comply with the notification process is required, when available.

## **BUILDING ACCESS & SECURITY POLICY**

During regular business hours, TCLA is open to the University community, guests and others with legitimate college business. The hours of operation for the campuses vary based on the academic school year.

The TUW Administrative Office is only open to University Administrators, staff or any other individuals who have previously approved meetings. Students are not permitted to enter the premises. As TUW operates online, any meetings, discussions or requests shall be had exclusively via telephone or online/electronic means.

## **LAW ENFORCEMENT RELATIONSHIPS**

It is Touro's Campus Security policy to work in conjunction with all state and federal law enforcement agencies, local police agencies and emergency management organizations to assist with the monitoring and recording of criminal activity and the investigation of alleged criminal incidents both on and off campus, where applicable. In the event that a serious crime or death was to occur, Campus Security is mandated to notify the proper law enforcement agencies. TCLA also has a close relationship with the Los Angeles Sheriff's department who will be contacted should any issues arise.

The county or country in which the crime took place would then either assume responsibility or delegate its authority to another agency to investigate the criminal matter or prescribe action to be taken.

The State police are requested through local police agencies and Touro University has no formal relationships with any State police agency. This may mean involvement by other agencies either state or Federal at the request of the local police.

## **REPORTING TO OTHER CAMPUS SECURITY AUTHORITIES**

While the University prefers that community members promptly report all crimes and other emergencies directly to the Security Department, we also recognize that some may prefer to report to other individuals or University offices. The Clery Act recognizes certain University officials and offices as "Campus Security Authorities (CSA)." The Act defines these individuals as "official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution."

All Campus Security Authorities are required to report a crime in writing to the Campus Security Department if they have a reasonable basis for believing the information is not simply rumor or hearsay. If a Campus Security Authority is unsure whether the information was provided in good faith, he/she should report the information to the Campus Security Department. A Campus Security Authority is not responsible for determining authoritatively

whether a crime took place. It is the function for Campus Security and/or Law Enforcement Personnel to determine whether a crime took place.

## **SECURITY**

The University attempts to provide for the security of individuals and their belongings through a security system that may include locks for rooms and buildings, controlled access to buildings, alarm systems and/or video monitoring.

Security measures are only as effective as the individuals on campus choose to make them. Students are encouraged to use sound judgment at all times. Campus buildings have controlled access. Students are not to distribute access to non-students.

At times it may be necessary to establish other security checks and procedures and it is expected that students will cooperate fully in carrying out security procedures, all of which are designed to promote the safety and security of the University community.

All students, faculty and staff are expected to assume reasonable responsibility for personal safety. By using common sense, safety practices such as walking in groups, reporting suspicious activities, keeping money, books and other personal items protected, locking car, room and office doors when leaving and generally being alert to personal welfare will ensure personal safety on and off campus. All threats and/or altercations (verbal or physical) that are based on religious, gender or racial bias by either a member of the University community or a stranger must be reported.

Students should be their own safety advocates and take these strategies seriously:

- Stalker – If you feel someone is stalking you, make an immediate report to the college administration. A restraining order or some other action may be taken to keep you safe. If someone is following you suspiciously, head towards crowds, lighted areas or occupied buildings.
- Obscene Calls – Don't engage an unknown caller in conversation or give any personal information. Keep track of unwanted phone calls and document the time and content of these calls. Save harassing or obscene phone messages, and turn over all of this information to the University administration.
- Walking Around - Don't walk alone after dark. Stay in well-lit and populated areas.
- The Element of Surprise – Make it difficult for someone to surprise you. For example, don't walk around or jog with headphones when you are alone.
- Protect Your Personal Property – Don't leave backpacks, purses or other bags unattended; always lock your bike or car; don't leave valuables in plain sight; don't leave large amounts of cash in your room or on your person.
- Cyber-Safety - Despite the perceived anonymity of cyberspace, the internet and spam can pose serious threats. Releasing personal information (particularly your Social Security number or phone number) over the internet can result in identity theft and/or stalking. Identity theft is a long-hard road to overcome, often involving years of effort to reestablish damaged credit ratings and more.

To report or discuss security issues, contact Dean or Provost, or a member of the administration.

## **EMERGENCY PREPAREDNESS EFFORTS**

Recognizing the importance of emergency preparedness, Touro has created a written document, Emergency Action Plan, outlining the University's response and recovery to any emergency or crisis that "threatens the University populations, programs, properties, reputation, and viability."

## **REPORTING OF CAMPUS EMERGENCIES**

We ask for your cooperation with the reporting of any hazardous or emergency situation involving a threat to the health and safety of our University Community or loss of University property. Hazards, such as missing fire extinguishers, obstructed emergency exits, multiple or frayed electrical extension cords, candles, open flame devices or improperly contained hazardous materials must immediately be reported to the Dean of TCLA or Provost of TUW. Emergency situations involving imminent threat to health and safety, which may be medical, criminal or involve a fire, should be called into the Police Department by dialing 911, followed by a call to the Dean of TCLA or Provost of TUW.

## **EMERGENCY EVACUATION PROCEDURES**

Both announced and unannounced emergency evacuation and/or preparedness tests/exercises are conducted at least annually (one each year at minimum) in Touro buildings, including all facilities, and are recorded and analyzed for assessment purposes. The emergency evacuation procedures are tested at least once each year. Students and employees learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. The administrators do not tell building occupants in advance about the designated locations for long-term evacuations because those decisions are affected by time of day, location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. In both cases, administrative staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes.

TCLA has no residence halls and therefore is not required to do annual fire drills. We do, however, conduct building evacuation drills. The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of a fire or other emergency. At TCLA evacuation drills are used as a way to educate and train occupants on fire safety issues specific to their building. During the drill, occupants 'practice' drill procedures and familiarize themselves with the location of exits and the sound of the fire alarm.

In the event of a fire or smoke condition, activate the building fire alarm system by pulling down the red handle on the fire alarm pull station. Do not attempt to extinguish a fire unless it is impeding your exit. If you hear the alarm, always assume a fire exists and leave the building immediately. In the case of an emergency evacuation:

- Cease all activity and immediately proceed to the nearest exit.
- Check the surface of the door and/or the doorknob for heat and the bottom of the door for signs of smoke before opening it and exiting a room.

- Slowly open door, keeping the door between you and the corridor.
- Make a visual observation of the corridor for fire or smoke and proceed to the nearest exit. Ensure all doors are closed behind you.
- Follow the direction of the Fire Safety Marshal and leave the building via the safest and nearest available stairway exit.
- If you are an individual requiring assistance, notify security or call 911 and advise the city or first responders of your location. If safe to do so, proceed to the area of rescue assistance identified on the evacuation route map posted on the floor and wait for emergency responders
- Do not use elevators (Touro does not have an elevator)
- Evacuate at least 300 feet away from the building and await direction from the City or University

In the case of a blocked stairway or exit:

- Notify building security that all exits or stairways are blocked and advise them of your location.
- Go to the nearest room and close the door.
- Place cloth under the door to prevent smoke from entering the room.
- Hang a cloth or other object out of the window to signal that the room is occupied.
- Stay as close to the floor as possible, when smoke enters a room.
- Break top window first to expel smoke, then break bottom window to admit fresh air.

## **MISSING STUDENT POLICY AND PROTOCOL**

Touro understands that students spend most of their time off campus. We have an obligation and a responsibility to report a student who has been missing for 24 hours to proper authorities. If a member of the campus community has reason to believe a student is missing, notification should immediately be made to the Dean of TCLA or Provost of TUW. In compliance with the federally mandated Missing Student Notification Policy and Procedures in the Higher Education Opportunity Act, an incident report will be generated and an investigation will be initiated.

After investigating the missing person report, should the Dean or Provost determine that the student is missing and has been missing for more than 24 hours, they will notify local law enforcement agency and the student's emergency contact no later than 24 hours after the student is determined to be missing.

If the missing student is under the age of 18 and is not an emancipated individual, Touro will notify the student's parent(s) or legal guardian(s) immediately after it has been determined that the student has been missing for more than 24 hours.

Student's contact information will be registered confidentially and will only be accessible to authorized campus officials. This information will not be disclosed except to law enforcement personnel in furtherance of a missing person investigation.

A thorough search of all public areas will be conducted. This includes rooftops, basement areas, mechanical spaces, and bathrooms.

CCTV and Access control systems will be reviewed (where applicable).

## **TIMELY WARNING REPORTS & PUBLIC SAFETY NOTICES**

During periods of a campus emergency, the CEO, Provost or Dean of the University, may place into immediate effect any emergency regulations, procedures, and other measures deemed necessary or appropriate to meet the emergency, safeguard persons and property, and maintain educational activities.

Touro has specific emergency response and evacuation procedures, including protocols for emergency notification communications in those situations that represent a significant emergency or dangerous situation affecting the health and/or safety of the college community. This policy statement complies with the Emergency Notification requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as amended by the Higher Education Opportunity Act of 2008 and applicable Department of Education regulations.

Critical safety information is provided under two circumstances.

- Emergency notifications are near real-time information provided quickly for any life-threatening hazard. They will typically contain little detail, and will initially alert the community to a dangerous situation, provide information including where to get additional information (for example a website), and resolve or reassure the community the hazard has been controlled.
- Timely Warnings are distributed for certain crimes in federally defined “Clery Act Geographies” that represent a threat to the Touro community; the University will provide a “Timely Warning.” If a crime takes place in the areas surrounding the campus, or is not one of the federally defined crimes (for example kidnapping), we will circulate a “Public Safety Notice.”

Both types of communications are described below. Please review this information so you are familiar with how Touro will reach out during an emergency.

Campus Security will prepare a Timely Warning/Public Safety Notice when a report is received of a violent crime against a person, or a particularly threatening crime against property on campus that represents an ongoing danger to the safety of students, faculty, and staff. Timely Warning/Public Safety Notices may provide details of the crime, a description of the suspect if known, and information on whom to contact about the investigation, and crime prevention tips.

When Campus Security becomes aware of crimes committed off-campus being investigated by local law enforcement that may present a serious or continuing threat to the campus community, a Timely Warning/Public Safety Notice may be issued. This will be determined by Campus Security on a case-by-case basis based on the facts of the situation, the possible impact to the campus community, and the information provided by local law enforcement.

Campus Security may not include some known information in a Timely Warning/Public Safety Notice if providing that information could risk compromising law enforcement efforts.

Timely Warning/Public Safety Notices may be updated if new or more accurate information becomes available to Campus Security.

## **ALCOHOL AND CONTROLLED SUBSTANCES POLICY STATEMENT**

It is the policy of Touro, as stated in the Personal Conduct section of the Student Handbook, that the unlawful use, possession, distribution, or manufacture of drugs or controlled substances on Touro property is strictly prohibited. Individuals who possess, use, distribute or manufacture drugs or controlled substances, are subject to disciplinary action, including but not limited to expulsion, as well as possible criminal prosecution. Improper use of prescription drugs is similarly prohibited. Students found in violation of these policies may be subject to disciplinary proceedings as described in the school catalog and student handbook. Student violators may be subject to the following sanctions and remedial measures:

<b>Nature of Violation</b>	<b>Responses for First-Time Violations May Include, But Are Not Limited To:</b>	<b>Responses for Repeat Violations May Include, But Are Not Limited To:</b>
Possession or use of alcohol or other drugs, including prescription drugs, in violation of Touro policy or federal, state, or local law	<ul style="list-style-type: none"><li>• Warnings</li><li>• Disciplinary Probation</li><li>• Counseling and treatment</li><li>• Service to the University community</li></ul>	<ul style="list-style-type: none"><li>• Disciplinary Probation</li><li>• Mandatory referral for counseling and treatment</li><li>• Suspension from dormitory (if dormitory student)</li><li>• Parental Notification</li><li>• University-Level disciplinary action</li></ul>
Possession or use of alcohol or other drugs, including prescription drugs, in violation of Touro policy or federal, state, or local law in a manner involving aggravated circumstances (e.g. actual/potential harm to self or others, disruption of the Touro community, repeated offenses)	<ul style="list-style-type: none"><li>• Warnings</li><li>• Disciplinary Probation</li><li>• Mandatory counseling and treatment</li><li>• University-Level disciplinary action</li></ul>	<ul style="list-style-type: none"><li>• Disciplinary Probation</li><li>• Mandatory counseling and treatment</li><li>• Service to the University community</li><li>• University-Level disciplinary action</li></ul>
Distribution or intent to distribute a controlled substance, including improper distribution of prescription drugs, in violation of Touro policy or federal, state, or local law	<ul style="list-style-type: none"><li>• Legal action</li><li>• University-Level disciplinary action</li></ul>	<ul style="list-style-type: none"><li>• Legal action</li><li>• University-Level disciplinary action</li></ul>

Each faculty and staff member of Touro is expected to abide by Touro's policies for maintaining a drug-free workplace. The policy statement on drug abuse pertaining to students also applies to faculty and staff. Furthermore, all faculty and staff are required to notify the Dean of TCLA or Provost of TUW of any criminal conviction relating to his or her own drug activity within five (5) days of such conviction. Faculty and staff (part-time or full-time) who violate Touro policies on drugs and controlled substances may be subject to disciplinary sanctions.

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

The consumption of alcoholic beverages by individuals under the age of 21 is illegal.

All persons are prohibited from consuming alcoholic beverages on the premises of Touro (unless at an event specifically sanctioned by Touro Administration in writing), or entering or remaining on Touro premises in an impaired state.

Alcoholic beverages may not be served to Touro students as part of University-sponsored events or non-official activities connected with the University - except for sacramental purposes, and then only under faculty supervision.

Any student, who falsely represents himself/herself at a sanctioned Touro event as being of age to consume alcohol, may be subject to disciplinary action as outlined in Personal Conduct Policy.

Any faculty and/or staff member of Touro who provides alcohol to a minor on Touro premises shall be subject to full penalty under the laws of California.

Forcing any student or faculty member to consume alcohol and/or drugs for the purpose of initiation into or affiliation with any Touro sanctioned organization is not permitted.

Alcoholism, while it may be a disability, does not excuse any faculty and/or staff member of Touro from violating a legitimate Touro policy or neglecting their responsibilities to Touro. Individuals whose work performance is impaired as a result of the use/abuse of alcohol may be required to participate in an appropriate evaluation/treatment program and may, in certain circumstances, lead to sanctions against that individual.

If you are an alcoholic, you may self-identify to the Dean of TCLA or Provost of TUW on your campus or your supervisor, as the case may be, and request confidential counseling and/or referral services to help with your problems. All inquiries and requests for assistance will be handled with strict confidentiality.

## **Substance Abuse Self-Identification and Amnesty**

Touro recognizes that, sometimes, there may be health or safety emergencies related to the use of drugs or alcohol in which the potential for disciplinary action by Touro may deter students who want to seek assistance for themselves or for another member of the Touro community. In such instances, the health and safety of the at-risk student will be Touro's top priority. Therefore, should a student, or another individual on behalf of that student, voluntarily come forward seeking assistance in a situation involving the over-consumption or abuse of drugs and/or alcohol, Touro's student conduct response to the over-consumption/abuse will be, first and foremost, focused on medical treatment, counseling, and/or educational interventions. However, Touro reserves the right to address any associated acts that compromises the well-being of its community and its members, such as harassment, violence, damage, harm to self or others, or distribution of illegal substances, on a case-by-case basis as deemed appropriate and necessary.

## **Reporting a Personal Concern**

Students who have concerns about their use of alcohol and/or other drugs, or students who are concerned of such use by a friend are encouraged to seek assistance through one of Touro's support services. Confidentiality in these circumstances may be protected in compliance with Touro policy and applicable law (e.g. FERPA, HIPPA, etc.).

Know the signs:

- Passed out or difficult to awaken
- Cold, clammy, pale or bluish skin
- Slowed breathing
- Vomiting (asleep or awake)

Know how to help:

- Turn a vomiting person on his/her side to prevent choking
- Clear vomit from the mouth
- Keep the person awake
- NEVER leave the person unattended

## **Substance Abuse Counseling**

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

## **United States**

- National Drug & Alcohol Treatment Referral Service:
  - Phone: 800-662-4357
- Alcoholics Anonymous:
  - Phone: 323-936-4343
  - Website: [www.lacoaa.org/](http://www.lacoaa.org/)
- Adult Children of Alcoholics:
  - Phone: 310-534-1815
  - Website: [www.adultchildren.org](http://www.adultchildren.org)
- Marijuana Anonymous:
  - Phone: 800-766-6779
  - Website: [www.marijuana-anonymous.org](http://www.marijuana-anonymous.org)
- Cocaine Anonymous:
  - Phone: 888-714-8341
  - Website: [www.ca4la.org/](http://www.ca4la.org/)
- Narcotics Anonymous:
  - Phone: 800-863-2962
  - Website: [www.todayna.org/](http://www.todayna.org/)
- Al-Anon:
  - Phone: 818-760-7122
  - Website: [www.alanonla.org](http://www.alanonla.org)
- National Council on Alcohol and Drug Dependency
  - Phone: 818-997-0414
  - Website: [www.ncadd-sfv.org/](http://www.ncadd-sfv.org/)

## **Israel**

- Narcotics Anonymous:
  - Phone: 972-50-5947837
  - Website: [http://www.naisrael.org.il/](http://www.naisrael.org.il)
- Retorno International Recovery Group:
  - Phone: 718-210-9755
    - 972-52-436-9888
  - Email: [Soshana@retorno.org](mailto:Soshana@retorno.org)
  - Website: [www.retorno.org](http://www.retorno.org)
- Malkishua Drug Rehabilitation Center:
  - Phone: 972-46488222
  - Email: [malikishua@malikishua.org.il](mailto:malikishua@malikishua.org.il)
  - Website: <http://www.malkishua.org.il>
    - <http://www.malkishua.org.il/eng/> (English version)

If you would like to view the complete Touro Policy on Drugs and Controlled Substances it can be found as Appendix A of this ASR.

## **SMOKE FREE ENVIRONMENT**

The California Indoor Clean Air Act of 1976 and Section 118885 of the California Health and Safety Code requires that educational institutions, among other public places and places of employment, be smoke-free inside and within a reasonable distance of entrances, exits, windows that open, and ventilation intakes. Under this Act, Touro prohibits smoking as defined below, including electronic smoking devices and hookahs, in all of its in-door public areas and classrooms, including but not limited to lobbies, libraries, lounges, bathrooms, conference rooms, and offices. No smoking shall be permitted within 15 feet of entrances, exits, windows that open, and ventilation intakes of any Touro facility. Violation of this policy may result in official reprimand; and if the violation persists or is repeated may result in expulsion.

### *Definitions*

“Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic, in any manner or in any form. “Smoking” also includes the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this policy.

“Electronic Smoking Device” means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.

“Hookah” means a water pipe and any associated products and devices which are used to produce fumes, smoke, and/or vapor from the burning of material including, but not limited to, tobacco, shisha, or other plant matter.

## **WEAPONS & FIREARMS POLICY**

California law (Cal. Penal Code §§ 626.9(b), (c), 30310) now requires that concealed weapons license holders obtain written permission from authorized school officials before carrying firearms or ammunition onto college and university campuses, unless the unloaded firearm or ammunition is kept in a locked container or within the locked trunk of a motor vehicle. Touro does not give such permission and concealed weapons are prohibited on and within property of institutions of higher education. Touro expands the law to include prohibiting possession or carrying of weapons, firearms, or explosions; and possession or use of fireworks, ammunition, airguns, airsoft, or other weapons such as knives, tasers, swords, billy clubs, throwing stars, and nunchucks.

## **REAUTHORIZATION OF VIOLENCE AGAINST WOMEN'S ACT OF 2013**

Touro prohibits the offenses of domestic violence, dating violence, sexual assault (i.e. rape, fondling, incest or statutory rape) and stalking (as defined by the Clery Act) and reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all members of the university community. Toward that end, Touro issues this statement of

policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault and stalking as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which will be followed regardless of whether the incident occurs on or off campus when it is reported to a University official.

## **TOURO UNIVERSITY RESPONSE TO SEXUAL AND GENDER VIOLENCE**

### **Policy on Title IX and Sexual Misconduct**

This policy applies to all members of the Touro University (Touro") community, including students, faculty, and administrators as well as third parties (i.e. vendors, and invitees). Discrimination or harassment of any kind in regard to a person's sex is not tolerated at our institution. Information and/or training regarding this policy is available to students, faculty, and staff.

Touro promotes an environment in which the dignity and worth of all members of the community are respected. It is the policy of Touro that sexual intimidation of students and employees is unacceptable behavior and will not be tolerated.

### **Title IX Grievance Policy**

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

This Title IX Grievance Policy became effective on August 14, 2020, and only applies to formal complaints of sexual harassment alleged to have occurred on or after August 14, 2020. Alleged Conduct that occurred prior to August 14, 2020 will be investigated and adjudicated according to the Title IX and Sexual Misconduct Policy then in effect.

### **Title IX Coordinator**

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

Contact Information for the Title IX Coordinator:

Zachary Shapiro  
Title IX Coordinator

1310 Club Drive Vallejo, CA 94592  
(707) 638 5459  
[zshapiro@touro.edu](mailto:zshapiro@touro.edu)

Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator.

### When Title IX Applies

The Title IX process will apply when all of the following elements are met:

1. The conduct is alleged to have occurred on or after August 14, 2020;
2. The conduct is alleged to have occurred in the United States;
3. The conduct is alleged to have occurred in Touro's education program or activity; and
4. The alleged conduct, if true, would constitute covered sexual harassment, as defined under Title IX, as:
  - a. an employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);
  - b. unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the educational institution's education program or activity; or
  - c. sexual assault (as defined in the Clery Act); or dating violence, domestic violence, or stalking (as defined in the Violence Against Women Act (VAWA)).

If the alleged misconduct meets these requirements, then the Title IX grievance process applies and the Potential Complainant may file a Formal Complaint or their prior Complaint submission will become a Formal Complaint. For the purposes of this Title IX Grievance Policy, "formal complaint" means a document – including an electronic submission - filed by a complainant with a signature or other indication that the complainant is the person filing the formal complaint, or signed by the Title IX Coordinator, alleging sexual harassment against a respondent about conduct within Touro's education program or activity and requesting initiation of the procedures consistent with the Title IX Grievance Policy to investigate and adjudicate the allegation of sexual harassment.

If the alleged misconduct does not meet these Title IX requirements, it requires a mandatory dismissal under Title IX, but it may be addressed by the broader Touro Sexual Misconduct Policy or another applicable Touro policy.

For more details surrounding the Title IX Grievance Policy please see: [TUW/TCLA Title IX Grievance Policy](#)

### **Sexual Misconduct**

Touro prohibits discrimination based on sex, including sexual harassment. The prohibition against discrimination extends to employment and third-parties. Sexual harassment is unwelcome conduct of a sexual nature and can include sexual advances, request for sexual

favors, and other verbal, non-verbal, or physical conduct. Environmental harassment (sometimes referred to as hostile environment) is sexually harassing conduct that is sufficiently severe, persistent or pervasive to limit an individual's ability to participate in or receive benefits, services, or opportunities at Touro. This can include persistent comments or jokes about an individual's, sex; verbal behavior, including insults, remarks, epithets, or derogatory statements; nonverbal behavior, including graffiti, inappropriate physical advances short of physical violence such as repeated and unwanted touching; and assault, including physical violence or the threat of physical violence.

California State Law also defines these acts as crimes if any of them are engaged in with a person who is incapable of consent either because of the person's age or because the person is mentally defective, mentally incapacitated, or physically helpless. Therefore, sexual abuse, sodomy, and rape are sex crimes and violators will be prosecuted in accordance with California Penal Law.

All divisions of Touro seek to foster a collegial atmosphere in which students are nurtured and educated through close faculty-student relationships, student camaraderie, and individualized attention. Discrimination or harassment of any kind is anathema to Touro's mission, history, and identity. Touro will resolve any identified discrimination in a timely and effective manner, and will ensure that it does not recur. Compliance with TUW's policies and procedures is a necessary step in achieving a safe environment in our educational community. The policies set forth were developed to promote a safe educational environment in compliance with Title IX and Title VII of the Civil Rights Act of 1964, the Violence Against Women Act (VAWA), California State Law, and a high-quality campus life.

Those believing that they have been harassed or discriminated against on the basis of their sex, including sexual harassment, should contact the Office of Institutional Compliance immediately. When Touro has notice of the occurrence, Touro is compelled to take immediate and effective corrective action reasonably calculated to stop the harassment, prevent its recurrence, and as appropriate, remedy its effects.

This policy applies to all members of Touro, including students, faculty, and administrators as well as third parties (including, but not limited to, vendors, invitees, etc.). Information and/or training regarding this policy are available to students, faculty, and staff.

For more details surrounding the Sexual Misconduct Policy please see: [TUW/TCLA Sexual Misconduct Policy](#)

## **Complaints**

Complaints may be filed by contacting the Office of Institutional Compliance:

Phone: 646-565-6000, ext. 55330  
Email: [compliance@touro.edu](mailto:compliance@touro.edu)

Additional information about this policy will be available on Touro's website. Students may contact the Office for Civil Rights of the U.S. Department of Education for inquiries concerning the application of Title IX as well as the implementation of its regulations.

The Office for Civil Rights can be contacted using the following information:

San Francisco Office  
Office for Civil Rights  
U.S. Department of Education  
50 Beale Street, Suite 7200  
San Francisco, CA 94105-1813

Telephone: 415-486-5555  
FAX: 415-486-5570; TDD: 800-877-8339  
Email: [ocr.sanfrancisco@ed.gov](mailto:ocr.sanfrancisco@ed.gov)

## **STALKING**

### **Indicators/Signs of Stalking Behavior**

- Persistent phone calls despite the fact that you have told the person not to contact you in any form.
- Someone waiting at or outside your workplace, residence, or school.
- Overt threats.
- Manipulative behaviors (i.e. stating that they will hurt themselves).
- Sending written messages, letters, emails, graffiti, etc.
- Sending of gifts.
- Defamation.

### **If You Become A Victim Of A Stalker, Do Not Take It Lightly:**

- Notify the CEO, Dean, Provost or other Administrator at your location. Even if the problem is not campus/site related, they can assist you with reporting the problem to the local law enforcement agency.
- Apply for a restraining order. If you already have one, file a copy with the office on your campus.
- Document everything. Even if you have decided not to go the legal route, you may change your mind. Keep answering machine recordings, letters, gifts, etc. Keep a log of drive-bys or any suspicious occurrences.

- Have co-workers screen all calls and visitors.
- Do not accept packages unless they were personally ordered.
- Do not destroy discarded mail.
- If you think you are being followed, go to the nearest police station or public place.
- Never be afraid to sound your horn to attract attention.
- Do not be ashamed and think you caused this. Instead tell everyone you know that you are being stalked, from neighbors, to co-workers, to classmates so that no information about you is provided to the stalker.
- Tell the stalker NO once and only once, and never give him/her satisfaction of a reaction again.

Preserve any evidence that may help you obtain University help through no-contact orders, or court assistance with restraining orders. For help with this, contact the local police or Security right away. Some examples of evidence preservation include:

- Preserving any email, texts, or electronic messages on social media.
- Photographing any threatening messages that are not electronic.
- Asking friends to witness any overt behaviors such as being followed.
- Keeping a journal of stalking events.

### **Crime Prevention Education & Awareness Is Provided As Follows**

- During the beginning of the semester
- During employee orientation
- Upon request by location
- As a result of trends identified

Crime Prevention Surveys are conducted by your resident precinct or local law enforcement upon request. In addition, Touro takes personal security issues seriously, and engages in an ongoing process of improving systems as they are implemented.

### **Rape & Sexual Violence**

Sexual Assault/Improper Sexual Conduct is a criminal offense pursuant to the Penal Law. If a member of Touro community engages in improper sexual conduct, it may result in the severest disciplinary sanctions available to Touro. Touro will cooperate fully with Law Enforcement authorities should the victim seek criminal prosecution. Touro also recognizes that confidentiality is most important to victims of sex crimes.

While complete confidentiality cannot be guaranteed, every effort will be made to maintain confidentiality on a “need to know basis.” The victim’s wishes not to report a sexual assault to the police will generally prevail, but Touro reserves the right to notify the police when it is believed that such reporting is necessary for the protection of others.

All reports of Rape and Sexual Violence must be investigated by the Title IX Coordinator. Any reports made to a member of the pastoral care or clinical services provider on campus must be reported for statistical purposes only.

### **Facts:**

- Approximately 20% of women experience an attempted or sexual assault.
- Every person is a potential victim regardless of race, gender, age, or economic status.
- Approximately 90% of women know their assailant.
- Approximately 75% of the time, one or both parties are under the influence of a substance.
- Rapes perpetrated by strangers occur at all times of the day, every day. However, date rapes occur most frequently on weekends and during late evening hours.

### **If You Are Being Sexually Assaulted**

- Keep your head. Stay as calm as possible, think rationally and evaluate your resources and options.
- Be realistic about your ability to protect yourself. Yelling, hitting, or biting may give you a chance to escape, but be aware it can also expose you to further harm.
- Passive resistance such as vomiting, urinating, or telling the attacker that you are ill or menstruating is another option.
- Knowing self-defense can help you to overcome fear and think clearly in emergencies.
- Do not try to defeat the attacker. Just get away as fast as you can. There is no right way to respond to an attack. If you escaped alive, you responded in the right way.

### **If You Have Been Sexually Assaulted**

- You must NEVER BEAR the RESPONSIBILITY for being assaulted. Responsibility for the crime lies with the rapist alone.
- If possible do not shower, bathe, brush your teeth eat, drink, smoke, urinate or change your clothes.
- Do not disturb anything in the area where the assault occurred.
- Get immediate medical attention. An exam may reveal the presence of a physical injury.
- Following a sexual assault, antibiotics are typically given at the time of the exam to help prevent the victim from acquiring certain sexually transmitted diseases. A urine test conducted within 96 hours can determine if a drug was used.
- Write down a description of the assault, circumstances, and the attacker.
- Many police departments now have special victims units that are specially trained to deal with rape and/or sexual violence victims. In addition, many hospitals also have rape crisis units.
- Reporting the assault is an important step in ending this violence. You should feel comfortable with your decision.
- Call someone to be with you. You should not be alone. Contact a rape crisis center to help you deal with the aftermath.

### **If Someone You Know Is a Victim of an Assault**

- See that they have a safe place to stay and will stay with someone.
- Give the victim your emotional support. Let them express their feelings. Do not pry into details.

- Do not be judgmental, instead listen, and provide understanding.
- Rape and/or sexual violence are never the victim's fault. Do not let them blame themselves or think that they did something to cause the attack
- Encourage the victim to get medical attention, contact a rape crisis center, and report the incident. Help the victim explore their options but let them make the decision.
- Point out that since they are still alive they have achieved a major victory.

### **Bystander Awareness**

- Don't turn a blind eye.
- If you are attending a social gathering with a friend, remember the same principles apply in every scenario.
- Be mindful of your friend(s) and make sure you come and go together and if you don't leave together that your friend(s) is/ are able to make decisions for himself/herself/themselves.
- If you see someone at risk, get involved.
- Don't wait for someone else to take an action.
- Be honest and directly talk about the consequences of their actions.
- Solicit help from other bystanders.
- If the person is your friend, communicate by either asking the person "Are you okay," "Is he/she bothering you," etc.
- Give the person an out like calling their cell phone or distracting the other person.
- If it doesn't feel safe to say something, you can call the police or any other person of authority.

***Don't let resentment prevent you from stepping in.***

### **Victim Assistance**

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

#### **On Campus**

- The Dean, Provost or other administrators are available to work with the Touro community to meet immediate need.
- Touro Staff are available to provide support and escorts around campus and in certain instances to assist the individual in getting home.
- Other available community resources may be provided based on student's individual needs.

#### **Off Campus**

#### CALIFORNIA

YWCA of Greater Los Angeles, Sexual Assault Services

- Phone: (877) 943-5778
- [www.ywcagla.org](http://www.ywcagla.org)

Peace over Violence

- Phone: (310) 392-8381
- [www.peaceoverviolence.org](http://www.peaceoverviolence.org)

Rape Treatment Center at Santa Monica- UCLA Medical Center

- Phone: (310) 319-4503
- [www.911rape.org](http://www.911rape.org)

Hotline of Southern California

- Phones: (714) 894-4242
- [www.hotlineofsocal.org/Hotline\\_of\\_Sox.html](http://www.hotlineofsocal.org/Hotline_of_Sox.html)

CSP Sexual Assault Victims Services

- Phone: (714) 957-2737
- [www.cspinc.org](http://www.cspinc.org)

Alternatives to Domestic Violence Hotline:

- Phone: (909) 683-0829; (800) 339-7233 (Toll Free)
- Website: [alternativestodv.org](http://alternativestodv.org)

**NATIONAL**

WomensLaw.org

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

RAINN

- [www.rainn.org](http://www.rainn.org)
- (800) 656-HOPE (4673)

loveisrespect

- <http://www.loveisrespect.org>
- (866) 331-9474

National Domestic Violence Hotline

- [www.thehotline.org](http://www.thehotline.org)
- (800) 799-7233

**ISRAEL**

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

**Sex Offender Registry**

Touro must make available to the public over the Internet information about certain sex offenders required to register under Megan's Law.

These sex offender Internet registry laws can be found at the following addresses:

<http://www.meganslaw.ca.gov/> (California)

\* Israel does not have a sex offender registry accessible to the public. There are specific vocational restrictions for sex offenders.

## **EMERGENCY ACTIONS IN RESPONSE TO VIOLENCE**

Individuals who have experienced an act of violence, such as domestic violence, dating violence, sexual assault and/or stalking requiring immediate emergency assistance are advised to take the following actions:

- Get to a place of safety. Dial 911 for local Police immediately if at continued risk.
- Seek any necessary medical attention as soon as possible.

Nearby hospitals include:

**Los Alamitos Medical Center**  
3751 Katella Ave  
Los Alamitos, CA 90702  
(562) 598-1311

**Cedars-Sinai Medical Center**  
8700 Beverly Blvd.  
Los Angeles, CA 90048  
(310) 423-3277

**Southern California Hospital at Hollywood**  
6245 De Longpre Ave  
Los Angeles, CA 90028  
(323) 462-2271

**Ronald Reagan UCLA Medical Center**  
757 Westwood Plaza  
Los Angeles, CA 90095  
(310) 825-9111

Going to a California hospital for medical care after an incident of sexual violence does not obligate an individual to file a report with the University or the police.

## **DISCIPLINE**

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

Consistent with this Policy Touro will take prompt effective action to resolve any identified discrimination, and take steps to avoid a reoccurrence.

### **RETALIATION**

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

### **AVAILABILITY OF COUNSELING**

As required under Title IX, Touro through its investigations and/or Title IX Compliance officer will offer its internal counseling services to any complainant who has begun the complaint process. It is ultimately complainant's decision of whether or not to accept the counseling service offered by Touro.

### **EXTERNAL REPORTING**

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

Among other options, students may contact the Office for Civil Rights of the U.S. Department of Education for inquiries concerning the application of Title IX as well as the implementation of its regulations. The Office for Civil Rights can be contacted using the following information:

San Francisco Office  
Office for Civil Rights  
U.S. Department of Education  
50 Beale Street, Suite 7200  
San Francisco, CA 94105-1813

Telephone: 415-486-5555  
FAX: 415-486-5570; TDD: 800-877-8339  
Email: [ocr.sanfrancisco@ed.gov](mailto:ocr.sanfrancisco@ed.gov)

### **CRIME LOG**

The University maintains a database, which archives all crimes reported to the department, except when disclosure of such information is prohibited by law or such disclosure would jeopardize the confidentiality of the victim. Information may be temporarily withheld if release of such information would: (a) jeopardize an ongoing criminal investigation or the safety of an individual; (b) cause a suspect to flee or evade detection; or (c) result in the destruction of evidence. The crime log data consists of the nature, date, time and general location of the crime and the disposition of the complaint, if known.

## CRIME STATISTICS CATEGORIES AND RECORDING MEASURES

Statistical crime data is provided for the past three calendar years in accordance with the federal laws articulated in the Clery Act. Data included in the statistics column for Murder/ Non-Negligent Manslaughter, Negligent Manslaughter, Domestic Violence, Dating Violence, and Stalking, Sex Offenses, Aggravated Assault, Larceny / Theft, Intimidation, Simple Assault, Vandalism and Motor Vehicle Thefts represent the number of victims in the crime occurrence. Similarly, cases involving arrests for Liquor Law, Drug Law and Illegal Weapons violations are recorded per person. Statistics captured under “Referred for Disciplinary Action” reflect the number of individuals in a reported incident submitted to a campus official authorized to administer and maintain a record of a disciplinary action. Statistics recorded for Robbery, Burglary and Arson indicate the number of occurrences only.

On Campus	2021		2022		2023	
	TCLA	TUW Admin.	TCLA	TUW Admin.	TCLA	TUW Admin.
Murder and Non-negligent Manslaughter	0	0	0	0	0	0
Negligent Murder	0	0	0	0	0	0
Rape	0	0	0	0	0	0
Fondling	0	0	0	0	0	0
Incest	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0
Burglary	0	0	0	0	1	0
Motor vehicle theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
<b>Liquor law violation</b>						
Arrests	0	0	0	0	0	0
Disciplinary action	0	0	0	0	0	0
<b>Drug-related violation</b>						
Arrests	0	0	0	0	0	0
Disciplinary action	0	0	0	0	0	0
<b>Weapon possession violation</b>						
Arrests	0	0	0	0	0	0
Disciplinary action	0	0	0	0	0	0
<b>Violence Against Women Act (VAWA) offenses</b>						
Dating Violence	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0
Stalking	0	0	0	0	0	0

	2021		2022		2023	
<b>Residential Facilities</b>	TCLA	TUW Admin.	TCLA	TUW Admin.	TCLA	TUW Admin.
Murder and Non-negligent Manslaughter	n/a	n/a	n/a	n/a	n/a	n/a
Negligent Murder	n/a	n/a	n/a	n/a	n/a	n/a
Rape	n/a	n/a	n/a	n/a	n/a	n/a
Fondling	n/a	n/a	n/a	n/a	n/a	n/a
Incest	n/a	n/a	n/a	n/a	n/a	n/a
Statutory Rape	n/a	n/a	n/a	n/a	n/a	n/a
Robbery	n/a	n/a	n/a	n/a	n/a	n/a
Aggravated assault	n/a	n/a	n/a	n/a	n/a	n/a
Burglary	n/a	n/a	n/a	n/a	n/a	n/a
Motor vehicle theft	n/a	n/a	n/a	n/a	n/a	n/a
Arson	n/a	n/a	n/a	n/a	n/a	n/a
<b>Liquor law violation</b>	n/a	n/a	n/a	n/a	n/a	n/a
Arrests						
Disciplinary action	n/a	n/a	n/a	n/a	n/a	n/a
<b>Drug-related violation</b>	n/a	n/a	n/a	n/a	n/a	n/a
Arrests						
Disciplinary action	n/a	n/a	n/a	n/a	n/a	n/a
<b>Weapon possession violation</b>	n/a	n/a	n/a	n/a	n/a	n/a
Arrests						
Disciplinary action	n/a	n/a	n/a	n/a	n/a	n/a
<b>Violence Against Women Act (VAWA) offenses</b>	n/a	n/a	n/a	n/a	n/a	n/a
Dating Violence	n/a	n/a	n/a	n/a	n/a	n/a
Domestic Violence	n/a	n/a	n/a	n/a	n/a	n/a
Stalking	n/a	n/a	n/a	n/a	n/a	n/a

<b>Public Property</b>	<b>2021</b>		<b>2022</b>		<b>2023</b>	
	<b>TCLA</b>	<b>TUW Admin.</b>	<b>TCLA</b>	<b>TUW Admin.</b>	<b>TCLA</b>	<b>TUW Admin.</b>
Murder and Non-negligent Manslaughter	0	0	0	0	0	0
Negligent Murder	0	0	0	0	0	0
Rape	0	0	0	0	0	0
Fondling	0	0	0	0	0	0
Incest	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
<b>Liquor law violation</b>						
Arrests	0	0	0	0	0	0
Disciplinary action	0	0	0	0	0	0
<b>Drug-related violation</b>						
Arrests	0	0	0	0	0	0
Disciplinary action	0	0	0	0	0	0
<b>Weapon possession violation</b>						
Arrests	0	0	0	0	0	0
Disciplinary action	0	0	0	0	0	0
<b>Violence Against Women Act (VAWA) offenses</b>						
Dating Violence	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0
Stalking	0	0	0	0	0	0

## HATE CRIMES STATISTICS

<b>Hate Crimes On-Campus</b>	<b>2021</b>		<b>2022</b>		<b>2023</b>	
	<b>TCLA</b>	<b>TUW Admin.</b>	<b>TCLA</b>	<b>TUW Admin.</b>	<b>TCLA</b>	<b>TUW Admin.</b>
Murder and Non-negligent Manslaughter	0	0	0	0	0	0
Negligent Murder	0	0	0	0	0	0
Rape	0	0	0	0	0	0
Fondling	0	0	0	0	0	0
Incest	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0
Larceny-theft	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0
Damage/Vandalism to Property	0	0	0	0	0	0

Note: There were no Hate Crimes reports during the years 2021, 2022 and 2023 on/in the TCLA campus, the TUW Administrative Offices or on public property.

## ANNUAL FIRE SAFETY REPORT

### STATISTICS

	2021				2022				2023			
	Fire	Injury	Death	Value	Fire	Injury	Death	Value	Fire	Injury	Death	Value
TCLA Campus	0	N/A	N/A	N/A	0	N/A	N/A	N/A	0	N/A	N/A	N/A
TUW Admin. Office	0	N/A	N/A	N/A	0	N/A	N/A	N/A	0	N/A	N/A	N/A

	Fire Safety Amenities					
	Fire Alarm Monitoring	Sprinkler System	Smoke Detection	Fire Extinguishers	Evacuation Plans and Placards	Min. # of Fire Drills Each Calendar Year
TCLA Campus	Y	Y	Y	Y	Y	1
TUW Admin. Office	Y	Y	Y	Y	Y	1

*\*\*Please note that Federal Regulations mandate under 34 CFR 668.49(b) that the institution provide an Annual Fire Report that includes requirements directly related to on-campus housing, notwithstanding the foregoing, the University Community should be aware that the University does not operate any student residences or dormitories and therefore these regulations have limited applicability due to these circumstance.\*\**

### **Evacuating Facilities During Fires**

In the event of a fire emergency inside a Touro facility, individuals are instructed to remove themselves from the area of immediate danger and alert building occupants and local emergency response personnel to the emergency by pulling a manual pull station.

In addition to activating the fire alarm system individuals are urged to call 9-1-1 and the Dean or Provost.

Once the fire alarm has been activated, all building occupants are instructed to evacuate the premises immediately using the closest safe stairwell/exit door unless otherwise instructed by building authorities/emergency response personnel. While evacuating the building, individuals should secure any open windows/doors, if it is safe to do so, in order to help prevent the spread of an existing fire condition.

Building occupants are also instructed to not use elevators as they may become inoperable during a fire emergency.

Persons with limited mobility who are unable to self-evacuate are instructed to move to the closest safe stairwell and await assistance from local emergency response personnel unless otherwise instructed by building authorities/emergency personnel.

Once the process of evacuation has been initiated, building occupants are to continue to completely evacuate the building even if the alarm ceases to sound. Occupants should alert others who may attempt to enter the building during the evacuation process

Building occupants are not permitted to leave the Designated Assembly Area unless directed to do so by on-scene emergency personnel. Individuals will be permitted to re-enter the building only when the building is deemed safe by local emergency response personnel.

## **General**

1. In case of a fire, if possible, activate the closest fire alarm and then contact the on-site security personnel and Emergency Preparedness.
2. The fire alarm systems of Touro monitored 24 hours a day. The systems may include smoke detectors, carbon monoxide detectors, sprinklers, fire extinguishers and alarm bells.
3. Smoke detectors are the first line of fire defense. They are triggered by airborne particles and are in place to provide early warning in case of fire. Smoke detectors save lives by allowing for timely evacuation. Carbon monoxide detectors may also be placed in buildings.
4. Sprinklers are the last line of defense. If there is a considerable rise in room temperature, the sprinklers will activate. Sprinklers protect property by suppressing a fire quickly.
5. Any Students or staff member in any Touro facility, who intentionally compromises these systems in any way, may be sanctioned and/or arrested and fined.
6. Students and staff agree to adhere to all fire safety policies of Touro, not be in possession of prohibited items, and be aware of possible sanctions for violations. In addition to sanctions imposed by the University, violators may also be responsible for fines assigned by the State of California.

Once the fire alarm has been activated, all building occupants are instructed to evacuate the premises immediately using the closest safe stairwell/exit door unless otherwise instructed by building authorities/emergency response personnel. Students and staff will evacuate by the nearest exit, closing doors along the exit path to contain the spread of flames and smoke and to activate the fire alarm system as they leave.

At no time should the closing of doors or the activation of the alarm delay the exit from the building. Once safely outside, residents should contact 911 and the Dean or Provost. Students and staff are required relocate to the Designated Assembly Area with the appropriate administrator. Damage, misuse, or theft of fire alarm systems and firefighting equipment is prohibited and in violation of the law.

- Residents are prohibited from covering or attaching anything to fire safety equipment including sprinklers, smoke detectors, heat detectors, etc.
- Touro may assign fines for false (negligent) fire alarms.

## **Fire Safety Education and Training Programs**

If applicable, an online fire safety education program is available for all students in residential housing and all employees that have any association with residential housing. These programs are designed to familiarize everyone with the fire safety system in each housing facility, train everyone on the procedures to be followed in case there is a fire and distribute information on the college's fire safety policies. Everyone is also provided with evacuation routes and fire alarm equipment locations. During these programs, trainers emphasize that participating in fire drills is mandatory. Students with limited mobility are instructed to wait for emergency response personnel in the fire stairwell with a "buddy."

Fire safety education and training programs consist of fire science, general fire safety and evacuation procedures, and cooking safely.

## **Items Prohibited in Housing Facilities**

When it comes to fire safety, certain items can compromise the safety of all within our community therefore such items are prohibited. If you are uncertain about a particular item in your possession, you are encouraged to bring such item(s) to the Residence Director immediately to avoid disciplinary action. The Dean and Provost, in cooperation with local and state fire safety officials, reserves the right to amend this listing at any time.

### Open Flames

- Candles, incense, and ashtrays
- Fireworks, explosives
- Gasoline, propane tanks/other highly combustible items

### Cooking Appliances

- Hot plates, woks, toasters and toaster ovens (except those provided by Touro), grills, deep fryers and all open coil appliances. Appliances without open coils are permitted (except those listed above) if they have an automatic shut off setting or are used with a single setting Automatic Shut-Off Safety Outlet.

### Room Furnishings

- Space heaters (unless issued by Touro)
- Upholstered furniture, padded or cushioned chairs, beanbag chairs. (Any furniture item brought by a resident must be certified by the manufacturer as flame retardant; otherwise, the item is prohibited.) Residents are permitted to bring plastic stackable containers.
- Bed risers (wooden), cinderblocks and lofted furniture of any kind. Bed risers that attach to the bottom of the bed are permitted.
- Room partitions or dividers not authorized by Touro
- Curtains, shades, blinds or any window treatment (unless issued by Touro)

- Any lamp with a halogen or incandescent bulb
- Multiple bulb lamps with plastic shades

#### Electrical Cords and Outlets

- Extension cords, multi-plug outlets, plug-in air fresheners. Surge protectors are acceptable with a maximum of six outlets and an independent on/off circuit breaker.
- International converters plugged into a surge protector or multiple adapters. International converters must be plugged directly into the wall outlet.

#### Decorations

- Streamers hanging from the ceiling
- Lights

#### Actions that Obstruct or Interfere with Safety

When it comes to fire safety, certain actions by an individual can compromise the safety of all within the community, therefore certain actions are prohibited. Person(s) who engage in such actions will be held accountable, sanctioned and/or arrested and fined. Touro encourages all residents to familiarize themselves with such actions and the potential sanctions.

#### Egress Compromise

- Failure to maintain a 36-inch path of egress out of the room/ apartment
- Blocking exits with furniture or other items, or preventing door from opening to a 90-degree angle
- Propping room door open with an object
- Wall decorations/posters exceeding 25 percent of the wall area
- Hanging posters, banners or other items from the ceiling or across the room from door or window(s)
- Excessively disorderly room or apartment
- Running wires across the floor, ceiling or in front of room door
- Leaving any item in the hallway outside of a room door
- Leaving cooking food unattended
- Leaving hair care appliances with heating elements (flat irons, curling irons, etc.) unattended or excessive use of aerosol products (which may trigger the fire alarm system)
- Smoking in any housing facility or within 25 feet of an entrance

#### Suppression or Alarm Compromise

- Hanging anything on or from a sprinkler head or water pipe
- Physical activities near fire suppression systems, such as hockey, ball throwing/bouncing, skateboarding, Frisbee, etc.
- Throwing or spraying water or other liquids
- Failure to maintain an 18-inch clearance from any sprinkler head for the circumference of the room
- Excessive use of aerosol products (which may trigger the fire alarm system)
- Sanctions for violation of the categories listed above are as follows:
- Tampering with, or damaging fire extinguisher(s) or sprinkler control valves
- Breaking a sprinkler head

- Removing smoke detectors or covers
- Covering smoke detectors
- Tampering with or damaging fire exit lights, pull stations, notification devices or obstructing exit doors

#### General Unsafe Actions

- Failure to evacuate during a fire alarm
- Deliberately causing a false fire alarm
- Use of fireworks or explosives

#### Fire Emergency Advice

If a fire occurs, students and staff are instructed to leave hazardous areas per the evacuation routes and go to their Designated Assembly Area before calling 911 for help. All students and staff are instructed to pull the fire alarm as they are leaving the building if they can do so without risking their safety. Students are to remain at the Designated Assembly Area so that the Administrator in charge can take a full accounting of the students.

#### **During a Fire Alarm**

- STAY CALM and DO NOT PANIC.
- Proceed to the closest emergency exit. Do not take the elevator.
- Use secondary route if primary one is blocked or hazardous.
- If the emergency is a gas leak or a hazardous material spill, take the route that will keep you upwind of the problem area.
- Do not stop for belongings or records.
- Follow the instructions of your Fire Safety Group (FSGs).
- Report missing persons to FSGs.
- Continue to follow the directions of FSGs who will direct you to an assembly area. Remain at the assembly area in case Emergency Personnel need more information or need to ask questions, especially if there are missing persons.

In Case Of Fire - Remember “R.A.C.E.” Rescue: Anyone in immediate danger Alarm: Pull the nearest alarm box Contain: Close doors and windows Evacuate: Leave the building immediately

#### **Pre-Plan Escape Routes**

It is a good idea to locate all exits on your floor and in your building; locate two exits from your office/classroom; locate fire alarm pull stations in your building.

#### **Fire Egress (Exiting Safely)**

- Upon discovery of a fire, activate the nearest fire alarm pull box.
- Call the 911 from a local phone or your cell phone. Give your name, telephone number, and location of the fire.
- Do not attempt to put out a fire by yourself, unless you are trained to do so.
- DO NOT USE THE ELEVATORS. If you are on an elevator when an alarm is activated and the elevator does not function, push the emergency button on the elevator for further assistance and guidance.

- Close windows and doors. This may help keep the fire from spreading, protect your possessions from fire, and smoke damage. Leave lights on and doors unlocked.
- Before entering another room or stairwell, check for heat by placing the back of your hand near the door. If the handle is NOT hot, open door cautiously. Check for smoke or fire before going out.
- If the handle is hot, DO NOT open the door. Go to the window and call for help.
- When you evacuate the building DO NOT stop for personal belongings or records.
- If there is excessive smoke, crawl low to an exit. There is less smoke and toxins there. Smoke will rise making it impossible to see when standing. Toxic chemicals in smoke, when inhaled, can be deadly in minutes.
- If you are unable to exit, stay low and plug all openings around doors, windows, and vents.
- Notify fire fighters that are on the scene if you suspect someone may be inside the building.
- If the situation is safe and clear, handicapped individuals should be placed into the stairwell as soon as most evacuees have departed. A messenger should be dispatched to tell the responding police or fire fighters the location of the handicapped individual(s), so that a rescue can be initiated.
- When outside, stay away from the building, at least 500 feet, and out of the way of emergency personnel and vehicles.

DO NOT RE-ENTER THE BUILDING UNTIL INSTRUCTED TO DO SO BY AUTHORIZED PERSONNEL.

**Who to Contact Should a Fire Occur:**

Dr. Shelia Lewis, Provost  
 Touro University Worldwide  
 10601 Calle Lee, Ste. #179  
 Los Alamitos, CA 90720  
 (818) 874-4101

Dr. David Jacobson, Dean  
 Touro College Los Angeles  
 1317 North Crescent Heights Boulevard  
 West Hollywood, CA 90046  
 (323) 822-9700 Ext. 85150

**Campus Directory:**

Touro University Worldwide  
 10601 Calle Lee, Ste. #179  
 Los Alamitos, CA 90720  
 (818) 575-6800

Touro College Los Angeles  
 1317 North Crescent Heights Boulevard

West Hollywood, CA 90046  
(323) 822-9700

## **Appendix A**

### **TOURO UNIVERSITY WORLDWIDE AND TOURO COLLEGE LOS ANGELES DRUG AND CONTROLLED SUBSTANCES POLICY**

#### **1.0 Policy**

Touro University Worldwide (“Touro”) and Touro College Los Angeles (“TCLA”) (collectively referred to as “Touro” or “University”) complies with the Federal Drug Free Workplace Act of 1988, the State Drug-Free Workplace Act of 1990 and The Drug-Free Schools and Communities Act Amendments of 1989. The University policy regarding the possession, use, and/or sale of alcoholic beverages or illicit drugs on campus is governed by state and municipal law and further governed by the Student Conduct Code. In compliance with Federal Law and California State Law, this policy includes information to ensure that all members of the Touro Community are aware of the dangers of substance abuse and to outline the sanctions for violating this policy.

The Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989 require that, as a condition of receiving funds or financial assistance under any Federal program, the University create and maintain a drug-free environment and implement a program to prevent the unlawful possession, use, or distribution of drugs, and the abuse of alcohol, by its students and employees.

In addition to being a violation of Federal and State laws, the possession and/or use of alcohol, the unlawful manufacture, distribution, dispensing, possession or use of illegal controlled substances on Touro campuses, off-campus sites, workplace site of employees, or at any University-sponsored event is prohibited. No one may use illegal substances, or abuse legal substances, including alcohol, in a manner which impairs performance of assigned tasks. The University expects that individuals and groups will conduct themselves and operate within the scope of the rules and regulations. Violators of this prohibition are subject to criminal prosecution and/or disciplinary action, including reprimand, probation, suspension or expulsion, and/or termination of employment.

Touro may provide confidential counseling and referral services to students, faculty and staff with drug and/or alcohol problems. These services are available through the Office of the Dean of TCLA and the Office of the Provost of TUW. All inquiries and requests for assistance will be handled with confidentiality.

#### **2.0 Purpose**

Touro seeks to safeguard the health and well-being of all members of Touro: students, faculty and staff. All members of Touro are accountable to know the law and to understand the policies and procedures of Touro.

### **3.0 Public Education Statement on Illicit Drug and Alcohol Use**

In order to better educate students, faculty and staff, Touro wishes to provide all members of Touro with an education of the effects of substance abuse. The mind-altering substances to be discussed here are: marijuana, cocaine, heroin (and their derivatives); amphetamines (uppers); barbiturates (downers); hallucinogens; and alcohol. Many individuals take such drugs to escape from their problems; but doing so only creates more problems.

What are some of the health problems associated with drugs?

- The most obvious problems are death or severe organ damage (such as heart attack, respiratory arrest, damage to the liver and lungs, and stroke).
- The less obvious, though much more prevalent, problems of the mind and body are as follows:
  - **Marijuana:** Can cause short-term effects such as slow reflexes; increase in forgetfulness; alters judgment of space and distance; aggravate pre-existing heart and/or mental health problems; long-term health effects include permanent damage to lungs, reproductive organs and brain function; Can interfere with physical, psychological, social development of young users.
  - **Cocaine (Crack):** Can cause short-term effects such as impaired judgment; increased breathing, heart rate, heart palpitations; anxiety, restlessness, hostility, paranoia, confusion; long-term effects may include damage to respiratory and immune systems; malnutrition, seizures and loss of brain function; highly addictive.
  - **Hallucinogens (PCP, LSD, ecstasy, DXM):** Can cause extreme distortions of what's seen and heard; induces sudden changes in behavior, loss of concentration and memory; increases risk of birth defects in user's children; overdose can cause psychosis, convulsions, coma and death. Frequent and long-term use can cause permanent loss of mental function.
  - **Inhalants** (nitrous oxide, amyl nitrite, butyl nitrite, chlorohydrocarbons, hydrocarbons): Can cause short-term effects such as nausea, dizziness, fatigue, slurred speech, hallucinations or delusions; may lead to rapid and irregular heart rhythms, heart failure and death; long-term use may result in loss of feeling, hearing and vision; can result in permanent damage to the brain, heart, lungs, liver and kidneys.
  - **Opiates/Narcotics** (heroin, morphine, opium, codeine, oxycodone, china white): Can cause physical and psychological dependence; overdose can cause coma, convulsions, respiratory arrest and death; long term use leads to malnutrition, infection and hepatitis; sharing needles is a leading cause of the spread of HIV and hepatitis; highly addictive, tolerance increases rapidly.

- **Sedatives:** Can cause reduced reaction time and confusion; overdose can cause coma, respiratory arrest, convulsions and death; withdrawal can be dangerous; in combination with other controlled substances can quickly cause coma and death; long-term use can produce physical and psychological dependence; tolerance can increase rapidly.
- **Tobacco** (cigarettes, cigars, chewing tobacco): Can cause diseases of the cardiovascular system, in particular smoking being a major risk factor for a myocardial infarction (heart attack), diseases of the respiratory tract such as Chronic Obstructive Pulmonary Disease (COPD) and emphysema, and cancer, particularly lung cancer and cancers of the larynx and mouth; nicotine is highly addictive.
- **Alcohol:** Can cause short-term effects such as loss of concentration and judgment; slowed reflexes; disorientation leading to higher risk of accidents and problem behavior; long-term effects include risk of liver and heart damage, malnutrition, cancer and other illnesses; can be highly addictive to some persons.

**Warning! AIDS:** Users of needles who take any drugs run a high risk of contracting AIDS and hepatitis.

**Warning! Addiction:** This is the common denominator for all mind-altering substances. With its insidious onset, addiction often goes undetected until the user's life is in chaos. Addiction pervades one's life, overpowering one's ability to reason and to relate to others. Addiction ruins the user's life and the lives of those around him/her.

#### **4.0 Disciplinary Standards for Possessing, Using, Distributing and/or Selling Drugs & Controlled Substances**

For **students:**

It is the policy of Touro, as stated in the Code of Conduct, that the unlawful use, possession, distribution, or manufacture of drugs or controlled substances on Touro property is strictly prohibited. Individuals who possess use, distribute or manufacture drugs or controlled substances are subject to disciplinary action, including but not limited to expulsion, as well as possible criminal prosecution. Students found in violation of these policies may be subject to disciplinary proceedings in accordance with the procedures outlined in the "Adjudication of University Code of Conduct Violations" section of respective school catalogs and student handbooks. Student violators may be subject to the following sanctions and remedial measures:

Nature of Violation	Responses for First-Time Violations May Include, But Are Not Limited To:	Responses for Repeat Violations May Include, But Are Not Limited To:
Possession or use of alcohol or other drugs in violation of Touro policy or federal, state, or local law	<ul style="list-style-type: none"> <li>• Warnings</li> <li>• Disciplinary Probation</li> <li>• Counseling and treatment</li> <li>• Service to the University community</li> </ul>	<ul style="list-style-type: none"> <li>• Disciplinary Probation</li> <li>• Mandatory referral for counseling and treatment</li> <li>• Suspension from dormitory (if dormitory student)</li> <li>• Parental Notification</li> <li>• University-Level disciplinary action</li> </ul>
Possession or use of alcohol or other drugs in violation of Touro policy or federal, state, or local law in a manner involving aggravated circumstances (e.g. actual/potential harm to self or others, disruption of the Touro community, repeated offenses)	<ul style="list-style-type: none"> <li>• Warnings</li> <li>• Disciplinary Probation</li> <li>• Mandatory counseling and treatment</li> <li>• University-Level disciplinary action</li> </ul>	<ul style="list-style-type: none"> <li>• Disciplinary Probation</li> <li>• Mandatory counseling and treatment</li> <li>• Service to the University community</li> <li>• University-Level disciplinary action</li> </ul>
Distribution or intent to distribute a controlled substance in violation of Touro policy or federal, state, or local law	<ul style="list-style-type: none"> <li>• Legal action</li> <li>• University-level disciplinary actions</li> </ul>	<ul style="list-style-type: none"> <li>• Legal action</li> <li>• University-Level disciplinary action</li> </ul>

Touro uses the following definitions for the above sanctions:

- **Possession:** Illegal holding or controlling of alcohol, drugs, or associated paraphernalia.
- **Use:** Illegal personal use of alcohol or drugs.
- **Abuse:** Repeated illegal use of alcohol or drugs, or use accompanied by other behavior, including but not limited to:
  - Disorderly, disruptive, or aggressive behavior that interferes with the well-being, safety, security, health, or welfare of the community and/or the regular operations of Touro
  - Engaging in or threatening to engage in any behavior that endangers the health, safety, or well-being of oneself, another person, or property
  - Physical violence (actual or threatened) against any individual or group of persons
- **Distribution:** Illegal sale, exchange, or giving of alcohol or other drugs to one or more persons. Factors to consider when determining Touro's response include, but are not limited to:
  - Health and wellness of the responsible student
  - Touro's interests

- Impact on the Touro community
- Type, quantity, and packaging of the substance
- Number of persons to which the substance was distributed
- Amount of revenue associated with the distribution
- Existence of any other aggravating or extenuating circumstances
- **Warning:** A written reprimand putting the student on notice that he/she has violated the Code of Conduct and indicating that further misconduct may result in a more severe disciplinary action. A copy of this warning is placed in the student's folder.
- **Probation:** A student may be placed on disciplinary probation for a definite period of time. While on probation, students may not represent Touro in any capacity. Further violations while on probationary status will result in suspension or expulsion from Touro.
- **Counseling and Treatment:** A student's continued enrollment at Touro may be conditioned on his/her participation in counseling or treatment at outside counseling and treatment agencies. A student's failure to participate in such a program after being advised that his/her enrollment is conditional upon it, may result in other disciplinary sanctions.
- **Legal Action:** The Student Affairs Committee may recommend that students be turned over to law enforcement authorities for legal action. The final decision on referring student cases to the authorities is made by the Office of the CEO or Dean.

#### **University-Level Sanctions:**

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

### **For faculty and staff members:**

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

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

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

## **5.0      Regulations on Alcohol Use/Abuse**

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

- The consumption of alcoholic beverages by individuals under the age of 21 is illegal.
- All persons are prohibited from consuming alcoholic beverages on the premises of Touro (unless at an event specifically sanctioned by Touro Administration in writing), or entering or remaining on Touro premises in an impaired state.
- Alcoholic beverages may not be served to Touro students as part of University-sponsored events or non-official activities connected with the University-except for sacramental purposes, and then only under faculty supervision.
- Any student, who falsely represents himself/herself at a sanctioned Touro event as being of age to consume alcohol, may be subject to disciplinary action as outlined in the Code of Conduct.

- Any faculty and/or staff member of Touro who provides alcohol to a minor on Touro premises shall be subject to full penalty under the laws of California.
- Forcing any student or faculty member to consume alcohol and/or drugs for the purpose of initiation into or affiliation with any Touro sanctioned organization is not permitted.
- Alcoholism, while it may be a disability, does not excuse any faculty and/or staff member of Touro from violating a legitimate Touro policy or neglecting their responsibilities to Touro. Individuals whose work performance is impaired as a result of the use/abuse of alcohol may be required to participate in an appropriate evaluation/treatment program and may, in certain circumstances, lead to sanctions against that individual. If you are an alcoholic, you may self-identify to the Dean of TCLA, the Provost of TUW or Human Resources, as the case may be, and request confidential counseling and/or referral services to help with your problems. All inquiries and requests for assistance will be handled with strict confidentiality.
- Touro observes the culpability laws for serving drinks to the mentally-impaired and to individuals who are already inebriated. Some signs that may indicate if a person is inebriated may be the smell of alcohol on their clothes, impairment to speech, mood changes, slowed reflexes, or impairment of coordination.
- NOTE: Mothers who drink alcohol during pregnancy may give birth to infants with irreversible physical abnormalities and cognitive disabilities. Research shows that children of alcoholic parents are at greater risk.

## **6.0       Criminal Sanctions for Alcohol Misuse**

Persons giving or selling alcoholic beverages to any person under 21 years of age are guilty of a misdemeanor.

Any person under 21 years of age who purchases alcoholic beverages, or any person under 21 years of age who consumes any alcoholic beverage, will be punished by a fine of \$250, or the person shall be required to perform between 24-32 hours of community service, or a combination of a fine and community service as determined by the court. A second or subsequent violation of this law will be punished by a fine of no more than five hundred dollars (\$500), or the person shall be required to perform between 36-48 hours of community, or a combination of a fine and community service as determined by the court. The community service requirements require service at an alcohol or drug treatment program or facility or at a county coroner's office, if available, in the area where the violation occurred or where the person resides.

Any person who gives or furnishes an alcoholic beverage to a minor shall be punished by a fine of one thousand dollars (\$1,000), and the person will be required to perform at least 24 hours of community service.

Any person who purchases for or gives any alcoholic beverage to a person under 21 years of age, and the person under 21 years of age thereafter consumes the alcohol and thereby proximately causes great bodily injury or death to himself or any other person, is guilty of a

misdemeanor and shall be punished by imprisonment in a county jail for between 6 months-1 year, by a fine of one thousand dollars (\$1,000), or by both imprisonment and fine.

The penalties imposed by this section do not preclude prosecution or the imposition of penalties under any other provision of law, including, but not limited to, Section 272 of the California Penal Code and Section 13202.5 of the California Vehicle Code.

## **7.0        Substance Abuse Self-Identification and Amnesty**

Touro recognizes that, sometimes, there may be health or safety emergencies related to the use of drugs or alcohol in which the potential for disciplinary action by Touro may deter students who want to seek assistance for themselves or for another member of the Touro community. In such instances, the health and safety of the at-risk student will be Touro's top priority. Therefore, should a student, or another individual on behalf of that student, voluntarily come forward seeking assistance in a situation involving the over-consumption or abuse of drugs and/or alcohol, Touro's student conduct response to the over-consumption/abuse will be, first and foremost, focused on medical treatment, counseling, and/or educational interventions. However, Touro reserves the right to address any associated acts that compromises the well-being of its community and its members, such as harassment, violence, damage, harm to self or others, or distribution of illegal substances, on a case-by-case basis as deemed appropriate and necessary.

***Reporting a Personal Concern:*** *Students who have concerns about their use of alcohol and/or other drugs, or students who are concerned of such use by a friend, are encouraged to seek assistance through one of Touro's support services. Confidentiality in these circumstances may be protected in compliance with Touro policy and applicable law (e.g. FERPA, HIPPA, etc.).*

## **8.0        Substance Abuse Counseling**

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

### **United States**

National Drug & Alcohol Treatment Referral Service:

- Phone: 800-662-4357

Alcoholics Anonymous:

- Phone: 323-936-4343
- Website: [www.lacoaa.org/](http://www.lacoaa.org/)

Adult Children of Alcoholics:

- Phone: 310-534-1815
- Website: [www.adultchildren.org](http://www.adultchildren.org)

Marijuana Anonymous:

- Phone: 800-766-6779
- Website: [www.marijuana-anonymous.org](http://www.marijuana-anonymous.org)

Cocaine Anonymous:

- Phone: 888-714-8341
- Website: [www.ca4la.org/](http://www.ca4la.org/)

Narcotics Anonymous:

- Phone: 800-863-2962
- Website: [www.todayna.org/](http://www.todayna.org/)

Al-Anon:

- Phone: 818-760-7122
- Website: [www.alanonla.org](http://www.alanonla.org)

National Council on Alcohol and Drug Dependency

- Phone: 818-997-0414
- Website: [www.ncadd-sfv.org/](http://www.ncadd-sfv.org/)

## **Israel**

Narcotics Anonymous:

- Phone: 972-50-5947837
- Website: <http://www.naisrael.org.il/>

Retorno International Recovery Group:

- Phone: 718-210-9755
- 972-52-436-9888
- Email: [Soshana@retorno.org](mailto:Soshana@retorno.org)
- Website: [www.retorno.org](http://www.retorno.org)

Malkishua Drug Rehabilitation Center:

- Phone: 972-46488222
- Email: [malikishua@malikishua.org.il](mailto:malikishua@malikishua.org.il)
- Website: <http://www.malkishua.org.il>
  - <http://www.malkishua.org.il/eng/> (English version)

## **9.0      Implementation**

This policy shall be implemented by the Department of Human Resources, the Office of the Dean of TCLA and the Office of the Provost of TUW.

#### **10.0 Approval**

This policy has been approved by the Office of Institutional Compliance.

## **Appendix B**

### **TOURO UNIVERSITY TITLE IX GRIEVANCE POLICY**

*Effective August 14, 2020*

#### **1.0 POLICY**

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

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

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

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

Based on the Final Rule, Touro will implement the following Title IX Grievance Policy, effective August 14, 2020.

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

#### **11.0 PURPOSE**

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

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

## **12.0 SCOPE**

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

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

## **13.0 PROCEDURES**

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

In recent years, "Title IX" cases have become a short-hand for any campus disciplinary process involving sex discrimination, including those arising from sexual harassment and sexual assault. But under the Final Rule, Touro must narrow both the geographic scope of its authority to act under Title IX and the types of "sexual harassment" that it must subject to its Title IX investigation and adjudication process. Only incidents falling within the Final Rule's definition of sexual harassment will be investigated and, if appropriate, brought to a live hearing through the Title IX Grievance Policy defined below.

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

Specifically, our campus has:

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

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

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

### **4.2 GENERAL RULES OF APPLICATION**

#### **Effective Date**

This Title IX Grievance Policy will become effective on August 14, 2020, and will only apply to formal complaints of sexual harassment brought on or after August 14, 2020. Complaints brought prior to August 14, 2020 will be investigated and adjudicated according to the Title IX Grievance Policy if a case is not complete by that date.<sup>2</sup>

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<sup>2</sup> This specific provision may be subject to additional guidance from OCR (if issued).

## **Revocation by Operation of Law**

Should any portion of the Title IX Final Rule, 85 Fed. Reg. 30026 (May 19, 2020), be stayed or held invalid by a court of law, or should the Title IX Final Rule be withdrawn or modified to not require the elements of this policy, this policy, or the invalidated elements of this policy, will be deemed revoked as of the publication date of the opinion or order and for all reports after that date, as well as any elements of the process that occur after that date if a case is not complete by that date of opinion or order publication. Should the Title IX Grievance Policy be revoked in this manner, any conduct covered under the Title IX Grievance Policy shall be investigated and adjudicated under the existing Code of Conduct, Sexual Misconduct Policy or any other relevant policy.

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

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

### **4.3      MAKING A REPORT REGARDING COVERED SEXUAL HARASSMENT**

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

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

#### Touro University and New York Medical College

Matthew Lieberman  
202 W. 43<sup>rd</sup> Street, 11th Floor New York, NY 10036  
Phone: 646-565-6000 x55667  
Email: [Matthew.Lieberman@touro.edu](mailto:Matthew.Lieberman@touro.edu)

#### Touro University Nevada

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

#### Touro University California

Zachary Shapiro  
690 Walnut Avenue, Suite 210  
Vallejo, California 94592  
Phone: 707-638-5459  
Email: [zachary.shapiro@tu.edu](mailto:zachary.shapiro@tu.edu)

#### Hebrew Theological College

Nurit Siegel  
2606 W. Touhy Avenue  
Chicago, Illinois 60645  
Phone: (224) 406-8965  
Email: [nsiegel2@htc.touro.edu](mailto:nsiegel2@htc.touro.edu)

#### Touro University Worldwide/Touro College Los Angeles

Zachary Shapiro  
690 Walnut Avenue, Suite 210  
Vallejo, California 94592  
Phone: 707-638-5459

Email: [zachary.shapiro@tu.edu](mailto:zachary.shapiro@tu.edu)

Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator.

#### **4.4 INITIAL ASSESSMENT**

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

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

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

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

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

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

##### **Supportive Measures**

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

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

##### **Emergency Removal**

Touro retains the authority to remove a respondent from Touro program or activity on an emergency basis, where Touro (1) undertakes an individualized safety and risk analysis and (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of covered sexual harassment justifies a removal.

If Touro determines such removal is necessary, the respondent will be provided notice and an opportunity to challenge the decision immediately following the removal.

## **Administrative Leave**

Touro retains the authority to place a non-student employee respondent on administrative leave during the Title IX Grievance Process.

### **4.6 DETERMINATION OF TITLE IX RESPONSE**

#### **Definition of Sexual Harassment**

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

- An employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);
- Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the educational institution's education program or activity;
- Sexual assault (as defined in the Clery Act), which includes any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent;
- Dating violence (as defined in the Violence Against Women Act (VAWA) amendments to the Clery Act), which includes any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) The type of relationship; (iii) The frequency of interaction between the persons involved in the relationship.
- Domestic violence (as defined in the VAWA amendments to the Clery Act), which includes any felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under applicable state and local domestic or family violence laws or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State or local jurisdiction.
- Stalking (as defined in the VAWA amendments to the Clery Act), meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to-- (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.

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

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

- Any on-campus premises
- Any off-campus premises that Touro has substantial control over. This includes buildings or property owned or controlled by a recognized student organization.

- Activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of Touro’s programs and activities over which Touro has substantial control.

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

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

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

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

#### **4.7 DISMISSAL OF COMPLAINTS**

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

##### **Mandatory Dismissal**

A mandatory dismissal occurs in the event that the conduct:

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

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

##### **Discretionary Dismissal**

A discretionary dismissal may occur in a few situations:

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

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

#### **4.8 FORMAL COMPLAINT**

##### **Filing a Formal Complaint**

If the alleged misconduct meets the Title IX requirements, the Responsible Administrator cedes responsibility of the Title IX complaint process to the Title IX Coordinator.<sup>3</sup> The Title IX Coordinator will then advise the Potential Complainant on the process to proceed with a Formal Complaint.

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

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

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

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

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

### **Notice of Formal Complaint**

If a Potential Complainant chooses to file a Formal Complaint in a Title IX matter, their status will be adjusted to Complainant. Touro will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings with a party, with sufficient time for the party to prepare to participate. The notice of the Formal Complaint will be sent promptly to all relevant parties, as soon as practicable, after the institution receives a Formal Complaint of the allegations if there are no extenuating circumstances, which includes:

- the identities of the parties involved in the alleged incident, if known;
- the alleged conduct constituting Sexual Harassment;
- the date and location of the alleged incident, if known;
- the prospective grievance process and next steps;
- a statement that the Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at conclusion of the grievance process;
- a statement informing both parties that they may choose a Process Support Person, who will be their advisor, who may be, but is not required to be an attorney;
- any measures taken by Touro that affects both parties;

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<sup>3</sup> The Responsible Administrator role shall no longer be used once a determination of the appropriate process has been made. If the Title IX Coordinator was previously serving as the Responsible Administrator, the individual shall continue with the process.

- a notice informing parties of any provisions of other Touro policies that prohibit knowingly making false statements, or knowingly submitting false information; and
- a notice of Touro's retaliation policy.

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

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

#### **4.9 INFORMAL RESOLUTION PROCESS**

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

##### *Withdrawing from an Informal Resolution Process*

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

##### *Matters Not Eligible for Informal Resolution*

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

#### **4.10 INVESTIGATION**

##### **General Rules of Investigations**

The Title IX Coordinator and/or an investigator designated by the Title IX Coordinator will perform an investigation under a reasonably prompt timeframe of the conduct alleged to constitute Covered Sexual Harassment under Title IX after issuing the Notice of Allegations.

Touro cannot access, consider, or disclose medical records without a waiver from the party (or parent, if applicable) to whom the records belong or of whom the records include information. Touro will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence, (i.e. evidence that tends to prove and disprove the allegations) as described below.

##### **Process**

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

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

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

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

Both parties may also have a Process Support Person of their choice present with them during any phase of the investigation.<sup>4</sup> Touro may, at its discretion, establish restrictions on a Process Support Person's participation. The restrictions must apply equally to both parties including, but not limited to, barring a Process Support Person's participation during the interview process.

### **Relevant Evidence and Questions**

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

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

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

### **Investigation – Review of Information**

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

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

### **Inspection and Review of Evidence**

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

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

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

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<sup>4</sup> Touro is not obligated to provide a Process Support Person to either party at the investigation stage of the Title IX process.

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

### **Investigation – Investigative Report**

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

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

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

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

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

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

### **Confidentiality/Destruction of Evidence, Information and Documents**

Each Party is responsible to keep private (by not disseminating beyond Support Persons) documents, materials, and information received from Touro during this process. Failure to comply will be considered a violation of Touro policy and may incur separate sanctions. Additionally, The responsibility to destroy, when so directed by Touro, evidentiary materials and/or writings submitted by the other Party as party of the process.<sup>5</sup>

### ***4.11 DECORUM AND PERMISSIVE CONDUCT OF PROCESS SUPPORT PERSON***

Both the Complainant and Respondent have the right to choose a Process Support Person. The Process Support Person will be the advisor of choice for such Party.

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

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

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

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<sup>5</sup> A Party or Witness may not distribute materials obtained through the process and may not engage in Retaliatory or Intimidating conduct aimed at any other participants in the process. Touro will investigate allegations of a person engaging in any of these prohibited acts. Touro recognizes, however, that it cannot otherwise prevent individuals from speaking openly about their experience and the Title IX process.

Only one Process Support Person will be allowed to accompany a Party to meetings with Investigators or at the Hearing (including meetings that occur using technology, such as Zoom).

Each Party may elect to identify an attorney to serve as a Process Support Person. An attorney acting in this role has no different role in the process and serves in the same capacity as a non-attorney.

If a Party arrives at the Hearing without a Process Support Person, Touro will designate a Process Support Person to conduct the oral cross-examination on behalf of the Party. The oral cross-examination questions will be provided to the Process Support Person by the Party they are designated to assist. Touro is not obligated to provide a Process Support Person to either party at the investigation stage of the Title IX process. Additionally, any Process Support Person provided by Touro is solely provided for the purpose of asking questions requested by the party during the cross-examination stage of the Hearing. A Process Support Person provided by Touro does not represent either party in any legal, strategic or other advisory capacity and, as such, are not responsible for any outcomes or consequences related to their involvement. Under no circumstances, is any attorney-client, fiduciary or other duty-bound relationship formed by the Touro's provision of a Process Support Person during the Hearing.

#### **4.12 ADJUDICATION/HEARINGS**

##### **General Rules of Hearings**

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

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

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

Prior to obtaining access to any evidence, the parties and their Process Support Person must sign an agreement not to disseminate any of the testimony heard or evidence obtained in the hearing or use such testimony or evidence for any purpose unrelated to the Title IX Grievance Process. Once signed, this Agreement may not be withdrawn. Failure to sign or adhere to this agreement may result in a negative inference against the party and the immediate withdrawal of that Process Support Person from the Title IX grievance process.

##### **Notice of Hearing**

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

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

Depending on the circumstances and, at the sole discretion of Touro, the hearing may be conducted in-person or virtually, but will always be conducted in real-time. Permission to postpone a hearing may be granted provided that the request to postpone is reasonable.

Prior to the scheduled hearing, a trained Decision-maker will be appointed to be the fact-finder of responsibility for the alleged conduct. The Title IX Investigator will provide the Decision-maker with the finalized investigative report for review prior to the hearing.

While the Complainant, Respondent and witnesses are expected to be present and fully participate in the hearing (including being subject to questioning by a Process Support Person), it is the right of any and all parties to choose not to participate in the hearing of the alleged conduct. In the event that any party chooses not to participate fully in the hearing process, their statements (including those made in the investigation stage) may not be considered in the Decision-maker's determination of responsibility.

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

### **Continuances or Granting Extensions**

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

### **Before the Hearing**

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

The Title IX Coordinator will provide the questions to the Decision-maker, who will determine the relevancy of each of the questions. If deemed relevant, the question is permissible to be asked during the hearing. If the Decision-maker determines that a question is not relevant, they will provide a brief reasoning for that decision and the question will not be permitted to be asked during the Hearing. Parties may appeal the relevance determinations at the beginning of the Hearing. The Decision-Maker will endeavor to provide their relevancy determinations at least one hour prior to the Hearing, but no later than the commencement of the Hearing.

#### *Understanding Relevance:*

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

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

### **Participants in the Live Hearing**

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

#### *Complainant and Respondent (The Parties)*

- The parties cannot waive the right to a live hearing.

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

*The Decision-maker*

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

*Process Support Person*

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

*Witnesses*

- Witnesses cannot be compelled to participate in the live hearing and have the right not to participate in the hearing free from retaliation.

- If a witness does not submit to cross-examination, as described below, the decision-maker cannot rely on any statements made by that witness in reaching a determination regarding responsibility, including any statement relayed by the absent witness to a witness or party who testifies at the live hearing.

### **Hearing Process**

1. The hearing will begin with any appeals by the Parties to the Pre-Hearing relevancy determinations by the Decision-maker.
2. The Decision-maker will then open the hearing by establishing the rules and expectations. The Decision-maker will then read the charges.
3. The Title IX Investigator will then provide a statement summarizing the investigation findings as recorded in the investigative report.
4. Either party (Complainant or Respondent) that has provided a statement that is included in the investigative report may subsequently request to provide a brief statement of additional clarification of no more than five (5) minutes in duration.
5. Upon conclusion of any clarification statement, the Decision-Maker will ask questions of the Parties and Witnesses.
6. Parties will be given the opportunity for live cross-examination after the Decision-Maker conducts its initial round of questioning; During the Parties' cross-examination, Decision-Maker will have the authority to pause cross-examination at any time for the purposes of asking their own follow up questions; and at any time necessary in order to enforce the established rules of decorum. The Complainant, then followed by the Respondent, may have their Process Support Person ask any approved, relevant questions that have not already been addressed in the investigation or hearing. Should a Party or the Party's Process Support Person choose not to cross-examine a Party or Witness, the Party shall affirmatively waive cross-examination through a written or oral statement to the Decision-Maker. A Party's waiver of cross-examination does not eliminate the ability of the Decision-Maker to use statements made by the Party.
7. Each Party will have an opportunity to submit additional questions for review by the Decision-Maker after the initial Oral Cross-Examination has concluded. Should such questions be approved, the Complainant, followed by the Respondent, may have their Process Support Person ask any additional approved, relevant questions. There will only be one round of additional questions allowed.
8. There shall be no Oral Direct Examination at any point in the hearing process. The only time it is may be allowed is if a Party identifies, and provides sufficient justification for, an "Expert Witness" prior to the Hearing. If an "Expert Witness" is identified by one party, the other party will have an opportunity to Cross-Examine that "Expert Witness", if they so choose.
9. Upon completion of questioning, any Party must raise any procedural, substantive, bias, conflict or other perceived irregularity to the Decision-Maker's attention for review and consideration. Failure to do so will forever waive such complaint.
10. Thereafter the Decision-maker will conclude the hearing.

### **Live Cross-Examination Procedure**

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

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

### **Newly discovered Evidence**

As a general rule, no new evidence or witnesses may be submitted during the live hearing.

If a party identifies new evidence or witnesses that were not reasonably available prior to the live hearing and could affect the outcome of the matter, the party may request that such evidence or witnesses be considered at the live hearing.

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

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

## **4.13 DETERMINATION OF RESPONSIBILITY**

### **Standard of Proof**

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

### **General Considerations for Evaluating Testimony and Evidence**

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

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

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

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

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

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

The Final Rule requires that Touro allow parties to call "expert witnesses" for direct and cross examination. Touro does not provide for expert witnesses in other proceedings. While the expert witness will be allowed to testify and be crossed as required by the Final Rule, the Decision-maker will be instructed to afford lower weight

to non-factual testimony of the expert relative to fact witnesses, and any expert testimony that is not directed to the specific facts that occurred in the case will be afforded lower weight relative to fact witnesses, regardless of whether the expert witness testimony is the subject of cross examination and regardless of whether all parties present experts as witnesses.

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

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

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

### **Components of the Determination of Responsibility**

Upon reviewing the investigative report and considering the statements and questions made by the Parties at the Hearing, within a reasonable time thereafter, the Decision-maker will make a determination of responsibility under the Preponderance of the Evidence standard. The Decision-maker will provide a written determination of whether the respondent is found to be responsible or not responsible. This written determination will be provided to both the Complainant and the Respondent simultaneously. The Decision-Maker’s written determination will also include the following information:

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

While both the Complainant and Respondent will be made aware of the determination of responsibility and the specifics of sanctions imposed on the Respondent (if any), any remedies provided to the Complainant will only be specified in the event that the remedy implicates and affects **both** parties. Further, the Title IX Coordinator has the responsibility to ensure the effective implementation of any remedies set forth in the written determination.

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

### **4.14 APPEALS**

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

- a procedural irregularity that affected the outcome of the matter;
- new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter;

- the Title IX Coordinator, Investigator, or Decision-maker had a conflict of interest or bias for or against Complainants or Respondents generally, or the individual Complainant or Respondent that affected the outcome of the matter; or
- the sanction imposed is disproportionate to the violation.

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

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

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

### **Finality**

The determination regarding responsibility becomes final either on the date that the institution provides the parties with the written determination of the result of the appeal, if an appeal is filed consistent with the procedures and timeline outlined in "Appeals" above, or if an appeal is not filed, the date on which the opportunity to appeal expires.

## **5.0 RETALIATION**

Touro will keep the identity of any individual who has made a report or complaint of sex discrimination confidential, including the identity of any individual who has made a report or filed a Formal Complaint of sexual harassment under this Title IX Grievance Policy, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding under this Title IX Grievance Policy.

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

No person may intimidate, threaten, coerce, or discriminate against any individual because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under this Title IX Grievance Policy.

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

Complaints alleging retaliation may be filed with the Office of Institutional Compliance at [Compliance@touro.edu](mailto:Compliance@touro.edu).

## **6.0 PRIVACY AND CONFIDENTIALITY**

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

Please note that Touro does not have any personnel that can be deemed or considered “Confidential Reporters” and, as such, all information provided to Touro may be disclosed to the Title IX Coordinator or other relevant administrator with Authority.

## **7.0 DISABILITY ACCOMMODATIONS**

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

## **8.0 NON-DISCRIMINATION IN APPLICATION**

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

## **9.0 SPECIFIC INCORPORATIONS**

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

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

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

## **11.0 TRAINING**

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

### **Thompson Coburn – Title IX Training Series**

Module 1 –Fundamentals of the Law:

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

Module 2 – Formal Complaints:

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

Module 3 –Investigations & Informal Resolutions: <http://content.thompsoncoburn.com/video/Module-3-Investigations-and-Informal-Resolutions.mp4>

Module 4 – Hearings:

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

Module 5 - Determinations:

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

**FOR Touro College New York ONLY:**

**Student Conduct Institute – Campus Title IX Training**



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

## **10.0 IMPLEMENTATION**

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

## **Appendix C**

### **TOURO UNIVERSITY WORLDWIDE SEXUAL MISCONDUCT POLICY FOR TOURO CAMPUSES**

#### **1.0      POLICY**

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

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

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

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

## **2.0 PURPOSE**

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

Compliance with TUW's policies and procedures is a necessary step in achieving a safe environment in our educational community. The policies set forth were developed to promote a safe educational environment in compliance with Title IX and Title VII of the Civil Rights Act of 1964, the Violence Against Women Act (VAWA), California State Law, and a high-quality campus life. Those believing that they have been harassed or discriminated against on the basis of their sex, including sexual harassment, should immediately contact the Office of Institutional Compliance. When TUW has notice of the occurrence, TUW is compelled to take immediate and effective corrective action reasonably calculated to stop the harassment, prevent its recurrence, and as appropriate, remedy its effects.

## **3.0 SCOPE**

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

## **4.0 DEFINITIONS**

### **Discrimination and Harassment**

Title IX, and its implementing regulations, prohibit discrimination based on sex, including sexual harassment. The prohibition against discrimination extends to employment and third parties. Sexual harassment is unwelcome conduct of a sexual nature and can include sexual advances, request for sexual favors, and other verbal, non-verbal, or physical conduct. Environmental harassment (sometimes referred to as hostile environment) is sexually harassing conduct that is sufficiently severe, persistent or pervasive to limit an individual's ability to participate in or

receive benefits, services, or opportunities at TUW. This can include persistent comments or jokes about an individual's sex; verbal behavior, including insults, remarks, epithets, or derogatory statements; nonverbal behavior, including graffiti, inappropriate physical advances short of physical violence such as repeated and unwanted touching; and assault, including physical violence or the threat of physical violence.

### **Retaliation**

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

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

- **Accused**
  - Accused means a person accused of a violation who has not yet entered an institution's judicial or conduct process.
- **Advisor**
  - Any individual who provides the accuser or accused support, guidance, or advice.
- **Awareness Programs**
  - Awareness program means community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.
- **Code of Conduct**
  - Code of conduct means the written policies adopted by an institution governing student behavior, rights, and responsibilities while such student is matriculated in the institution.
- **Confidentiality**
  - Confidentiality may be offered by an individual who is not required by law to report known incidents of sexual assault or other crimes to institution officials, in a manner consistent with state and federal law, including but not limited to 20 U.S.C. 1092(f) and 20 U.S.C. 1681(a). Licensed mental

health counselors, medical providers and pastoral counselors are examples of institution employees who may offer confidentiality.

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

- **Institution**

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

- **Ongoing Prevention and Awareness Campaigns**

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

- **Primary Prevention Programs**

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

- **Privacy**

- Privacy may be offered by an individual when such individual is unable to offer confidentiality under the law but shall still not disclose information learned from a reporting individual or bystander to a crime or incident more than necessary to comply with this and other applicable laws,

including informing appropriate institution officials. Institutions may substitute another relevant term having the same meaning, as appropriate to the policies of the institution.

- **Reporting Individual**
  - Reporting individual encompasses the terms victim, survivor, complainant, claimant, witness with victim status, and any other term used by an institution to reference an individual who brings forth a report of a violation.
- **Respondent**
  - Respondent means a person accused of a violation who has entered an institution's judicial or conduct process.
- **Risk Reduction**
  - Risk reduction means options designed to decrease perpetration and bystander inaction and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- **Bystander**
  - Bystander means a person who observes a crime, impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of rules of an institution.
- **Campus**
  - Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and
  - Any building or property that is within or reasonably contiguous to the area identified in paragraph (i) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).
- **Campus Security**
  - A campus police department or a campus security department of an institution.
  - Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department under paragraph (i) of this definition, such as an individual who is responsible for monitoring entrance into institutional property.
  - Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.

- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. If such an official is a pastoral or professional counselor as defined below, the official is not considered a campus security authority when acting as a pastoral or professional counselor.
- **Consent** (with regard to sexual activity)
  - Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent.
  - The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.
    - Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
    - Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
    - Consent may be initially given but withdrawn at any time.
    - Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
    - Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
    - When consent is withdrawn or can no longer be given, sexual activity must stop.
- **Dating Violence**
  - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and
  - The existence of a social relationship is based on the “reporting party’s statement” with consideration of
    - the length of the relationship,
    - the type of relationship, and
    - the frequency of the interaction between the persons involved.

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of abuse, and does not include acts covered by the definition of domestic violence.
- **Discrimination and Harassment**
  - TUW's policies, prohibit discrimination based on sex, including sexual harassment.
  - Title VII, and its implementing regulations, prohibit Discrimination "because of sex" or "on the basis of sex." The terms "because of sex" or "on the basis of sex" include, but are not limited to, because of or on the basis of pregnancy, childbirth, or related medical conditions; and women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs.
- **Domestic Violence**
  - Domestic violence is a felony or misdemeanor crime of violence committed by any of the following individuals:
    - A current or former spouse or intimate partner of the victim; or
    - A person with whom the victim shares a child in common; or
    - A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; or
    - A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
    - Any other person against an adult or youth victim who is protected under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- **Pastoral counselor**
  - A person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling and is functioning within the scope of that recognition as a pastoral counselor.
- **Professional counselor**
  - A person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of the counselor's license or certification.
- **Proceeding**
  - All activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings.
  - Does not include communications and meetings between officials and

victims concerning accommodations or protective measures to be provided to a victim.

- **Result**
  - Any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution.
  - The result must include any sanctions imposed by the institution and the rationale for the result and the sanctions.
- **Sexual Activity**
  - Sexual activity has the same meaning as “sexual act” and “sexual contact” as provided in 18 U.S.C. § 2246(2) and 18 U.S.C. § 2246(3).
- **Sexual Harassment**
  - Sexual Harassment is, unwelcome, gender-based verbal, written, online, and/or physical conduct. Anyone experiencing sexual harassment in any university program is encouraged to report it immediately to the university’s Title IX Coordinator, Human Resources, the Dean of Student Affairs or, any responsible university employee.
  - Sexual harassment creates a hostile environment, and may be disciplined when it is sufficiently severe, persistent/pervasive and objectively offensive that it, has the effect of unreasonably interfering with, denying or limiting employment opportunities or the ability to participate in or benefit from the university’s educational, social and/or residential programs (currently the university has no residential facilities), and is based on power differentials (quid pro quo), produces the effect of a hostile environment or retaliation.
- **Non-Consensual Sexual Contact**
  - Non-Consensual Sexual Contact is any intentional sexual touching, however slight, with any object, by a person upon another person, that is without consent and/or by force.
  - Sexual touching includes any bodily contact with the breasts, groin, genitals, mouth or other bodily orifice of another individual, or any other bodily contact in a sexual manner.
- **Non-Consensual Sexual Intercourse**
  - Non-consensual sexual intercourse is any sexual intercourse (anal, oral or vaginal), however slight, with any object, by a person upon another person, that is without consent and/or by force
  - Sexual penetration includes vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation by mouth to genital contact or genital to mouth contact.
- **Dating Violence**
  - Dating violence is violence committed by a person: who is or has been in

a social relationship or a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors; the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.

- **Sexual Exploitation**

- Sexual exploitation refers to a situation in which a person takes non-consensual or abusive sexual advantage of another, and situations in which the conduct does not fall within the definitions of Sexual Harassment, Non-Consensual Sexual Intercourse or Non-Consensual Sexual Contact. Examples of sexual exploitation include, but are not limited to:
  - Sexual voyeurism (such as watching a person undressing, using the bathroom or engaged in sexual acts without the consent of the person observed)
  - Taking pictures or video or audio recording another in a sexual act, or in any other private activity without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent)
  - Prostitution
  - Sexual exploitation also includes engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) and without informing the other person of the infection, and further includes administering alcohol or drugs (such as "date rape" drugs) to another person without his or her knowledge or consent

- **Consent Defined**

- Consent is knowing, voluntary and clear permission by word or action, to engage in mutually agreed upon sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity.
- For consent to be valid there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. A person cannot consent if he or she is unable to understand what is happening or is disoriented, helpless, asleep or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other

person is physically or mentally incapacitated has violated this policy. It is not an excuse that the individual responding party of sexual misconduct was intoxicated due to alcohol and/or drugs and therefore, did not realize the incapacity of the other. Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction).

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

○ **Force Defined**

- Force is the use of physical violence and/or imposing on someone physically to gain sexual access.
- Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent (“Have sex with me or I’ll hit you. Okay, don’t hit me, I’ll do what you want.”).
- Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can

be coercive.

- NOTE: There is no requirement that a party resist the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.
- In order to give effective consent, one must be of legal age.
- Sexual activity with someone who one should know to be -- or based on the circumstances should reasonably have known to be -- mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout), constitutes a violation of this policy.
- Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction).
- This policy also covers a person whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of rape drugs. Possession, use and/or distribution of any of these substances, including Rohypnol, Ketamine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another student is a violation of this policy. More information on these drugs can be found at <http://www.911rape.org/>
- Use of alcohol or other drugs will never function as a defense to a violation of this policy.
- The sexual orientation and/or gender identity of individuals engaging in sexual activity is not relevant to allegations under this policy. For reference to the pertinent state statutes on sex offenses, please see [http://leginfo.legislature.ca.gov/faces/codes\\_displayexpandedbranch.xhtml?tocCode=PEN&division=&title=9.&part=1.&chapter=&article=](http://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.xhtml?tocCode=PEN&division=&title=9.&part=1.&chapter=&article=)

- **Sexual Misconduct**

- Sexual misconduct is unwelcome sexual advances, requests for sexual favors, and, other visual, verbal or physical conduct of a sexual nature, when:
  - An individual's submission to or rejection of the conduct is made, either explicitly or implicitly, a term or condition of employment or of status in a course, program, or activity, or is

- used as a basis for employment or academic decision; or
  - The conduct has the purpose or effect of unreasonably interfering with an individual's work performance, academic performance, or educational experience, or of creating an intimidating, hostile, humiliating, or offensive working, educational, or living environment.
- **Sexual Offense**
  - A sexual offense is unwelcome sexual advances, requests for sexual favors, and any other verbal or physical conduct of a sexual nature constituting sexual harassment.
- **Sexual Assault**
  - Sexual assault is any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent, and including rape, fondling, incest or statutory rape as acted in the FBI's Uniform Crime Reporting program.
- **Rape**
  - Rape is the perpetuation of an act of sexual intercourse with a person against his or her will and consent, or when such person is incapable of giving consent because of his or her youth or his or her temporary or permanent mental or physical incapacity.
  - Is the penetration of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person without the consent of a person, or when such person is incapable of giving consent.
  - Acquaintance rape is rape that involves people who know or are familiar with each other.
- **Stalking**
  - Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress.
  - A course of conduct is two or more acts, including, but limited to:
    - Acts in which the 'stalker' directly, indirectly, or through third parties by any action, method, device, or means,
    - Follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
  - Substantial emotional distress is a significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
  - A reasonable person is one under similar circumstances and with similar identities to the victim.
- **Jurisdictional Definitions of Domestic Violence, Dating Violence, Sexual**

## **Assault and Stalking**

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

do, place victims in reasonable and sustained fear for their safety or that of their families.

- A **criminal threat** is when you threaten to kill or physically harm someone *and*
  - that person is thereby placed in a state of reasonably sustained fear for his/her safety or for the safety of his/her immediate family,
  - the threat is specific and unequivocal and
  - you communicate the threat verbally, in writing, or via an electronically transmitted device.
- Criminal threats can be charged whether or not you have the ability to carry out the threat...and even if you don't actually intend to execute the threat.
- California Penal Code § 422 is a wobbler, which means that prosecutors may file it as either a misdemeanor or a felony. If you are convicted of the misdemeanor, you face up to one year in county jail. If you are convicted of the felony, you face up to four years in the California state prison. Using a dangerous or deadly weapon increases your sentence by one year.
- And because a criminal threats conviction is a "strike" under California's three-strikes law, you must serve at least 85% of your sentence before you are eligible for release.
- *Strangulation & Related Offense:*
  - A person is guilty of criminal obstruction of breathing or blood circulation when, with intent to impede the normal breathing or circulation of the blood of another person, he or she:
    - applies pressure on the throat or neck of such person; or
    - blocks the nose or mouth of such person.
  - California Penal Code § 273.5: Willful Infliction of Corporal Injury; Violation; Punishment
    - (a) Any person who willfully inflicts corporal injury resulting in a traumatic condition upon a victim described in subdivision (b) is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not more than one year, or by a fine of up to six thousand dollars (\$6,000) or by both that fine and imprisonment.
- *Drug or Alcohol Facilitated Sexual Assault*
  - A person is guilty of facilitating a sex offense with a controlled substance when he or she:
    - knowingly and unlawfully possesses a controlled substance or any preparation, compound, mixture or substance that requires a prescription to obtain and

- administers such substance or preparation, compound, mixture or substance that requires a prescription to obtain to another person without such person's consent and with intent to commit against such person conduct constituting a felony defined in this article; and
- commits or attempts to commit such conduct constituting a felony defined in this article.
  - Sexual assault is never the survivor's fault, even if they were drinking or using drugs. Regardless of whether or not the survivor was engaged in illegal activity, the law enforcement officer will only investigate the crime being reported. (California Penal Code § 13823.11)
  - Dating Violence: The State of California does not have a definition of dating violence. See above for definitions pertaining to dating violence.
  - Sexual Assault: Sexual assault is defined as any type of sexual contact or behavior that occurs without the explicit consent of a recipient. Included under the term sexual assault are the following: forced sexual intercourse, forcible sodomy, child molestation, incest, fondling, and attempted rape.
  - The State of California defines sexual assault as follows: The following definitions are applicable to this article:
    - 1. "Sexual intercourse" has its ordinary meaning and occurs upon any penetration, however slight.
    - 2.
      - (a) "Oral sexual conduct" means conduct between persons consisting of contact between the mouth and the penis, the mouth and the anus, or the mouth and the vulva or vagina.
      - (b) "Anal sexual conduct" means conduct between persons consisting of contact between the penis and anus.
    - 3. "Sexual contact" means any touching of the sexual or other intimate parts of a person for the purpose of gratifying sexual desire of either party. It includes the touching of the actor by the victim, as well as the touching of the victim by the actor, whether directly or through clothing, as well as the emission of ejaculate by the actor upon any part of the victim, clothed or unclothed.
    - 4. For the purposes of this article, "married" mean the existence of the relationship between the actor and the victim as spouses which is recognized by law at the time the actor commits an offense proscribed by this article against the victim.
    - 5. "Mentally disabled" means that a person suffers from a mental

- disease or defect which renders him or her incapable of appraising the nature of his or her conduct.
- 6. “Mentally incapacitated” means that a person is rendered temporarily incapable of appraising or controlling his conduct owing to the influence of a narcotic or intoxicating substance administered to him without his consent, or to any other act committed upon him without his consent.
  - 7. “Physically helpless” means that a person is unconscious or for any other reason is physically unable to communicate unwillingness to an act.
  - 8. “Forcible compulsion” means to compel by either:
    - use of physical force; or
    - a threat, express or implied, which places a person in fear of immediate death or physical injury to himself, herself or another person, or in fear that he, she or another person will immediately be kidnapped.
  - 9. “Foreign object” means any instrument or article which, when inserted in the vagina, urethra, penis, rectum or anus, is capable of causing physical injury.
  - 10. “Sexual conduct” means sexual intercourse, oral sexual conduct, anal sexual conduct, aggravated sexual contact, or sexual contact.
  - 11. “Aggravated sexual contact” means inserting, other than for a valid medical purpose, a foreign object in the vagina, urethra, penis, rectum or anus of a child, thereby causing physical injury to such child.
  - 12. “Health care provider” means any person who is, or is required to be, licensed or registered or holds himself or herself out to be licensed or registered, or provides services as if he or she were licensed or registered in the profession of medicine, chiropractic, dentistry or podiatry under any of the following: article one hundred thirty-one, one hundred thirty-two, one hundred thirty-three, or one hundred forty-one of the education law.
  - 13. “Mental health care provider” shall mean a licensed physician, licensed psychologist, registered professional nurse, licensed clinical social worker or a licensed master social worker under the supervision of a physician, psychologist or licensed clinical social worker.
  - *Stalking:* The State of California defines stalking as follows: any person who willfully, maliciously, and repeatedly follows or willfully and

maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family.

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

- **Preponderance of the Evidence**

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

- **Retaliation**

- Retaliation is any kind of reprisal, adverse action, or negative action taken against an individual because he or she has:
  - complained about alleged discrimination or harassment as defined above,
  - opposed alleged discrimination or harassment as defined above,
  - participated as a party or witness in an investigation relating to such allegations, or
  - participated as a party or witness in a proceeding regarding such allegations. Retaliation can occur contemporaneously during the complaint process or subsequent to it, once the retaliator is aware of the recipient's participation in the process.
- Retaliation does not exist in the absence of an adverse action. An individual is protected from retaliation even when the complaint at issue is ultimately found to lack merit, as long as the complaint was made in good faith.
- TUW does not allow, nor tolerate any conduct by any TUW community member that may be regarded as retaliatory. Retaliation against any individual, whether said person submitted a complaint through the method

- described below, or for any other reason will not be tolerated.
- California State legislation requires that every institution ensures that at the first instance of disclosure by a reporting individual to an institution representative, the following information be presented, you have the right to make a report to university police or campus security, local law enforcement, and/or state police or choose not to report; to report the incident to your institution; to be protected by the institution from retaliation for reporting that incident; and to receive assistance and resources from your institution.

**Touro University California:**

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

## **5.0 PROCEDURES**

### Duty to Report Violations

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

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

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

#### Duty to Cooperate and Facilitate

All members of TUW are required to cooperate fully with any investigations of harassment. A faculty member, staff member, or student who has relevant information and refuses to cooperate with an ongoing investigation will be subject to disciplinary action for, among other things, violations of the TUW Code of Conduct and/or insubordination. Likewise, all TUW employees are required to ensure that complaints about harassment are directed to the appropriate administrative office for evaluation and investigation.

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

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

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

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

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

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

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

#### Availability of Counseling

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

**Accommodations and Protective Measures Available for Victims**

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

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

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

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

### Notice and Timely Access and Preservation of Evidence

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

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

### Intake Interview

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

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

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

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

### Investigation of Complaints

The Compliance Officer or his/her designee shall have thirty (30) days from the

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

- Availability or unavailability of a witness or relevant/material documents;
- Reluctance of a witness and/or any necessary party;
- Delay or other uncooperative actions of any necessary party;
- Numerosity of witnesses;
- Holidays and vacation periods;
- Any other unforeseeable events/circumstances.

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

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

Generally speaking an investigation will take approximately 60 calendar days following receipt of the complaint. This may not be practicable in every investigation and may vary depending on the complexity of the investigation and the severity and extent of the harassment. The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the accuser or the accused.

### Notice of Determination and Further Action

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

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

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

### Notification to Victims of Crimes of Violence

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

### Appeals

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

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

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

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

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

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

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

## **6.0 SANCTIONS FOR VIOLATIONS**

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

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

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

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

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

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

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

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

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

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

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

- To receive a copy of the order of protection or equivalent when received by

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

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

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

## **7.0 CONFIDENTIALITY**

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

TUW wishes, however, to create an environment in which legitimate complaints are encouraged, while also protecting the privacy of all involved in an investigation. Complaints about violations of these policies will therefore be handled in strict confidence, with facts made available only to those who need to know in order for TUW to promptly and thoroughly investigate and resolve the

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

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

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

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

TUW will complete publicly available record-keeping for purpose of Clery Act reporting and disclosure. These reports will not include identifying information about the victim or accused and shall maintain confidentiality of any

accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of TUW to provide the accommodations or protective measures.

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

## **8.0 RETALIATION**

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

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

Retaliation can occur contemporaneously during the complaint process or subsequent to it, once the retaliator is aware of the recipient's participation in the process. Retaliation does not exist in the absence of an adverse action. An individual is protected from retaliation even when the complaint at issue is ultimately found to lack merit, as long as the complaint was made in good faith. TUW does not allow, nor tolerate any conduct by any TUW member that may be regarded as retaliatory. Retaliation against any individual, whether said person submitted a complaint, will not be tolerated.

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

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

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

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

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

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

- the survivor's right to report or not report the alleged incident to the higher education institution, law enforcement, or both, including information about the survivor's right to privacy and which reporting methods are confidential;
- the contact information for the higher education institution's Office of Institutional Compliance coordinator or coordinators, confidential advisors, a community-based sexual assault crisis center, campus law enforcement, and local law enforcement;
- the survivor's right to request and receive assistance from campus authorities in notifying law enforcement;
- the survivor's ability to request interim protective measures and accommodations for survivors, including without limitation changes to academic, living, dining, working, and transportation situations, obtaining and enforcing a campus-issued order of protection or no contact order, if such protective measures and accommodations are reasonably available, and an order of protection or no contact order in State court;
- the higher education institution's ability to provide assistance, upon the survivor's request, in accessing and navigating campus and local health and mental health services, counseling, and advocacy services; and

- a summary of the higher education institution's complaint resolution procedures;
- the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred;
- information about how the institution will protect the confidentiality of victims and other necessary parties;
- an explanation of the procedures for institutional disciplinary action

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

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

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

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

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

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

- Throughout proceedings involving such an accusation of sexual assault, domestic violence, dating violence, stalking, or sexual activity that may otherwise violate the institution's code of conduct, the right:
  - To a prompt response to any complaint and to have the complaint investigated and adjudicated in an impartial, timely, and thorough manner by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, impartiality, the rights of the respondent, including the right to a presumption that the

respondent is “not responsible” until a finding of responsibility is made pursuant to the provisions of this article and the institution’s policies and procedures, and other issues including, but not limited to domestic violence, dating violence, stalking or sexual assault.

- To make an impact statement during the point of the proceeding where the decision maker is deliberating on appropriate sanctions.
- To simultaneous (among the parties) written or electronic notification of the outcome of a judicial or conduct process, including the sanction or sanctions.

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

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

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

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

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

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

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

## **10.0 VICTIM ASSISTANCE**

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

### ON CAMPUS

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

### OFF CAMPUS

#### CALIFORNIA

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

#### NATIONAL

- [www.womenslaw.org](http://www.womenslaw.org)
  - (707) 784-6844
- [www.rainn.org](http://www.rainn.org)
  - (800) 656-HOPE (4673)

#### ISRAEL

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

## **24 HOUR HOTLINES**

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

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

## **11.0 EXTERNAL REPORTING**

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

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

- The general awareness of the difference, if any, between the institution's policies and the penal law; and
- General awareness of the definition of affirmative consent

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

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

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

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

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

Attn: Public Inquiry Unit

P.O. Box 944255

Sacramento, CA 94244-2550

*United States Equal Employment Opportunity Commission (EEOC)*

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000(e) et seq.). An individual can file a complaint with the EEOC anytime within 180 days after the alleged harassment occurred and notice of such charge (including the date, place and circumstances of the alleged harassment) shall be served upon the person against whom such charge is made within ten days thereafter, except in a case where the complainant has initially instituted proceedings with a State or local agency with authority to grant or seek relief or institute criminal proceedings, such charge shall be filed by or on behalf of the complainant within 300 days from the

harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

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

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

**EEOC**

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

Website [www.eeoc.gov](http://www.eeoc.gov)

Email [info@eeoc.gov](mailto:info@eeoc.gov)

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

*Contact the Local Police Department*

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

**12.0 POLICY ON MONITORING CRIMINAL ACTIVITY**

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

**13.0 PROGRAMS**

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

Office of Student Affairs or Human Resources at each of TUW's campuses/sites will provide a formal educational program to increase awareness of sexual offenses, including rape, acquaintance rape, dating violence, domestic violence, sexual assault, stalking and other forcible and non-forcible sexual offenses. Students should receive training on the following topics:

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

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

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

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

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

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

- Protect Your Possessions and Identity
  - Most property is lost due to people being inattentive. We will instruct them that opportunist will take advantage of an easy grab. Not to leave

items lying around, locking up your room, proper techniques to protect your property while walking around. To be aware of your surroundings and those around you, i.e. ATM usage. We will also discuss Online/telephone scams to protect ones identity. Never giving out ones information to strangers or bogus request from online scams and or telephone solicitation. Offered as follows:

- Campus Security Lecture
- DVR for Site Training
- VPD/SFPD Lecture
- Online Video (Portal)
- Operation ID
- Everyday Safety
  - We will elaborate that you should be aware of your surroundings and that you could be safer while out enjoying the scenes. We provide tips on safety while in elevators, subway, buses, and in dorms etc. Offered as follows:
    - Campus Security Lecture
    - DVR for Site Training
    - VPD/SFPD Lecture
    - Online Video (Portal)
- Common-Sense Defense
  - We may not all be fighters or large individuals, but there are tactics that could be used to allow you to survive a dangerous interaction. These methods will be shown and instructed. We focus on the art of verbal communication. Offered as follows:
    - Campus Security Lecture
    - DVR for Site Training
    - VPD/SFPD Lecture
    - Online Video (Portal)
- Forming Healthy Relationships
  - We discuss methods on how to read another's actions and determine if this is a good or bad relationship. We offer tips on healthy relationships and how to deal with an unhealthy relationship. Offered as follows:
    - Campus Security Lecture
    - DVR for Site Training
    - Online Video (Portal)
    - We have the capability of inviting agencies such as RAINN, VPD/SFPD Domestic Violence Officer
- Dating Violence/Domestic Violence
  - We discuss warning signs, tips, available agencies to assist our

community and reporting of such incidents. Offered as follows:

- Campus Security Lecture
- DVR for site training
- Online Video (Portal)
- We have the capability of inviting agencies such as RAINN, VPD/SFPD Domestic Violence Officer
- Controlling Behavior
- Controlling Behavior
  - We discuss the signs that a person maybe displaying in a controlling situation. We discuss the psychological issues that arise in these relationships and how you can defend yourself or others from this behavior. Offered as follows:
    - Campus Security Lecture
    - DVR for Site Training
    - Online Video (Portal)
    - We have the capability of inviting agencies such as RAINN, VPD/SFPD Domestic Violence Officer
- Racism, Classism, Religious, and Sexual orientation and Gender Identity (Discrimination)
  - We discuss discrimination and how it affects us. We will identify the trends that are presently being observed and how to combat them. We will instruct those on how to report incidents involving discriminations occurring here at Touro. Offered as follows:
    - Campus Security Lecture
    - DVR for Site Training
    - VPD/SFPD Lecture
    - Online Video (Portal)
    - Sexual Misconduct/Assault
- Sexual Misconduct/Assault
  - We discuss our Policy, Protocol, Procedure and Prevention. We will identify what is Sexual Misconduct/Assault and how to report if an incident should occur. How to attend to those who have been victimized and how these incidents will be investigated. Present what resources there are for those who have been victimized. We also offer tips on how to prevent these incidents and what to do if you become a victim or know someone who is a victim. We discuss buddy system and we encourage our students to contact us if they are in a situation that they can't handle. Offered as follows:
    - Campus Security Lecture
    - DVR for Site Training

- VPD/SFPD Lecture
  - Online Video (Portal)
  - We have the capability of inviting agencies such as RAINN, VPD/SFPD Domestic Violence Officer
- Stalking
  - Familiarize those with what stalking actually is and how it could affect their daily lives. With the Internet and Social Media, those who seek knowledge about others are easily obtained. We will discuss ways of protecting oneself from this intrusion. We also discuss on what to do if you are a victim of Stalking. Offered as follows:
    - Campus Security Lecture
    - DVR for Site Training
    - VPD/SFPD Lecture
    - Online Video (Portal)
- Bystander Intervention
  - The goal of Bystander Intervention is to block bad behavior before it goes too far. We will educate our TUW community of their role and how they can prevent this behavior. We offer tips on what they can do to prevent any of the behaviors identified.
  - Tips for a Bystander
    - Be honest and direct talk about the consequences of their actions.
    - Don't let resentment prevent you from stepping in.
    - Don't turn a blind eye.
    - Don't wait for someone else to act.
    - Give the person an out “Call their cell phone, distract the other person.
    - If it doesn't feel safe to say something you can call the police or any other person of authority.
    - If the person is your friend, communicate by either asking the person “Are you okay”, “Is he bothering you”.
    - If you are attending a social gathering with a friend remember the same principles applied in every scenario be mindful of your friend make sure you come and go together and if you don't leave together that your friend is able to make decisions on her/himself.
    - If you see someone at risk, get involved.
    - Solicit help from other bystanders.
  - Offered as follows:
    - Campus Security Lecture
    - DVR for Site Training

- VPD/SFPD Lecture
  - Online Video (Portal)
- Active Shooter Awareness
  - We train the TUW community on what to do in the event of an active shooter, how to report these types of incidents and what behaviors we need to report. Offered as follows:
    - Campus Security Lecture
    - Consultant Lectures
    - DVR for Site Training
    - VPD/SFPD Lecture
    - Online Video (Portal)
- Suspicious Package/Mail Awareness
  - We train our people on how to identify/detect suspicious packages, particularly to Mail Room Staff. Offered as follows:
    - Campus Security Literature
    - VPD/SFPD Lecture
    - Postal Inspector also available for Lecture and review of our mailrooms.
- Faculty Orientation
  - We utilize the time allotted to inform new employees of Security measures and policies in place. i.e., the need and use of ID badges, Panic alarms, aware of their surroundings work place violence policies, Emergency Contact numbers. Offered as follows:
    - Campus Security Literature
    - Portal on line training
- Student Orientation
  - During these Orientations we process the students into using/wearing their ID badges. We also go through Clery Compliance requirements including but not limited to VAWA, alcohol/drug usages, self-safety awareness, property and identification protection. Offered as follows:
    - Campus Security Literature
    - DVDs available
    - VPD/SFPD lectures
- Resident Assistants Orientation
  - We emphasize their role as Resident Assistants. We instruct them as to their responsibilities as guardians of the students and facilitate emergencies as they arise. They are processed as “Campus Security Authority” (CSAs). Offered as follows:
    - Campus Security Lectures/Literature
    - CSA Online required training

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

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

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

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

#### **15.0 REGISTERED SEXUAL OFFENDERS**

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

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

## **16.0      IMPLEMENTATION**

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

## **17.0      SOURCE DOCUMENTS**

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

## **18.0      APPROVAL**

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

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

## **19.0      COMPLAINT FORM**

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

## Appendix D



# ***TOURO UNIVERSITY SYSTEM***

*Office of Institutional Compliance*

### **TITLE IX AND SEXUAL MISCONDUCT COMPLAINT FORM**

In order to address concerns of sexual harassment or sexual misconduct concerning Touro's purview under the institution's Title IX and Sexual Misconduct Policy, complainants must complete this form and provide necessary information where known. Upon review of the information, the Office of Institutional Compliance will determine what response, if any, can be performed and the appropriate path toward addressing the information provided in the complaint.

Should it be determined that the information contained herein falls under the criteria for the Title IX grievance process, this form will be used as a Formal Complaint as defined by the Title IX regulations and Touro policy. A formal complaint is a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the educational institution investigate the allegation of Sexual Harassment.

This form may be submitted via email, online or in-person to the Office of Institutional Compliance. Upon receipt, a representative from the Office of Institutional Compliance will contact and schedule an in-take interview with the complainant. In addition, a complainant may complete this form in-person, if desired. Once this form has been completed and signed by the complainant, and then signed by a designated representative of the Office of Institutional Compliance, it becomes a formal complaint recognized by Touro.

The information provided on this form will be kept confidential to the extent necessary and possible under applicable institutional and federal regulations. Further, Touro implements a strict retaliation policy that prohibits retaliation of any kind against those coming forward with a complaint of alleged sexual harassment or sexual misconduct. For additional and detailed information on Touro's policies on confidentiality and retaliation, please see the Title IX and Sexual Misconduct Policy that is available on the TouroOne Portal and the website.

**Once completed, please submit to: [Compliance@touro.edu](mailto:Compliance@touro.edu)**

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**Name of the Person Filing a Complaint (Complainant):**

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**School ID Number:**

**Affiliation with Touro /Division\*:**

Student  Faculty  Staff  Contractor  Other: \_\_\_\_\_

**Division/School of Touro:**

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**Email:**

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**Phone:**

---

**Address:**

---

**Date of Occurrence/Incident\*:**

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**Location of Occurrence/Incident\*:**

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**Country\***:  USA  Other

**Description of Complaint / Alleged Sexual Harassment or Sexual Misconduct\*:**

(please summarize in the space provided and attach additional pages, if needed)

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**Name of Person or Persons Who Committed the Offense Against You (if known)\*:**

**Names and Contact Information of any Witnesses:**

**Complainant Signature and Date:**

Name: \_\_\_\_\_

Date

**Once completed, please submit to: [Compliance@touro.edu](mailto:Compliance@touro.edu)**

Fdsfasdfa

**For the Internal Use of the Office of Institutional Compliance Only**

Does the alleged misconduct meet the definition of Sexual Harassment as provided under Title IX? YES / NO

Did the alleged misconduct occur in the United States?  
YES / NO

Did the alleged misconduct occur within an employment or education program where Touro exhibits substantial control?  
YES / NO

List any supportive measures provided to the Complainant during the initial assessment. If no supportive measures were provided, note such and provide reasoning:

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If the alleged misconduct is not within the scope of Title IX, will the alleged misconduct be addressed under another policy administered by Touro? If yes, provide which policy. If no, provide reasoning for not addressing.

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Internal File Number: \_\_\_\_\_

**Office of Institutional Compliance Representative:**

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Name:

---

Date

**Appendix E**



**TOURO COLLEGE**  
*Los Angeles*

**EMERGENCY ACTION PLAN**

**2024**  
**Emergency Action Plan**

**1.0              Objective**

This Emergency Action and Evacuation Plan (the Plan) provides employees and students with procedures and guidance in responding to occupational injuries, medical emergencies, fires, natural disasters and other events that require emergency response. This Plan is intended to be the master resource of procedures for all anticipated emergencies that might occur.

This Plan consolidates procedures that comply with regulatory requirements and provide important guidance so employees can safely avoid injury from emergencies that may occur at work.

**2.0              Regulatory Basis**

There are several agencies and entities with established regulations requiring an emergency response. A summary of the major rules includes the following.

➤ **Occupational Safety and Health Administration (OSHA)**

Both the federal and state OSHA require an emergency action plan and include:

- A fire safety plan
- An evacuation plan
- Contingency plan for hazardous waste operations

➤ **Los Angeles Sheriff's Department**

Has requested an emergency action plan as part of their E.S.S.I.S. Survey.

Though not mandated, emergency response procedures for natural disasters are also included, because a response plan provides for employee safety during the uncertainty of such events.

**3.0              Responsibilities**

All employees are responsible for knowing and following the college's emergency procedures described in this document. Select employees are assigned tasks in the Plan as they relate to his or her responsibilities on campus. These include, but are not limited to the following.

➤ **University Safety Officer**

Assists the Provost, Dean and Safety Committee with the development of emergency procedures, and the establishment of roles and responsibilities under this Plan.

➤ **Security**

Compiles the headcounts from each evacuation coordinator, and reports to the emergency responders if any employees are missing or otherwise unaccounted for. They serve as liaisons between emergency responders and the College.

➤ **Employees**

Responsible for knowing and following the procedures as described in this Plan.

## **4.0 Evacuation Procedures**

Employees are instructed to evacuate safely and quickly and to assist in the response as much as possible if asked to help. Evacuation of the building takes place when conditions may jeopardize the health and safety of employees, students and visitors, and are implemented for the following reasons.

- The alarms are activated
- Fire
- After a major earthquake
- Any condition where employees may be safer outside than inside the building.

Examples include:

- Prolonged power outage
- Flooding
- An unwanted intruder in the building

All employees are expected to follow these evacuation procedures.

### **1. When alarms first sound, leave the building via the nearest exit**

- Never go back to your workstation, desk or classroom for personal belongings if you are in another part of the building. Take personal belongings only if they are within reach as you leave the work area.
- Turn off the lights if you are the last person out of a classroom, break room, or work area.
- Close doors behind you if you are the last one out
- Assist coworkers who may have difficulty evacuating. Avoid becoming detained in trying to help coworker out of the building. If unable to help, and an employee remains in the building, then notify emergency responders immediately after reaching the Evacuation Assembly Area.

**2. Proceed quickly to the Evacuation Assembly Area**

- Regardless of the exit chosen, proceed toward the Assembly Area
- While proceeding to the assembly area remain aware of other potential hazardous conditions such as falling trees, downed electrical lines, debris falling from buildings, or hot ashes.

**3. Report that you are safely out of the building, and provide your name to the emergency responders**

- Inform the Coordinator or security personnel of people who have not evacuated, or are having difficulty evacuating the building.
- Report any conditions that the fire department should know about, such as equipment that is still operating and poses a risk.
- Security personnel or Dean are instructed to greet responders. Security or Dean informs responders of the location of an incident, and all information reported by evacuees.

**4. Remain in the Assembly Area until a headcount is taken**

- Visitors and guests are the responsibility of their TCLA contact. Make sure that contractors, visitors, and guests are accounted for during an evacuation.

**5. Remain in the Assembly Area until authorized to return inside**

- Do not leave the premises or the Assembly Area until you have been accounted for and permission is granted to leave.
- Assist in the response, if requested.

As stated earlier, special circumstances should be communicated to Emergency Responders as soon as possible after evacuating to help with the quick deployment of emergency personnel. If an employee has not reported to the Evacuation Assembly Area, provide the following information to emergency responders.

- Identity and condition of employee(s) or visitors involved
- Specific location and area(s) involved

#### **4.1            Shelter in Place**

Shelter in place is the reverse of an evacuation, in which employees are instructed to remain indoors to avoid exposure to hazardous conditions outside the facility, and may occur as a result of a nearby industrial incident, or any other event that presents a risk to the public. The local emergency response agencies implement such an event when conditions outside the buildings are hazardous to public health, which are

announced by local media. The university will announce such an event, and response will be determined on a case-by-case basis.

## **5.0              Emergency Response Plan**

The following types of emergencies likely to be encountered in TCLA facilities, and provides instructions and guidance on responding accordingly. Employees should know how to respond appropriately to ensure the safety of employees and guests. Emergencies discussed in this Plan include:

- Medical emergencies
- Fires and fire prevention
- Evacuation procedures
- Earthquake safety

Any emergency situation can result in injury, damage to property, or both, therefore it is important that employees are provided with adequate information to ensure that employees respond quickly and efficiently to any emergency. Rapid response to workplace emergencies is intended to reduce the impacts on human health and safety, and on TCLA's operations.

### **5.1              Emergency Notification**

Dial 9-9-1-1 from a campus phone to quickly summon emergency responders. Dial 9-1-1 off-campus or from a cell phone. The following are scenarios under which 911 must be called.

- An injured employee(s) or student(s) loses consciousness
- An injured employee(s) or student(s) cannot move, or is in too much pain to be moved
- An injured employee(s) or student(s) has suffered a significant loss of blood
- Fire
- A spill or release of hazardous materials OUTSIDE the building
- Threat of violence in the workplace

#### **Call 911 when:**

If calling 911 for emergency medical services, remain calm and provide the following information.

- Nature of the emergency or injury
- If injured employees or students are involved, indicate the number of people injured and their status

- Location of the emergency including building and room number, if known
- Your name
- Stay on the phone until the dispatcher tells you to hang up

They will help direct and instruct emergency responders to the situation when they arrive and provide any information that assists in the response. Assist with providing any information that will help both security and the emergency responders to act quickly.

Emergency responders should be informed of the following conditions when they arrive. After calling 911, evacuate and contact security.

- Employees who may be in danger or trapped inside of an evacuated building

**Note:** Calling 9-911 on a landline connects directly to local emergency dispatch. Non-emergency phone numbers for local response agencies are provided below for employee's convenience.

**Table 1 – Response Agency Contact List**

Kadima Security Personnel	213-494-9777
Building Maintenance – Victor	818-207-7903
Leo	310-350-5277
Police/Fire Department/Ambulance	9-911
Hatzolah of LA	1-800-613-1911
Los Angeles Police – non-Emergency	213-485-4302
Poison Control Center	800-222-1222

## 5.2 Medical Emergencies

Medical emergencies may not be related to workplace conditions, but still require prompt response. Call 9-911 immediately if an employee or visitor suffers from a medical emergency, such as a fainting spell, or heart attack. Do not deliberate with an employee having medical issues, it is always best to get medical attention as quickly as possible by calling 911.

## 5.3 Fire Safety Plan

Fires can occur for a variety of reasons, particularly where flammable materials are stored and handled. Therefore, systems have been installed to alert employees to a fire in the building.

- Heat sensors activate the sprinkler systems in case of fire.
- This system is activated with a rapid rise in temperature, this will set off the sprinkler systems throughout the building.

- Fire alarm pull stations are located throughout the building. When they are pulled, they activate the fire alarms.
- Verbal warnings may be an appropriate warning method for first alerting employees of a fire or other evacuation scenario. This is especially true in remote locations of a building or before alarms sound

### **5.3.1 Combustion Sources and Sources of Ignition**

Prevention of fires begins with identifying sources of ignition and potential combustion sources. The common fire hazards at TCLA include, but are not limited to:

- Overloaded electrical circuits. This may include “daisy-chained” power strips plugged into each other in a series circuit that is capable of overloading circuit.
- Unsafe wiring and defective extension cords.
- Unattended fires in microwave ovens.
- Overheated motors and improperly maintained equipment that is hot
- Poor housekeeping resulting in accumulation of combustibles such as paper, boxes, oil-soaked rags, and potentially flammable liquids

General work areas such as offices, labs, and storage areas must be kept orderly and clear of accumulated combustible materials. This prevents the potential for a spark to ignite surrounding materials.

The following are tips for fire prevention in common areas.

- Discarded packing material, boxes, wrapping papers, or recycled paper should be disposed of and not accumulated.
- Avoid using flammable cleaning solvents to clean floors, walls, furniture or equipment.
- Do not use low flash point solvents in any areas where the potential risk of fire exists.

### **5.3.2 Electrical Fire Prevention**

The facility and building is old, and the following guidelines are intended to prevent fires from aging equipment or facilities.

- Electrical cords must be free from cracks, scuffs and bare spots and replaced if necessary
- Electrical outlet covers are replaced as soon as damage is discovered
- In the event of a power outage, turn off electrical equipment and any instruments. Power surges can cause sparks when electricity is restored.

### **5.3.3 Fire Safety Equipment**

Building and Fire Codes specify requirements for the installation and maintenance of some fire equipment, such as fire extinguishers and fire detection systems in the building. This equipment includes”

- Automatic sprinkler systems in the ceiling, which are typically activated when the room temperature reaches a critical point. Fires may be well underway before the sprinklers are activated and alarms sound.
- Fire alarm pull stations are located throughout the building. Employees are instructed to activate the alarm if a fire is discovered and the alarms have not yet been activated
- Fire extinguishers by the exits are hand-held portable units containing ABC fire retardant. These are clearly marked with red signs on the wall above their storage location.

### **5.3.4 Using Fire Extinguishers**

Multi-purpose, ABC rated extinguishers are located in all buildings and are appropriate for most fires. Fire extinguishers are located throughout the building in recessed wall cabinets, as well as hanging on the wall, and identified with adhesive signs mounted on the wall above it. There are to be used only once, and should be used only if trained in fire extinguisher use, or as a last resort to exit a building if the fire is between you and the nearest escape route.

**NEVER** attempt to use a fire extinguisher unless trained, and **ONLY** if another trained employee assists with the effort. Use a fire extinguisher only if trained and know how to use one. Most importantly, if the fire is between you and the exit, then fire extinguisher may be one’s best chance to get out of a building on fire.

Fire extinguishers operate on a very simple principle, easily remembered by the word **P-A-S-S**.

- P** Pull the pin from the handle in the fire extinguisher. Twist the pin to break the plastic tie holding it in place and the fire extinguisher is now ready to use.
- A** Aim the hose or nozzle at the source of the fire. Try to direct the fire retardant at the base of the fire attempting to extinguish the fuel source.
- S** Squeeze the handle of the fire extinguisher to dispense the retardant. Fire extinguishers contain compressed fire retardant that provides a

high pressure, short-lived supply. The standard 5 pound extinguishers located in the hallways will last only about 20 seconds, and are best used to aid in exiting a burning building.

**S** Spray, or sweep across the base of the fire attempting to cover as much surface area of the fire as possible.

If using one as an escape bottle, keep in mind that most of these last only 15 – 20 seconds, offering limited time to escape. They may also be used to break a window to get out in case of dire need.

Fire extinguishers are required to be inspected monthly, and to be recharged or replaced each year.

### **5.3.5 Fire Alarms**

When an alarm sounds, follow standard evacuation procedures, as described earlier. Fire alarm pull stations are located on the wall throughout the building. In the event that you discover a fire, pull the alarm and wait until the alarm system is activated, alerting all other employees to the danger. If any employee discovers a fire the following procedures apply.

- If the alarms have not already been activated, warn coworkers and pull the fire alarm pull station as soon as you reach the exit. Fire alarm pull stations are located on walls throughout the building.
- Evacuate the building following standard evacuation procedures, and assemble with the group and await updates on the status of the evacuation.

When alarms are activated they produce a loud sound. Employees are encouraged to recognize alarms during evacuation drills.

Once summoned, the Fire Department is in charge of the incident and is the only one permitted by law to silence the alarm panel and return employees and students to the building.

### **5.3.6 If Trapped in a Building on Fire**

Employees are instructed to evacuate at the earliest sound of the alarms, or verbal warnings. The following procedures apply if employees are caught in a burning building.

- Look for lighted EXIT signs located at each exit
- If the fire is between you and the exit, use the nearest fire extinguisher to help escape the burning building
- Crawl low to the floor if the air is smoky
- Cover mouth with a damp cloth shirt to help filter out smoke
- If you can't see, get to a wall and follow it to an exit

- While exiting put your hand against the door to see if it feels warm: fire may be burning on the other side.
- If your clothes catch fire, the rule is: **STOP, DROP, and ROLL.**

## **5.4            Earthquakes**

Earthquakes are a fact of life in California, and employees are encouraged to prepare for safe refuge in the event of an earthquake. Earthquakes are unpredictable and can pose a host of problems depending on the magnitude, the number of aftershocks, and the force and type of tremors. The following are the instructions complied from the Association of Bay Area Governments (ABAG) that are applicable under most circumstances.

### **5.4.1 Precautions Taken Before an Earthquake**

- Seismically brace equipment and materials that are over 48 inches high and weigh over 400 pounds. This includes storage cabinets, shelving and large equipment.
- Keep breakable and heavy items in low, secured cabinets.
- Evacuation drills should be conducted periodically to train employees in emergency response.
- Keep exit routes, hallways, and corridors free from stored materials. Do not block, or partially block, doors or hallways.

### **5.4.2 Procedures to Follow During an Earthquake**

- Stay calm. Do not panic. Think through the consequences of any action you take.
- At the first sign of tremors find a desk or table to get underneath in order to protect you from falling debris.
- Hold on to whatever is available, and keep your body protected from falling hazards
- Wait approximately 5 - 10 seconds after the tremors stop to let things settle and fall to the floor
- Evacuate quickly and calmly
- Pay attention to your surroundings and look for employees who might be having trouble exiting the building
- When outside, stay outside and move away from buildings and power lines. Most earthquake injuries occur as people enter or leave buildings.

- If in a moving vehicle, stop if it is safe. Move your car as far out of the normal traffic pattern as possible. Do not stop on, or under, overpass or tunnel, or under trees, light poles, electrical power lines or signs.

#### **5.4.3 Procedures to Follow Immediately After the Shaking Stops**

Be prepared for aftershocks. Although most of these are smaller than the main shock, some may be large enough to cause additional damage or bring down weakened structures.

- Be aware of dangerous locations and conditions such as glass doors, hanging objects, tree limbs, debris falling from buildings, or downed electrical lines.
- Remain in the Evacuation Assembly Area, if safe. Do not wander around the building alone looking for damage.
- Do not re-enter the facility until directed to do so
- Do not use matches, lighters, electrical equipment or other ignition sources because there may be gas leaks or spills of flammable materials presenting fire or explosion hazards.

#### **5.4.4 Procedures to Follow After the Earthquake**

Make sure that all employees are accounted for after a major earthquake. After employees are accounted for, they are encouraged to remain on-site until conditions in the rest of West Hollywood and Los Angeles are assessed. It is possible that the conditions on freeways and in residential communities are unsafe and it is important that employees not leave until news reports are received on the extent of damage. Employees who must cross a bridge in order to get home may consider purchasing an earthquake survival kit to keep in the car, as well as establishing a contingency plan in case getting home is not an option. It is also advisable to have an emergency plan established with one's family in case of such an event. Phone lines may be in use only for emergency responders immediately following an earthquake. If you need to get in touch with family members it may be more efficient to establish an out of town contact with whom all family members can contact.

The first priority is life safety. Emergency response agencies may not be available to help businesses for several days. If injuries have occurred provide First Aid, if trained. It may be necessary to use personal vehicles to transport injured employees to an emergency room. Provide assistance where necessary and consult with a trained First Aid provider before attempting to move anyone who may be seriously injured.

- Maintain a fire watch since water systems may be damaged and numerous small fires may start because of electrical or natural gas damage
- Look out for, and avoid, live power lines downed by the earthquake or any item that is in contact with a downed power line.
- If employees are permitted to re-enter the building, take care when opening doors. Displaced items may tumble off shelves when the door is opened.
- Take whatever action is necessary to secure the area and prohibit entry of unauthorized persons.

## **6.0 Training**

The following are methods by which TCLA trains and orients employees to the contents of this Plan.

- All employees are trained in the provisions of this Plan.
- All employees are subject to participation in yearly drills.

## **7.0 Threats of Workplace Violence**

Violence in the workplace can occur under a number of scenarios, therefore TCLA has established procedures for responding to threats of violence. Examples of Workplace Violence include the following:

- Physical threats – direct or implied
- Physical conduct, such as pushing, shoving or striking that harms, or has potential, to cause harm to people or property
- Conduct that harasses, disrupts, or interferes with another individual's performance
- Conduct that creates an intimidating, offensive, or hostile environment
- Civil disturbances such as demonstrations, riots, or disruptive assemblies
- A person with a weapon or an active shooter on campus

### **7.1 Potential Warning Signs**

Employees exhibiting violent behavior may have some of the following tendencies leading coworkers and supervisors to be concerned.

- Verbal, nonverbal or written threats
- Fascination with weapons or violence
- New or increased stress at home or work
- Expressions of hopelessness or anxiety
- Insubordinate behavior

- Dramatic change in work performance
- Destruction of property
- Drug or alcohol abuse
- Externalization of blame

## **7.2 Risk Factors that Contribute to Workplace Violence**

Some of the common tendencies identified with workplace violence include the following.

- Termination of employment
- Disciplinary actions
- Ongoing conflicts between employees
- Domestic or family violence
- Financial problems

## **7.3 Workplace Violence Prevention**

- Be aware of what is going on around you at all times. Awareness is a proven method for increased personal safety.
- Tell your supervisor when you notice unusual or suspicious behavior
- Do not hesitate to ask for assistance

If you witness an act of violence on campus:

1. Get away from the situation as quickly as possible
2. If you cannot get away, take cover and protect yourself
3. Dial 9-911 from a landline, 911 from a cell phone, or 213-485-4302 to report the incident

## **7.4 Civil Disturbances**

1. If the disturbance is outside, stay away from doors. Remain inside
2. If the event is in the initial stage and has not reached a critical point, call security
3. Provide the address, location, and all possible details to the dispatcher
4. Do not provoke or become involved in the disturbance
5. Secure your work area, log off computers, and secure sensitive files, if it is safe to do so.

## **7.5 Active Shooter on Campus**

An active shooter is typically an individual actively engaged in killing or attempting to kill people in a confined and populated area. In most cases active shooters use

firearms and there is no pattern or method for their selection of victims. Active shooter situations are unpredictable and evolve quickly, so individuals should follow these procedures before law enforcement arrives on the scene.

1. The first step to personal safety is to maintain an awareness of the situation and environment around you: be prepared to take appropriate action if threat presents itself.
2. Remain in place, close all doors, seek cover and barricade yourself by placing as much material between you and the threat as possible.
3. As soon as it is safe to do so, notify authorities by calling 911 and provide as much detail as possible
4. Do not approach emergency responders – let them come to you
5. Remain under cover until threat has passed or you have been advised by law enforcement that it is safe to exit

TCLA recommends these additional responses, provided by the US Department of Homeland Security.

- Evacuate if there is an accessible escape route
- If evacuation is not possible hide out where the active shooter is least likely to find you. The hiding place should:
  - Be out of view of the shooter
  - Provide protection from gunshots, if fired
  - Not entrap you or restrict options for escape
- Lock the door if you can, or...
- Blockade the door with heavy furniture, and hide behind something solid and heavy
- Silence your cell phone
- Turn off any source of noise (Radio, computer, ect.)
- Dial 9-911 and leave the line open if it is unsafe to speak, allowing the dispatch operator to listen as events unfold

As a last resort, the Department of Homeland Security recommends taking action against the active shooter, including the following.

- Acting aggressively
- Throwing items and improvising weapons
- Shouting, yelling, and being loud
- Committing to your actions, whether by evacuating or responding aggressively

## 7.6 Bomb Threat

If you receive a telephone bomb threat, TCLA procedures suggest the following:

1. Listen carefully. Be polite and show interest. Try to keep the caller talking so that you can gather more information about the device, the validity of the threat, or the identity of the caller. Listen carefully for background noises.
2. Note the phone number of the caller if your telephone has a display. Gather as much information as possible. If possible use the Bomb Threat Checklist in Appendix A to question the caller in a polite and non-threatening manner.
3. Upon completion of the call, immediately call 9-911 to notify Police. Then complete the checklist while the call is still fresh in your memory.
4. Remain available to answer questions.
5. If the threat was received by another individual and he/she is relaying the information to you, use the Bomb Threat Checklist to gather as much information as possible.

## Emergency Action Plan Appendix A - Bomb Threat Information Checklist

### Caller's voice:

- |                                   |  |
|-----------------------------------|--|
| <input type="checkbox"/> Calm     | <input type="checkbox"/> Disgusted       |
| <input type="checkbox"/> Angry    | <input type="checkbox"/> Accent          |
| <input type="checkbox"/> Excited  | <input type="checkbox"/> Familiar        |
| <input type="checkbox"/> Slow     | <input type="checkbox"/> Deep            |
| <input type="checkbox"/> Rapid    | <input type="checkbox"/> Nasal           |
| <input type="checkbox"/> Soft     | <input type="checkbox"/> Stutter         |
| <input type="checkbox"/> Loud     | <input type="checkbox"/> Lisp            |
| <input type="checkbox"/> Laughter | <input type="checkbox"/> Raspy           |
| <input type="checkbox"/> Crying   | <input type="checkbox"/> Ragged          |
| <input type="checkbox"/> Normal   | <input type="checkbox"/> Clearing Throat |
| <input type="checkbox"/> Slurred  | <input type="checkbox"/> Deep Breathing  |
| <input type="checkbox"/> Distinct | <input type="checkbox"/> Cracking Voice  |

### Exact wording of threat:

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### Threat Language:

- |                                      |                                     |
|--------------------------------------|-------------------------------------|
| <input type="checkbox"/> Well Spoken | <input type="checkbox"/> Incoherent |
| <input type="checkbox"/> Educated    | <input type="checkbox"/> Taped      |
| <input type="checkbox"/> Foul        | <input type="checkbox"/> Message    |
| <input type="checkbox"/> Irrational  | read by threat<br>maker             |

Remarks: \_\_\_\_\_

### Questions to ask:

1. When is the bomb going to Explode?
2. Where is it right now?
3. What does it look like?
4. What kind of bomb is it?
5. What will cause it to explode?
6. Did you place the bomb?
7. Why?
8. What is your address?
9. What is your name?

If the voice is familiar, who did it sound like? \_\_\_\_\_

### Background Sounds

- |  |  |
|--|--|
| <input type="checkbox"/> Street Noise      | <input type="checkbox"/> Voices        |
| <input type="checkbox"/> House Noise       | <input type="checkbox"/> Static        |
| <input type="checkbox"/> PA System         | <input type="checkbox"/> Phone Booth   |
| <input type="checkbox"/> Music             | <input type="checkbox"/> Local         |
| <input type="checkbox"/> Animal Noises     | <input type="checkbox"/> Long Distance |
| <input type="checkbox"/> Office Machinery  |  |
| <input type="checkbox"/> Factory Machinery |  |
| <input type="checkbox"/> Other             |  |
| <input type="checkbox"/> None              |  |

Sex of Caller: \_\_\_\_\_

Race or Nationality of Caller: \_\_\_\_\_

Age of caller: \_\_\_\_\_

Length of call: \_\_\_\_\_

Time of call: \_\_\_\_\_

### **IMMEDIATELY DIAL 911 OR 9-911**

Give responding officers this completed sheet

Date: \_\_\_\_\_

Job Title: \_\_\_\_\_

Name: \_\_\_\_\_

Department Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

## **Appendix F**

### **Biennial Report**

#### **Biennial Review of Touro University Worldwide & Touro College Los Angeles Alcohol and Drug Programs**

**2022-2023**

#### **OVERVIEW**

The Drug Free Schools and Communities Act requires, as a condition of receiving any federal funding or other financial assistance, that an institution of higher education certify it has adopted and implemented a program to prevent the unlawful possession, use or distribution of illicit drugs and alcohol for students and employees on school premises and as a part of its activities. Touro University Worldwide & Touro College Los Angeles (“TUV & TCLA” or “Colleges”) are in compliance with the Drug Free Schools and Communities Act and continues to conduct a biennial review on the effectiveness of its alcohol and other drug programs and services.

TUV & TCLA provide comprehensive alcohol and other drug prevention initiatives, programs and services that focus on policy, environmental management, education, intervention, prevention, research and assessment. In addition, in accordance with federal law, the Office of Campus Security and the Office of Institutional Compliance annually provide every employee and student with an “Annual Crime Statistics and Fire Safety Report” email notification that includes the following (as required by 34 CFR 86.100):

- Standards of conduct that prohibit the unlawful possession, use or distribution of illicit drugs and alcohol on school property or part of school activities.
- A description of the applicable legal sanctions under federal, state or local law for the unlawful possession or distribution of illicit drugs and alcohol.
- A description of the health risks associated with the use of illicit drugs and abuse of alcohol.
- A description of counseling and treatment programs available to students and staff.
- A clear statement and description of the disciplinary sanctions TUV & TCLA will impose on students and employees.

This Annual Crime Statistics and Fire Safety Report is available year-round to students, staff and employees at the following [link](#).

It is the goal of TUV & TCLA to produce a Biennial Review that would be used to document the progress made by TUV & TCLA and also provide insight into how TUV’s & TCLA’s Alcohol and Drug policy and programs (“ADP”) could be improved. The 2022 Touro Biennial Review meets two objectives:

1. Determines the effectiveness of the ADP programs at TUV & TCLA and outlines any changes that the institution has made (if necessary)
2. Analyzes the disciplinary sanctions imposed by the institution and ensures that they are consistently enforced.

A hard copy of this Biennial report is also maintained on file with Director of Campus Security that can be provided to the U.S. Department of Education, as requested

## **POLICY**

TUW & TCLA are committed to educating and informing students, faculty and staff about the dangers and effects of substance abuse. HTC recognizes that drug addiction and alcoholism are illnesses that may not be easily resolved and may require professional assistance and treatment. As such, HTC provides its ADP to all students and employees. This policy is reviewed and updated annually.

The entire ADP is included in the Annual Security and Fire Safety Report. It is available year-round to students, staff and employees at the following [link](#).

In addition to the Annual Security and Fire Safety Report notification described above, students and employees are made aware of TUW's & TCLA's drug and alcohol policies during New Student orientation and at residence hall meetings, as well as during other activities and events throughout the year. The student presentation, given by Dean or their delegate, includes, but is not limited to:

- Possession of alcoholic beverages, illegal narcotics or improper use of prescription drugs is strictly prohibited on TUW & TCLA campuses, student dormitory and residences, and at any college function (on or off campus).
- Alcoholic beverages or illegal narcotics may not be sold on the campuses of TUW & TCLA for any purpose.
- Alcoholic beverages may not be served to TUW & TCLA students as part of College-sponsored events or non-official activities connected with the College - except for sacramental purposes.

The employee presentation, provided at Faculty meetings and given during the on-boarding process for other new employees, includes, but is not limited to:

- Notice that TUW & TCLA are a Drug-Free and Smoke-Free workplace;
- Prohibition on the use of substances that impair a person's ability to perform his or her job responsibilities;
- Notification that the sale, manufacture, possession or use of illegal drugs on the College property and campuses is strictly prohibited

## **EDUCATION, INTERVENTION & PREVENTION**

TUW & TCLA provides many different avenues for students and employees to receive education and counseling about alcohol and other drug issues. In addition to campus resources, TUW & TCLA also provide students and employees with information about and referrals to the community-based agencies for support, education and/or treatment. Campus and community members also work together to implement environmental risk management strategies to reduce the harmful consequences of drug and alcohol use.

## **POLICY ENFORCEMENT**

As seen in the chart below, TUW & TCLA have steadily experienced no drug or alcohol related violations over the past few years. Based on this data, TUW & TCLA have determined that its' current Drug and Alcohol policy and programs are inherently effective.

As TUW & TCLA have not encountered any violations related to drugs or alcohol, disciplinary sanctions for violation of campus drug and alcohol policies are non-existent. That being said, TUW & TCLA review

their policies and sanctions on an annual basis to determine whether industry standards and best practices are being adhered to.

	2022		2023	
<i>On Campus</i>	TUW Campus	TCLA Campus	TUW Campus	TCLA Campus
<b><u>Liquor Law Violations</u></b>				
Arrests	0	0	0	0
Disciplinary Actions	0	0	0	0
<b><u>Drug-related violation</u></b>				
Arrests	0	0	0	0
Disciplinary action	0	0	0	0
<b><i>Residential Facilities</i></b>				
<b><u>Liquor Law Violations</u></b>				
Arrests	0	0	0	0
Disciplinary Actions	0	0	0	0
<b><u>Drug-related violation</u></b>				
Arrests	0	0	0	0
Disciplinary action	0	0	0	0
<b><i>Public Property</i></b>				
<b><u>Liquor Law Violations</u></b>				
Arrests	0	0	0	0
Disciplinary Actions	0	0	0	0
<b><u>Drug-related violation</u></b>				
Arrests	0	0	0	0
Disciplinary action	0	0	0	0