

2026 ANNUAL SECURITY REPORT

Published in compliance with the Jeanne Clery Campus Safety Act





Message from Campus Leadership

Dear Members of the University Community:

Welcome to another academic year at Touro University California. Whether you are joining us in person or participating virtually through one of our academic programs, we are pleased to have you as part of our community and look forward to a successful year ahead.

Enclosed is Touro University California's Annual Security Report (ASR) for the 2026 calendar year. This report reflects our ongoing commitment to fostering a safe, secure, and supportive learning and working environments for all members of the university community. In addition to outlining the university's safety programs, policies, and resources, the report includes statistical information regarding reported crimes and other Clery Act reportable incidents occurring on campus and in applicable surrounding areas.

Transparency and shared responsibility are essential to maintaining a safe campus environment. Our campus safety efforts are strengthened through collaboration among TUC administration, Student Affairs, Public Safety, the CARE Team, academic leadership, students, faculty, staff, and numerous campus departments. Together, we work to strengthen prevention efforts, promote awareness and education, encourage timely reporting, and ensure our community is prepared to respond effectively when incidents occur.

The university continually evaluates and enhances its safety programs and protocols, and we value the engagement and partnership of our community in these efforts. Questions regarding this report may be directed to Dr. Helen Frasier, Associate Dean of Student Affairs & Clery Contact (see Appendix A for contact information).

Respectfully,



Dr. Tami Hendriksz, D.O., FACOP, FAAP
Campus Provost &
Dean, College of Osteopathic Medicine



Mr. Newman Hoffman, J.D.
Chief Executive Officer &
Vice President



2026 Annual Security Report

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ABOUT TOURO UNIVERSITY CALIFORNIA

Established in 1997, Touro University California (TUC) offers graduate and professional degree programs in osteopathic medicine, pharmacy, physician assistant studies, public health, nursing, medical health sciences, radiologic technology, and diagnostic medical sonography. The mission of Touro University California is to provide educational excellence in the fields of health sciences and public health. TUC's student-centered learning environment is enriched by research and scholarship, and prepares graduates for careers dedicated to service, leadership, and improving the health of communities locally and around the world.

Touro University California is part of Touro University, which was founded in New York in 1970 by Dr. Bernard Lander. Since its founding, Touro has grown into an international system of higher education serving a diverse student population through schools and educational centers in the United States and abroad.

The Touro University California main campus is in Vallejo, California, on the grounds of a former naval installation with a long history in shipbuilding and military medicine dating to 1854. As the campus has evolved, many of its historic buildings have been preserved and adapted to support the university's educational mission.

TUC is committed to providing a safe and secure environment for students, faculty, staff, and visitors. Campus safety is a shared responsibility, supported through the efforts of TUC Public Safety, Student Affairs, university leadership, and members of the campus community. This report provides information regarding the university's safety and security programs, policies, and procedures, as well as crime statistics reported in accordance with the Jeanne Clery Campus Crime Safety Act.

NON-DISCRIMINATION POLICY

Touro University California is committed to maintaining an environment in which students, faculty, staff, and visitors are treated with dignity and respect. The university does not discriminate on the basis of race, color, national origin, religion, sex, pregnancy or related conditions, gender identity or expression, marital status, disability, medical condition, genetic information, age, sexual orientation, ethnicity, veteran status, or any other characteristic protected by applicable federal, state, or local law in employment, admissions, educational programs, activities, or access to university services.

Questions or concerns regarding discrimination, harassment, or sex-based misconduct may be directed to:

Zachary Shapiro, Title IX Coordinator
Farragut Inn 107, Vallejo, CA 94592
zshapiro@touro.edu
(707) 638-5459

Procedures for reporting and resolving complaints of sex discrimination are provided in Appendix C: Grievance Procedure for Sex Discrimination Complaints.

PREPARATION OF THE ANNUAL SECURITY REPORT AND DISCLOSURE OF CRIME STATISTICS

The Jeanne Clery Campus Safety Act (Clery Act) is a federal law codified at 20 U.S.C. § 1092(f), with implementing regulations contained in 34 C.F.R. § 668.46. The Clery Act requires colleges and universities participating in federal student aid programs to collect, maintain, and disclose information regarding campus crime statistics, security policies, and other information related to campus safety and security.

This Annual Security Report (ASR) contains three years of crime statistics and information about Public Safety policies and procedures, including policies related to sexual assault, domestic violence, dating violence, stalking, crime reporting, emergency response, and other safety and security information relevant to students, faculty, staff, and visitors. Additional information regarding the Clery Act is available from the Clery Center at www.clerycenter.org.

At Touro University California, the Clery Act Compliance Committee, led by Dr. Tami Hendriksz, Campus Provost & Dean of the College of Osteopathic Medicine, and Mr. Newman Hoffman, Chief Executive Officer & Vice President, is responsible for preparing the ASR and ensuring university compliance with all aspects of the Clery Act. The Clery Contact serves as the institutional coordinator for Clery Act compliance and preparation of the Annual Security Report. This role is currently held by Dr. Helen Frasier, Associate Dean of Student Affairs & Clery Contact. TUC's Clery Act compliance program is a continual, coordinated effort involving the Clery Act Compliance Committee and other members of the TUC administration.

These efforts include collecting and reviewing crime statistics from Campus Security Authorities (CSAs), Public Safety, the Vallejo Police Department, and other law enforcement agencies with jurisdiction over Clery-reportable locations, as well as developing, implementing, and reviewing Clery Act-required policies and procedures.

The ASR is published annually by October 1 and is available on the Touro University California Campus Safety website at <https://tu.edu/campus-life/campus-safety/>. Notice of the availability of this Annual Security Report is distributed annually to current students and employees and is made available to prospective students and prospective employees in accordance with Clery Act requirements.

Current and prospective students and employees may request a paper copy of this report by contacting Dr. Helen Frasier at hfrasier@touro.edu, Dr. Steven Jacobson at sjacobso10@touro.edu, Dr. Tami Hendriksz at thendrik@touro.edu, or Mr. Newman Hoffman at newman.hoffman@touro.edu.

REPORTING CRIMES AND OTHER EMERGENCIES

Touro University California encourages all members of the university community, including victims and witnesses, to report crimes, suspicious activity, emergencies, and other serious incidents as soon as possible. Reports may be made to Public Safety at (707) 638-5804. Public Safety Officers (PSOs) are available 24 hours a day, 7 days a week.

Prompt and accurate reporting enables the university to respond effectively, provide appropriate support and resources, assess potential threats to the campus community, and investigate incidents as warranted. Community members are encouraged to report suspected criminal activity and other safety concerns, including situations in which the victim is unable or chooses not to make a report.

Timely reporting also assists the university in meeting its obligations under the Clery Act, including evaluating the need for Timely Warnings and Emergency Notifications and collecting crime statistics used to inform the campus community about safety and security issues.

Voluntary Confidential Reporting

Any victim, witness, or third party with information regarding a crime or other Clery Act reportable incident, including sexual assault, dating violence, domestic violence, stalking, or hazing, may make a confidential report to the Vice Provost & Dean of Student Affairs, the Associate Dean of Student Affairs & Clery Contact, the Director of Human Resources, or by submitting an Anonymous Crime Report Form through the Touro University California Public Safety website or directly at: https://tuc.co1.qualtrics.com/jfe/form/SV_eA5yizZc4OcpRmS

Information submitted through these reporting options will be reviewed and assessed as appropriate. Any personally identifiable information will be kept confidential to the extent permitted by law and university policy. The university will include information from these reports, without personally identifiable information, in the annual disclosure of Clery Act crime statistics when required by the Clery Act.

Campus Security Authority (CSA) Policy

While Touro University California encourages all members of the university community to report crimes, emergencies, and other safety concerns directly to Public Safety, some individuals may choose to report incidents to other university officials. Under the Jeanne Clery Campus Safety Act (Clery Act), certain university employees are designated as Campus Security Authorities (CSAs).

The Clery Act defines a Campus Security Authority as an official of an institution who has significant responsibility for student and campus activities. The statutory definition includes, but is not limited to, responsibility for student housing, student activities, and student conduct proceedings. An official is defined as any person who has the authority and duty to take action or respond to particular issues on behalf of the institution.

CSAs serve an important role in helping the university identify, assess, and document Clery Act reportable crimes and incidents.

**Who is
required to
report under
the Clery Act?**

Touro University California has designated the following categories of employees as Campus Security Authorities:

- Campus Provost
- Chief Executive Officer & Vice President
- Title IX Coordinator
- Vice Provost & Dean of Student Affairs
- Associate Dean of Student Affairs & Clery Contact
- Environmental Health and Safety Officer
- All Public Safety personnel
- All Deans, Associate Deans, Assistant Deans, Program Directors, and Department Directors
- Faculty and staff advisors for recognized student organizations
- Building Safety Coordinators

CSAs receive annual training regarding their responsibilities under the Clery Act and have access to additional educational resources throughout the year. CSAs are expected to understand and fulfill their reporting obligations and to promptly report Clery Act crimes and other reportable incidents that are disclosed to them.

To facilitate timely and accurate reporting, Touro University California maintains a Campus Security Authority reporting form. CSAs who receive reports of potential Clery Act crimes or other reportable incidents should promptly report the information using the CSA reporting form available at: https://tuc.co1.qualtrics.com/jfe/form/SV_08pECec8d5PKdsa. Because CSAs often receive information directly from reporting parties, the form is designed to capture details that may assist the university in assessing Clery Act reporting obligations, evaluating the need for a Timely Warning or Emergency Notification, and maintaining accurate crime statistics. Submission of the CSA reporting form does not replace emergency reporting requirements. Emergencies and incidents presenting an immediate threat to health or safety should be reported directly to Public Safety without delay.

Certain individuals who have significant responsibility for student well-being are exempt from the Clery Act's Campus Security Authority reporting requirements when acting within the scope of their professional responsibilities. These individuals include:

- **Pastoral Counselors:** Individuals associated with a religious order or denomination who are recognized by that religious order or denomination as providing confidential counseling and who are functioning within the scope of that role.
- **Professional Counselors:** Individuals whose official responsibilities include providing mental health counseling to members of the university community and who are functioning within the scope of their license, certification, or professional responsibilities. This exemption includes both university employees and contracted counseling professionals providing services to Touro University California students.

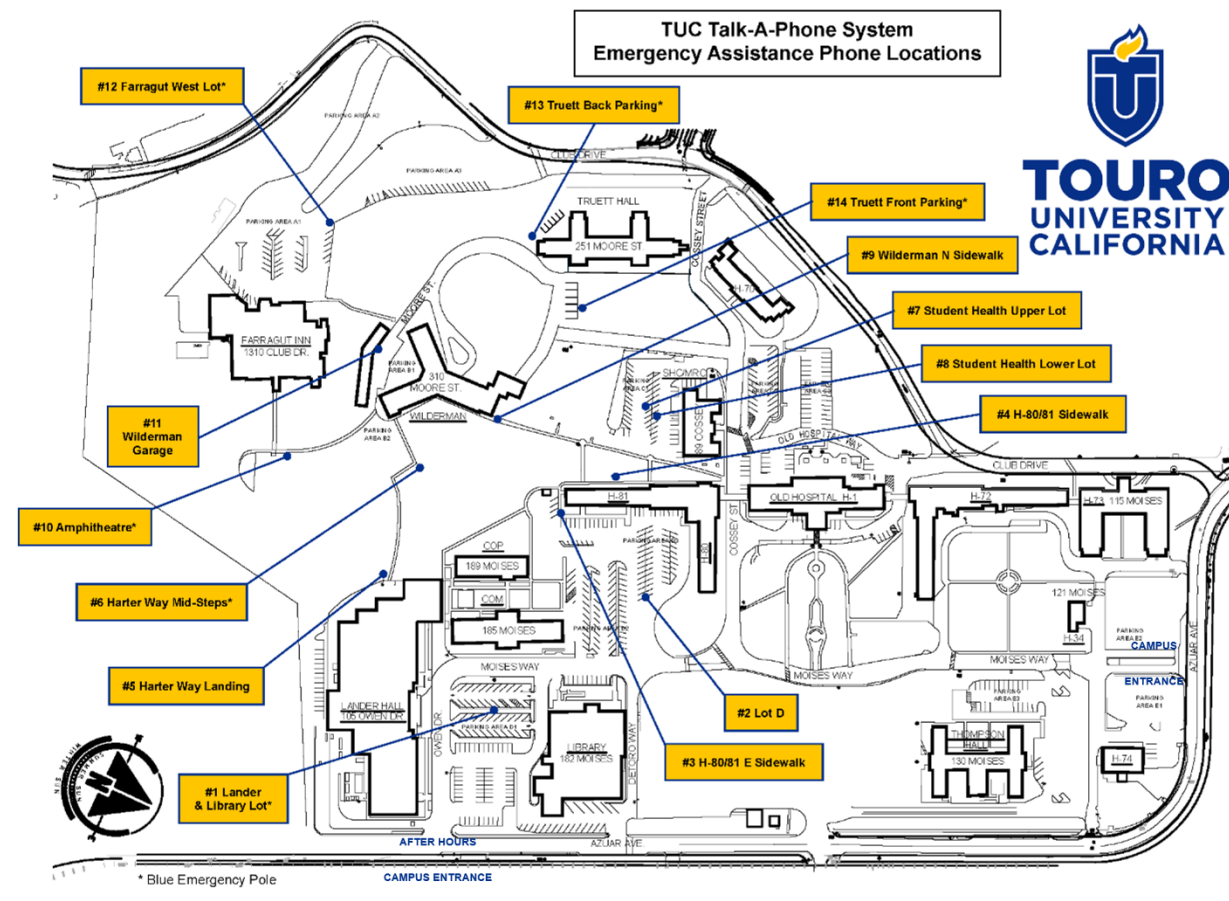
Although exempt from mandatory Clery Act reporting requirements, pastoral counselors, professional counselors, and Student Health personnel are encouraged, when appropriate, to inform those they are assisting of the option to voluntarily and confidentially report crimes for inclusion in the university's annual disclosure of crime statistics. Information regarding voluntary and confidential reporting options is provided in the Voluntary Confidential Reporting section of this report. Contact information for confidential resources is provided in Appendix A: Campus Safety & Compliance Contact Information.

The role of a Campus Security Authority is to report information regarding potential Clery Act crimes and other reportable incidents to appropriate university officials. CSAs are not responsible for determining whether a crime occurred or for conducting investigations. The responsibility for assessing reported information and conducting investigations rests with Public Safety and, when appropriate, local law enforcement agencies.

Emergency Phones

Touro University California maintains 14 exterior Blue Light Emergency Telephones strategically located throughout the main campus for emergency use. These telephones provide direct communication with Public Safety by pressing the emergency call button located on the unit.

Blue Light Emergency Telephones may be used to report criminal activity, suspicious behavior, medical emergencies, fires, hazardous conditions, or any other situation requiring an immediate Public Safety response.



ABOUT PUBLIC SAFETY

Role, Authority, and Training

Public Safety provides safety, security, and emergency response services for Touro University California 24 hours a day, 7 days a week. Public Safety Officers are unarmed, uniformed, non-sworn professionals who patrol the campus on foot and in marked Public Safety vehicles and are available to respond to requests for assistance, emergencies, and reported incidents.

Public Safety services are provided at the university's Vallejo campus. Touro University California does not maintain a dedicated public safety, security, or law enforcement presence at its Clery-reportable non-campus properties. Emergency response and law enforcement services at non-campus locations are provided by the local law enforcement agency with jurisdiction over the property. Members of the university community at non-campus locations are encouraged to report emergencies by calling 911 and to report crimes and safety concerns through the reporting options identified in this report.

Public Safety Officers are registered with the State of California as required by law and possess the same authority to make arrests as private citizens. Public Safety personnel receive training in first aid, cardiopulmonary resuscitation (CPR), and automated external defibrillator (AED) use, as well as ongoing training related to campus safety, emergency response, and university policies and procedures.

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

Public Safety works cooperatively with local, state, and federal law enforcement agencies, as well as emergency management organizations, as appropriate. When serious crimes, deaths, or other significant incidents occur, Public Safety promptly notifies the appropriate law enforcement agencies and coordinates response efforts as needed.

Criminal investigations are conducted by the law enforcement agency having jurisdiction over the location where the incident occurred. Public Safety's jurisdiction is generally limited to property owned or controlled by Touro University California.

At the time of publication of this report, Touro University California does not maintain a written memorandum of understanding with any law enforcement agency regarding the investigation of alleged criminal offenses. Public Safety maintains a cooperative working relationship with the Vallejo Police Department and other local law enforcement agencies. These agencies assist the university when requested and provide information relevant to campus safety and Clery Act compliance, as appropriate.

Crimes Involving Student Organizations at Off-Campus Locations

Touro University California does not maintain recognized student organizations with off-campus housing facilities or other off-campus locations.

TIMELY WARNING REPORTS

The university will issue a Timely Warning when a Clery Act crime is reported to a Campus Security Authority (CSA) or law enforcement agency, occurs within Clery-defined geography, and is determined to represent a serious or continuing threat to the university community. The

purpose of a Timely Warning is to notify the campus community of the incident and provide information that may assist individuals in protecting themselves and preventing similar crimes.

The decision to issue a Timely Warning is made on a case-by-case basis, considering the nature of the crime, the continuing danger to the campus community, and the information available at the time of the report.

When a Timely Warning is deemed necessary, the Environmental Health and Safety Officer, Director of Public Safety, and Chief Executive Officer & Vice President, in consultation with appropriate university officials, will determine the content, method, and timing of the notification. Any of these individuals has the authority to authorize and disseminate a Timely Warning when the applicable criteria are met.

Timely Warnings are generally distributed through university email systems. In circumstances where broader or more immediate notification is warranted, the university may utilize RAVE, the university's emergency notification system. The university will withhold the names and other personally identifiable information of victims and witnesses in Timely Warning notifications.

If, in the professional judgment of law enforcement authorities, the issuance of a Timely Warning would compromise efforts to investigate, respond to, or resolve a reported crime, the university may delay the notification. Once the risk of compromising law enforcement efforts has passed, the university will issue the Timely Warning as soon as practicable.

Informational Messages

The university may issue an Informational Message to advise the campus community of situations that may affect or be of interest to students, faculty, staff, or visitors but do not present an immediate threat to health, safety, or property.

Examples may include:

- Utility disruptions
- Street or parking lot closures
- Weather-related impacts
- Crime trends that do not rise to the level of a Timely Warning
- Other situations that may affect campus operations

SEXUAL MISCONDUCT PREVENTION AND RESPONSE

Touro University California prohibits all forms of sexual misconduct, including sex- or gender-based harassment, sexual assault, domestic violence, dating violence, stalking, and retaliation. These behaviors are inconsistent with the university's values and community standards and are subject to disciplinary action, up to and including dismissal, separation from employment, or other appropriate sanctions.

Students, faculty, and staff are encouraged to review the university's policies and procedures related to discrimination, harassment, sexual misconduct, and student conduct contained in the University Catalog and other applicable university policies. Conduct proceedings and possible disciplinary sanctions are described later in this report.

In addition to violating university policy, certain forms of sexual misconduct may violate federal, state, and local law and may result in criminal investigation and prosecution independent of any university process.

Sexual misconduct includes, but is not limited to:

- Sex-Based Harassment
- Sexual Assault
- Non-Consensual Sexual Contact
- Sexual Exploitation
- Domestic Violence
- Dating Violence
- Stalking
- Retaliation

What to Do if You or Someone You Know Experiences Sexual Assault

Individuals who experience sexual assault, domestic violence, dating violence, stalking, or other forms of sexual misconduct are encouraged to seek assistance as soon as possible.

1. **Get to a safe location.** Move to a safe place and contact emergency services if immediate assistance is needed.
2. **Seek Advocacy and Support.** Contact SafeQuest Solano (Vallejo) or Haven Hills (San Fernando Valley), for confidential advocacy, crisis intervention, and support services for survivors of sexual assault and domestic violence.

SafeQuest Solano

24-Hour Crisis Hotline: (866) 487-7233

Main Office: (707) 422-7345

Website: <https://www.safequestsolano.org/>

Haven Hills

24-Hour Crisis Hotline: (818) 887-6589

Main Office: (818) 887-7481

Website: <https://havenhills.org/>

Advocates can explain available resources, accompany survivors during medical examinations and law enforcement interactions, and provide ongoing support.

3. **Preserve Evidence.** If possible, preserve evidence that may assist in a criminal investigation or university process. Avoid bathing, showering, brushing teeth, changing clothing, or otherwise altering physical evidence until medical care has been obtained.
4. **Seek Medical Attention.** Medical care should be obtained as soon as possible, whether or not an individual intends to report the incident to law enforcement or the university. Medical professionals can assess and treat injuries, provide preventative treatment for sexually transmitted infections, discuss pregnancy prevention options, and collect forensic evidence when appropriate.

The following local facilities provide Sexual Assault Response Team (SART) and/or Sexual Assault Nurse Examiner (SANE) services:

Kaiser Permanente Vallejo

975 Sereno Dr
Vallejo, CA 94589
(707) 651-1000

NorthBay Medical Center

1200 B. Gale Wilson Blvd
Fairfield, CA 94533
(707) 646-5500

Northridge Medical Center

18300 Roscoe Blvd,
Northridge, CA 91325
(818) 908-8632

5. **Access Counseling Services.** Confidential counseling services are available to students through university counseling resources. Employees may also access counseling services through the university's Employee Assistance Program (EAP). Contact information for counseling services, confidential resources, and the Employee Assistance Program is provided in Appendix A: Campus Safety & Compliance Contact Information.
6. **Report the Incident.** Individuals may report incidents to local law enforcement, the university, both, or neither.

Reports to law enforcement may be made by contacting the Vallejo Police Department or the law enforcement agency with jurisdiction over the location where the incident occurred.

Reports to the university may be made to the Title IX Coordinator, the Vice Provost & Dean of Student Affairs, the Associate Dean of Student Affairs & Clery Contact, Public Safety, or other university officials identified in this report. Contact information for reporting officials and resources is provided in Appendix A: Campus Safety & Compliance Contact Information.

Reporting an incident to the university is separate from reporting a crime to law enforcement. Likewise, reporting a crime does not require a survivor to participate in criminal prosecution. Survivors may elect to pursue university processes, criminal processes, both, or neither.

How to be an Active Bystander

Bystanders play an important role in the prevention of sexual assault, dating violence, domestic violence, and stalking. A bystander is an individual who observes concerning behavior or a situation that may place another person at risk. Bystanders are often in a position to help prevent harm by recognizing warning signs and taking safe, appropriate action.

Bystander intervention involves safe and positive actions that may be taken to prevent harm or intervene when there is a risk of sexual assault, dating violence, domestic violence, stalking, or other threatening behavior. Effective intervention includes recognizing situations that may lead to violence, evaluating options for responding safely, and taking action when it is safe to do so.

Touro University California promotes a culture of mutual respect, shared responsibility, and community accountability. Members of the university community are encouraged to look out for one another and take appropriate action when they observe behavior that may place someone at risk.

Examples of active bystander intervention include:

1. **Check in with others.** If someone appears uncomfortable, distressed, impaired, or in need of assistance, ask if they are okay and offer support.
2. **Interrupt concerning behavior.** If you observe someone attempting to isolate, pressure, harass, or take advantage of another person, intervene when it is safe to do so.
3. **Speak up.** Challenge comments, jokes, or behaviors that normalize violence, harassment, discrimination, or exploitation.
4. **Create a distraction.** Interrupt a potentially harmful situation by redirecting attention, changing the subject, inviting someone to leave with you, or otherwise disrupting the interaction.
5. **Seek assistance.** Contact Public Safety, event organizers, faculty, staff, or other appropriate authorities when intervention requires additional support.

6. **Support the affected individual.** Offer assistance, listen without judgment, and help connect the individual with available resources.

Individuals should never place themselves in danger when attempting to intervene. If there is an immediate threat to personal safety or the safety of others, contact emergency services by calling 911, contacting Public Safety, or utilizing a campus emergency phone.

Additional information regarding bystander intervention, prevention education, and support resources is available through Student Counseling Services, the Title IX Coordinator, and the resources identified in Appendix A: Campus Safety & Compliance Contact Information.

Risk Reduction

Touro University California is committed to promoting a safe campus environment. While recognizing that responsibility for sexual assault, dating violence, domestic violence, stalking, and other forms of misconduct rests solely with those who commit such acts, the following suggestions may help individuals reduce risk and increase personal safety. These recommendations are adapted from guidance provided by the Rape, Abuse, & Incest National Network (RAINN, www.rainn.org).

1. **Be aware of your surroundings.** Staying aware of your environment and the people around you may help you recognize and respond to potentially unsafe situations.
2. **Avoid isolated areas when possible.** Remaining in well-lit and populated areas may increase access to assistance if needed.
3. **Trust your instincts.** If a situation or person makes you feel uncomfortable or unsafe, remove yourself from the situation if possible and seek assistance.
4. **Stay connected.** Carry a charged cell phone and ensure you have access to transportation or a way to contact trusted friends, family members, or emergency services.
5. **Be mindful of distractions.** Avoid situations that significantly limit your awareness of your surroundings, particularly when walking alone.
6. **Attend social events with friends.** When attending gatherings, consider arriving together, checking in with one another throughout the event, and leaving together when possible.
7. **Monitor beverages.** Do not leave beverages unattended, and exercise caution when accepting drinks from others.
8. **Look out for one another.** If a friend appears unusually impaired, disoriented, distressed, or vulnerable, assist them in getting to a safe location and obtaining help if needed.
9. **Report concerns promptly.** If you observe suspicious behavior or believe someone may be in danger, contact local law enforcement, Public Safety, or emergency services immediately.
10. **Seek assistance if you believe you or someone else has been drugged.** Prompt medical evaluation and reporting may help preserve evidence and ensure appropriate care.

If you need to leave an uncomfortable or unsafe situation:

- Remember that you are never obligated to remain in a situation that makes you uncomfortable or fearful.
- Trust your judgment and prioritize your safety.
- Consider establishing a code word or phrase with friends or family members that can be used to communicate a need for assistance.
- Contact a trusted friend, family member, or other support person for help.
- Identify exits, safe locations, and available resources in advance when possible.

- Seek assistance from Public Safety, law enforcement, event organizers, faculty, staff, or other trusted individuals when needed.

Individuals who observe concerning behavior are encouraged to practice active bystander intervention when it is safe to do so and to seek assistance from Public Safety or emergency responders whenever intervention may place themselves or others at risk.

Reporting Sexual Misconduct and Gender-Based Violence

Touro University California encourages individuals who experience or become aware of sexual misconduct, sex- or gender-based harassment, sexual assault, dating violence, domestic violence, stalking, or retaliation to report the incident as soon as possible.

Reports may be made to the Title IX Coordinator, the Vice Provost & Dean of Student Affairs, the Associate Dean of Student Affairs & Clery Contact, Public Safety, or other appropriate university officials. Contact information for reporting officials and resources is provided in Appendix A: Campus Safety & Compliance Contact Information.

In response to a report, the university will provide information regarding available support resources, reporting options, supportive measures, and applicable university procedures. The university will take prompt and appropriate action to review, investigate, and respond to reported incidents in accordance with university policy and applicable law.

When reasonably available and appropriate, the university will assist affected students by implementing supportive measures designed to maintain or restore equal access to educational programs and activities. Such measures may include academic, transportation, work, scheduling, or other reasonable modifications regardless of whether a formal complaint is filed.

Reporting an incident may help protect the reporting individual and others in the university community. Reporting to the university does not require an individual to report to law enforcement, participate in a criminal investigation, or pursue criminal prosecution.

Individuals are encouraged to preserve information related to the incident, including notes, communications, photographs, electronic messages, social media communications, and other potentially relevant evidence. Preserving information may assist in a university investigation, criminal investigation, or other response processes.

Because of the sensitive nature of sexual assault, dating violence, domestic violence, and stalking, survivors may choose to make a confidential report through the reporting options described in the ***Voluntary Confidential Reporting*** section of this report, including the university's Anonymous Crime Report Form. Information regarding reporting options and resources is provided in Appendix A: Campus Safety & Compliance Contact Information.

The university is required to respond appropriately to reports and allegations of sexual misconduct, including sexual assault, dating violence, domestic violence, stalking, and sex- or gender-based harassment, and will take steps to stop prohibited conduct, prevent its recurrence, and address its effects when warranted.

Amnesty for Reporting Parties and Witnesses

The university's primary concern is the health and safety of its students and employees. Consistent with university policy, individuals who report sexual assault, domestic violence,

dating violence, stalking, or related misconduct, or who participate as witnesses in an investigation, generally will not be subject to disciplinary action for personal alcohol or drug use occurring at or near the time of the incident, unless the conduct was egregious or created a significant risk to the health or safety of others.

Advising, Resources, and Education

Individuals affected by sexual misconduct, sexual assault, dating violence, domestic violence, stalking, or other forms of sex- or gender-based harassment are encouraged to seek support and assistance, regardless of when the incident occurred or whether they choose to report it to the university or law enforcement.

Support services are available to students, employees, and, in many cases, family members and friends who may be affected by an incident. Counseling, advocacy, medical, and community resources can help individuals understand their options, address immediate needs, and support healing and recovery.

Students have access to confidential counseling services through the university. Employees may access confidential counseling services through the university's Employee Assistance Program (EAP). Information regarding counseling services, the Employee Assistance Program, community advocacy organizations, and other support resources is provided in Appendix A: Campus Safety & Compliance Contact Information.

Touro University California works closely with community partners, including SafeQuest Solano, to provide advocacy, education, prevention programming, and support services for survivors of sexual assault, dating violence, domestic violence, and stalking. SafeQuest Solano also offers community education programs, survivor advocacy services, and volunteer training opportunities. Additional information is available at <https://www.safequestsolano.org/>.

The university provides ongoing education, prevention programming, and informational resources related to sexual misconduct, healthy relationships, consent, bystander intervention, and violence prevention. Information regarding these resources is available through Public Safety, Student Health and Counseling Services, and the university's Campus Safety webpage at <https://tu.edu/campus-life/campus-safety/>.

Students and employees have the right to notify law enforcement of an incident or to decline notification. Upon request, university officials will assist individuals in contacting law enforcement agencies and accessing available support resources. Individuals may also seek confidential advocacy and support through community organizations identified in Appendix A: Campus Safety & Compliance Contact Information.

UNIVERSITY DISCIPLINARY PROCEDURES

Procedures for filing formal complaints with Touro University California concerning sexual misconduct are included in the University Catalog. Information regarding reports of sex- or gender-based harassment, sexual misconduct, domestic violence, dating violence, and stalking is also available in Appendix B: Grievance Procedure for Sex-Based Harassment and Appendix C: Grievance Procedure for Sex Discrimination Complaints. Student conduct matters are addressed through the Student Conduct Code contained in the University Catalog.

In the university disciplinary process, both the complainant and the respondent may choose to be accompanied by another person during the disciplinary proceedings. In addition, both the

complainant and the respondent are informed of the final determination of the disciplinary body and, when appropriate, any disciplinary action. Details of Touro University California procedures for responding to complaints of sexual misconduct can also be read in the University Catalog (link above) obtained from the offices of the Title IX Coordinator, the Vice Provost & Dean of Student Affairs, or the Associate Dean of Student Affairs & Clery Contact.

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

Introduction

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

Defining Sexual Assault, Domestic Violence, Dating Violence, and Stalking

- **Sexual Assault.** Sexual assault means an offense that meets the Clery Act and FBI Uniform Crime Reporting definitions for rape, fondling, incest, or statutory rape. For purposes of university policy and response, sexual assault may also include conduct prohibited by applicable Title IX, student conduct, employee conduct, or other university policies.
- **Domestic Violence.** Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim.
- **Dating Violence.** Dating violence means violence committed by a person who is or has been in a romantic or intimate relationship with the victim.
- **Stalking.** Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

VAWA Offenses as Defined by the State of California

The following summaries are provided for informational purposes and reflect the current applicable provisions of California law at the time of publication of this report. These summaries are not intended to replace the statutory language. The complete and current text of California statutes may be accessed through the California Legislative Information website at <https://leginfo.ca.gov/>.

Consent - California Penal Code § 261.6

Under California law, consent means positive cooperation in act or attitude pursuant to the exercise of free will. Consent requires that a person act freely and voluntarily and have knowledge of the nature of the act or transaction involved. The existence of a current or previous dating relationship, engagement, or marriage does not, by itself, constitute consent. Consent may be withdrawn at any time, and the absence of resistance does not necessarily constitute consent.

Click here for the complete statute: [Consent - California Penal Code § 261.6](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=261.6) or https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=261.6

Domestic Violence - California Penal Code § 243(e)(1)

California law recognizes domestic violence as abuse or violence committed against a current or former spouse, cohabitant, former cohabitant, person with whom the offender shares a child, current or former fiancé or fiancée, or a person with whom the offender currently has or previously had a dating or engagement relationship. Domestic violence may include physical violence, threats, intimidation, coercion, or other abusive conduct that causes physical harm or places another person in fear of harm.

Click here for the complete statute: [Domestic Violence - California Penal Code § 243\(e\)\(1\)](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=243) or https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=243

Dating Violence - California Penal Code § 243(e)(1)

California law includes violence committed within a dating relationship as a form of domestic violence. A dating relationship is generally characterized by frequent, intimate associations primarily marked by the expectation of affectional or sexual involvement independent of financial considerations. Dating violence may include physical abuse, threats, intimidation, stalking, sexual violence, emotional abuse, or other violent behavior occurring within such a relationship.

Click here for the complete statute: [Dating Violence - California Penal Code § 243\(e\)\(1\)](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=243) or https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=243

Stalking - California Penal Code § 646.9

Under California law, stalking occurs when a person willfully, maliciously, and repeatedly follows or harasses another person and makes a credible threat intended to place that individual, or the individual's immediate family, in reasonable fear for their safety. Stalking behavior may occur in person, through written communication, electronically, through social media, or by other means. A course of conduct that causes substantial fear and serves no legitimate purpose may constitute stalking.

Click here for the complete statute: [Stalking - California Penal Code § 646.9](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=646.9) or https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=646.9

Rape - California Penal Code § 261

California law defines rape as sexual intercourse occurring under circumstances in which a person does not legally or voluntarily consent. Rape may involve force, violence, duress, menace, threats, fear of immediate bodily injury, incapacity to consent due to disability, intoxication or drug impairment, unconsciousness, fraud, or other circumstances specified by law. A person may also be unable to provide legal consent because of mental or physical incapacity.

Click here for the complete statute: [Rape - California Penal Code § 261](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=261) or https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=261

Statutory Rape - California Penal Code § 261.5

California law refers to statutory rape as unlawful sexual intercourse with a person who is under 18 years of age and is not the spouse of the perpetrator. The law recognizes that a minor is legally incapable of consenting to sexual intercourse with an adult under certain circumstances, regardless of whether the minor voluntarily participated in the act. Criminal penalties vary depending on the ages of the individuals involved.

Click here for the complete statute: [Statutory Rape - California Penal Code § 261.5](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=261.5) or https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=261.5

Fondling (Sexual Battery) - California Penal Code § 243.4

California law defines sexual battery as the non-consensual touching of another person's intimate part for the purpose of sexual arousal, sexual gratification, or sexual abuse. Sexual battery may occur through direct physical contact or through clothing and may involve situations in which the victim is restrained, incapacitated, unconscious of the nature of the act, or otherwise unable to provide consent.

Click here for the complete statute: [Fondling \(Sexual Battery\) - California Penal Code § 243.4](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=243.4) or https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=243.4

Incest - California Penal Code § 285

California law prohibits marriage, sexual intercourse, or certain sexual conduct between persons related within degrees of consanguinity that are considered incestuous and void under state law. These prohibited relationships generally include close blood relatives as defined by California law.

Click here for the complete statute: [Incest - California Penal Code § 285](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=285) or https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=285

Reporting An Incident

Any student, employee, or visitor who experiences or becomes aware of sexual assault, domestic violence, dating violence, stalking, or other forms of sex- or gender-based misconduct is encouraged to report the incident as soon as possible.

Reports may be made to:

- Public Safety
- The Vice Provost & Dean of Student Affairs
- The Associate Dean of Student Affairs & Clery Contact
- The Title IX Coordinator
- Other appropriate university officials identified in Appendix A: Campus Safety & Compliance Contact Information

Individuals may also submit an anonymous report through the university's Anonymous Crime Report Form, which is available at: https://tuc.co1.qualtrics.com/jfe/form/SV_eA5yizZc4OcpRmS

Emergency Situations

In the event of an emergency or an ongoing threat to health or safety, individuals should move to a safe location and immediately call 911 (or 9911 from a university telephone) and/or contact

Public Safety. Individuals may also contact the law enforcement agency with jurisdiction over the location where the incident occurred.

Assistance with Law Enforcement Reporting

Public Safety and university officials will assist victims and reporting parties who wish to notify law enforcement authorities. Assistance may include helping individuals contact local law enforcement agencies, understanding available reporting options, and accessing campus and community resources.

Individuals are not required to report an incident to law enforcement in order to receive assistance, supportive measures, accommodations, or other services from Touro University California. Reporting to the university and reporting to law enforcement are separate processes. An individual may choose to pursue either, both, or neither option.

Campus Security Authority Reporting

Designated Campus Security Authorities (CSAs) who receive reports or disclosures of potential Clery Act crimes or other reportable incidents should submit a report using the university's Campus Security Authority (CSA) Reporting Form. The CSA Reporting Form is intended for use by designated CSAs in fulfilling their Clery Act reporting responsibilities and is separate from the Anonymous Crime Report Form available to students, employees, and visitors.

Campus Security Authority (CSA) Reporting Form:

https://tuc.co1.qualtrics.com/jfe/form/SV_08pECec8d5PKdsa

Information reported through the CSA Reporting Form assists the university in evaluating Clery Act reporting obligations, assessing the need for Timely Warnings or Emergency Notifications, and maintaining accurate crime statistics. Submission of a CSA report does not replace emergency reporting requirements. Emergencies and incidents presenting an immediate threat to health or safety should be reported directly to Public Safety without delay.

Written Notification of Rights and Options

Any student or employee who reports sexual assault, domestic violence, dating violence, or stalking, whether the incident occurred on or off campus, will receive a written explanation of their rights, reporting options, available support resources, and university procedures.

The written notification will include information regarding:

- Available counseling, medical, mental health, advocacy, legal, and other support services;
- Options for reporting to the university, law enforcement, both, or neither;
- Available supportive measures and accommodations;
- Available protective measures and protective orders;
- Procedures for university disciplinary proceedings, where applicable; and
- Additional information regarding victim rights under federal and California law.

Contact information for university and community resources is provided in Appendix A: Campus Safety & Compliance Contact Information.

Preservation of Evidence

Individuals who experience sexual assault, domestic violence, dating violence, or stalking are encouraged to preserve available evidence whenever possible. The preservation of evidence

may assist in a criminal investigation, university investigation, protective order proceeding, or other legal processes.

For incidents involving sexual assault, individuals should avoid bathing, showering, brushing their teeth, using the restroom, changing clothes, or otherwise altering physical evidence until medical care has been obtained, when feasible. Clothing or other items that may contain evidence should be preserved in paper bags whenever possible.

For incidents involving domestic violence or dating violence, evidence such as photographs of injuries, damaged property, threatening messages, or other relevant documentation may be helpful.

For incidents involving stalking, individuals are encouraged to preserve evidence of the behavior, including emails, text messages, social media communications, photographs, notes, voicemails, call logs, GPS records, screenshots, or other documentation of the conduct.

Additional guidance regarding evidence preservation is available through Public Safety, law enforcement agencies, medical providers, victim advocates, and the resources identified in Appendix A: Campus Safety & Compliance Contact Information.

On- and Off-Campus Victim Support Resources

Touro University California and community organizations provide a variety of support services for individuals affected by sexual assault, domestic violence, dating violence, stalking, and other forms of sex- or gender-based misconduct. These services include medical care, counseling, advocacy, crisis intervention, and assistance navigating reporting options and available resources.

A victim is not required to report an incident to law enforcement or the university to receive support services.

SafeQuest Solano provides confidential advocacy and support services for victims of sexual assault and domestic violence and may assist individuals in understanding available options and accessing resources. Information about SafeQuest Solano is available at:

<https://www.safequestsolano.org/>

Information regarding the following resources is provided in Appendix A: Campus Safety & Compliance Contact Information:

- Student Health Services
- Student Counseling Services
- 24/7 Student Counseling Resources
- Employee Assistance Program (EAP)
- SafeQuest Solano
- Kaiser Permanente Vallejo
- NorthBay Medical Center
- Community Violence Solutions
- National Sexual Assault Hotline
- National Domestic Violence Hotline
- Additional local, state, and national support resources

Accommodation for Affected Individuals

Whether or not a student or employee reports an incident to law enforcement or pursues a formal university complaint, Touro University California is committed to providing a safe learning and working environment for individuals affected by sexual assault, domestic violence, dating violence, stalking, and other forms of sex- or gender-based misconduct.

Individuals who report an incident will receive written notification regarding the availability of supportive measures and protective options. These may include, as appropriate and reasonably available:

- Academic adjustments
- Workplace modifications
- Transportation-related accommodation
- Protective measures
- No-contact directives
- Assistance accessing community resources
- Other individualized supportive measures designed to preserve or restore equal access to the university's educational programs and activities

Information regarding how to request supportive measures and accommodation is provided in Appendix A: Campus Safety & Compliance Contact Information.

Individuals who choose to report an incident to law enforcement may also seek restraining orders, protective orders, or similar legal remedies through the courts. The university will assist individuals in understanding available options and will make reasonable efforts to support implementation of applicable court-issued protective orders on university-controlled property.

The university may also issue an institutional no-contact directive or other appropriate protective measures when warranted to help promote safety and prevent further misconduct.

Victim Confidentiality

Touro University California recognizes the sensitive nature of reports involving sexual assault, domestic violence, dating violence, stalking, and other forms of sex- or gender-based misconduct and is committed to protecting the privacy of all individuals involved to the greatest extent possible.

Different university employees have different reporting obligations and varying abilities to maintain confidentiality. While the university will respect requests for privacy whenever possible, certain circumstances may require the university to investigate or take responsive action in order to maintain a safe and nondiscriminatory educational environment. Information regarding confidential and non-confidential reporting options is provided in the Campus Security Authority (CSA) Policy section of this report and in Appendix A: Campus Safety & Compliance Contact Information.

The university will not include identifying information about victims in Timely Warnings, Emergency Notifications, Daily Crime Logs, or other disclosures required by the Clery Act.

Reports made to university officials will be shared only with those individuals who have a legitimate need to know in order to assess, investigate, respond to, or resolve the reported

concern. The university will make reasonable efforts to limit the scope of information shared and will protect the privacy of all parties in accordance with applicable law and university policy. The university will maintain as confidential any supportive measures, accommodations, protective measures, or related services provided to a reporting party to the extent that maintaining such confidentiality does not impair the university's ability to provide or implement the measure.

Reports made to licensed medical providers, licensed mental health professionals, pastoral counselors, victim advocates, and other confidential resources generally will not be shared with university officials or third parties except as required by law or when necessary to address an imminent threat to health or safety.

Education Programs

Touro University California is committed to increasing awareness of and preventing sexual assault, domestic violence, dating violence, stalking, hazing, and other forms of prohibited conduct through ongoing education, prevention programming, and community engagement.

New students and employees receive prevention and awareness programming designed to promote healthy relationships, consent, bystander intervention, risk reduction, and awareness of university policies and procedures. These programs communicate the university's prohibition of sexual misconduct and provide information regarding reporting options, available resources, rights, and responsibilities.

The university utilizes educational programming provided through Vector Solutions and other educational initiatives to ensure that students and employees receive information regarding sexual misconduct prevention, dating and domestic violence, stalking, bystander intervention, and related topics.

In addition to new student and employee training, the university provides ongoing prevention and awareness campaigns throughout the academic year. These efforts may include electronic communications, workshops, presentations, educational materials, community partnerships, and other activities designed to reinforce safety awareness and foster a culture of respect, accountability, and prevention.

Additional information regarding university prevention and awareness efforts may be found in the Drug & Controlled Substance Policy (Appendix D), Appendix H: Stop Campus Hazing, and through the resources identified in Appendix A: Campus Safety & Compliance Contact Information.

Conduct Proceedings

Touro University California prohibits sexual assault, domestic violence, dating violence, stalking, hazing, and other forms of prohibited conduct. In addition to potential criminal investigation and prosecution, students, employees, and other affiliated individuals may be subject to disciplinary action under applicable university policies and procedures.

Possible sanctions and corrective actions include:

- Expulsion
- Termination of employment
- Suspension, with or without pay
- Removal from classes, clinical assignments, fieldwork, or rotations

- Probation
- Restrictions on participation in university programs or activities
- No-contact directives
- Limited access to university facilities
- Restitution
- Educational or developmental interventions
- Required training or counseling
- Written warnings
- Notation on academic records, where permitted
- Other appropriate sanctions, remedies, or protective measures

Student Conduct Processes

Reports involving students are addressed through the procedures established in the Touro University California Student Conduct Code, applicable Title IX policies, and other university policies and procedures. The university utilizes both informal and formal resolution processes, depending on the nature and severity of the allegations.

Additional information regarding reports involving sexual assault, domestic violence, dating violence, stalking, and sex- or gender-based harassment is available in Appendix B: Grievance Procedure for Sex-Based Harassment.

The Vice Provost & Dean of Student Affairs or designee is responsible for administering the informal resolution process for alleged violations of the Student Conduct Code and may refer matters to the formal resolution process when warranted. Formal conduct proceedings are conducted in accordance with the student conduct procedures published in the University Catalog, available here: https://tu.edu/media/schools-and-colleges/tuc/documents/TUC_Catalog.pdf.

The informal and formal processes are designed to provide students with a fair and equitable process when allegations of misconduct are being considered.

Employee Conduct Processes

Reports involving employees or other university affiliates are addressed through applicable university policies, including Title IX procedures, the Employee Handbook, the Faculty Handbook, and other relevant institutional policies.

Fair & Impartial Process

The university is committed to providing prompt, fair, and impartial investigations and resolution processes for reports of sexual assault, domestic violence, dating violence, stalking, hazing, and other forms of prohibited conduct, regardless of whether the conduct is alleged to have occurred on or off campus.

Individuals responsible for investigating, adjudicating, facilitating, or otherwise participating in conduct proceedings receive annual training relevant to their responsibilities and the types of cases they are assigned to address. Proceedings are conducted by individuals who are free from conflicts of interest and bias and who are trained to promote fairness, safety, accountability, and equitable treatment of all parties.

Proceedings are conducted in a manner that is consistent with applicable university policies and procedures and is transparent to the parties involved. The university provides timely notice of meetings and proceedings at which a complainant or respondent may be present and ensures

timely and equal access to information that will be used during informal and formal disciplinary meetings, hearings, and resolution processes, consistent with applicable law and university policy.

The university seeks to resolve reports within a reasonable timeframe. However, the time necessary to complete an investigation or proceeding may vary depending on the complexity of the allegations, witness availability, law enforcement involvement, academic schedules, or other factors. When appropriate, parties will be notified of delays and provided status updates.

Additional information regarding notice requirements, access to information, and other procedural rights is available in Appendix B: Grievance Procedure for Sex-Based Harassment and other applicable university policies.

Standard of Evidence

University determinations regarding responsibility for alleged policy violations involving sexual assault, domestic violence, dating violence, stalking, hazing, and related misconduct are made using the preponderance of the evidence standard. Under this standard, a determination is made based upon whether it is more likely than not that a policy violation occurred.

Advisors & Notice of Outcome

The complainant and respondent shall be afforded equal opportunities to participate in all applicable university disciplinary proceedings, including all related meetings. Both parties may be accompanied by an advisor of their choice, in accordance with university policy. Any restrictions regarding advisor participation apply equally to both parties.

The university will not limit the choice of advisor or presence of an advisor for either party. However, the university may establish reasonable restrictions regarding the extent to which advisors may participate in meetings or proceedings, provided that any such restrictions are applied equally to both parties and are consistent with applicable university policies and procedures.

Both parties will be provided with information regarding available appeal rights and procedures. Reports addressed through the university's sex-based harassment grievance process include at least one level of appeal. Appeals may be available for procedural irregularities, newly discovered evidence, conflicts of interest or bias, or other grounds identified in applicable university policies. Additional information regarding appeal procedures, appeal timelines, and the rights of the parties is provided in Appendix B: Grievance Procedure for Sex-Based Harassment and other applicable university policies.

Both parties will receive simultaneous written notification, as permitted by law, regarding:

- The outcome of the proceeding.
- Available appeal procedures.
- Applicable appeal deadlines.
- Any changes to the outcome before it becomes final.
- The date on which the outcome becomes final.

Disclosure of Results

Upon written request, Touro University California will disclose to the victim of a crime of violence or non-forcible sex offense the results of any disciplinary proceeding conducted by the university against a student or employee who is the alleged perpetrator of that offense. If the alleged victim is deceased as a result of the crime or offense, the victim's next of kin shall be treated as the victim for purposes of this disclosure.

Additional Information

Additional information regarding student conduct processes may be found in the Student Conduct Code contained in the University Student Catalog.

Additional information regarding employee disciplinary processes may be found in the Employee Handbook, Faculty Handbook, applicable Title IX procedures, and Appendix A: Campus Safety & Compliance Contact Information.

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

Emergency Management at Touro University California

Touro University California maintains an Emergency Preparedness Plan (EPP) that provides procedures and guidance for responding to a wide range of emergency situations, including medical emergencies, fires, hazardous material incidents, natural disasters, criminal acts, utility failures, and other events that may require an emergency response.

The Emergency Preparedness Plan is intended to serve as the university's primary resource for emergency preparedness, response, evacuation, shelter-in-place, and recovery activities. The plan includes evacuation procedures, designated assembly areas, emergency communication protocols, and guidance for a variety of emergency situations that may affect members of the university community.

Students and employees may access emergency preparedness information, including the Emergency Preparedness Plan, Emergency Preparedness Flip Chart, and Automated External Defibrillator (AED) location map, through the Environmental Health & Safety pages on the university intranet at: <https://touroc.sharepoint.com/sites/TUCEnvironmentalHealthandSafety>.

Information regarding emergency management contacts is provided in Appendix A: Campus Safety & Compliance Contact Information.

Building Coordinator Program

Touro University California maintains a Building Coordinator Program managed by Environmental Health & Safety to assist with emergency preparedness and response activities across campus. Building Coordinators serve as local points of contact within university facilities and assist with emergency procedures, including evacuations, shelter-in-place situations, lockdowns, and other emergency responses when appropriate.

Building Coordinators work collaboratively with Public Safety, Facilities, Environmental Health & Safety, and university leadership to support emergency preparedness efforts and help communicate emergency procedures to building occupants.

Building Coordinators and designated alternates receive training regarding university emergency procedures and assist with emergency drills, preparedness activities, and communication efforts designed to promote the safety of students, faculty, staff, and visitors.

Because Building Coordinators have significant responsibilities related to campus activities and safety, they are designated as Campus Security Authorities (CSAs) under the Clery Act and receive training regarding their associated reporting responsibilities.

Emergency Drills and Preparedness Activities

To ensure that the university's Emergency Preparedness Plan remains current and effective, Touro University California conducts emergency management exercises in each occupied building at least annually. These exercises may be announced or unannounced and may include evacuation drills, tabletop exercises, emergency operations exercises, or full-scale emergency response exercises.

The university documents emergency management exercises, including a description of the exercise, the date, time, and whether the exercise was announced or unannounced. Following each exercise, the university conducts an after-action review to evaluate the effectiveness of existing procedures and identify opportunities for improvement. TUC conducted two announced drills in 2025. Hard-copy drill documentation is maintained by Environmental Health & Safety in Wilderman Hall.

Touro University California participates in the Great ShakeOut Earthquake Drill and may conduct additional preparedness activities throughout the year to test emergency response capabilities and educate members of the campus community regarding appropriate emergency procedures.

In conjunction with at least one emergency management exercise each year, the university notifies the campus community of the exercise and reminds students, faculty, and staff of the emergency response and evacuation procedures contained within the university's Emergency Preparedness Plan and related emergency preparedness resources, including information regarding how those materials may be accessed.

Emergency Notification

Emergency Notifications differ from Timely Warnings. Timely Warnings are issued for certain Clery Act crimes that represent a serious or continuing threat to the campus community, while Emergency Notifications are issued in response to significant emergencies or dangerous situations involving an immediate threat to the health or safety of the campus community.

Touro University California is committed to communicating emergency information as quickly and accurately as possible in order to protect the health and safety of the campus community and support the continuity of university operations.

When a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, faculty, staff, or visitors is confirmed, the university will initiate its emergency notification procedures without delay, unless issuing a notification would, in the professional judgment of emergency responders, compromise efforts to assist a victim, contain the emergency, respond to the incident, or otherwise mitigate the situation.

Emergency Notification Systems

The university utilizes multiple methods to communicate emergency information to the campus community. Depending on the nature and scope of the incident, one or more of the following communication methods may be used:

- RAVE Emergency Notification System
- University email
- University webpages
- Public Safety personnel
- Verbal announcements

- Social media
- Other communication methods determined to be appropriate for the situation

Emergency notifications may be distributed to the entire campus community or to specific segments of the community, depending on the nature and location of the emergency.

Emergency preparedness information is available through the Environmental Health & Safety pages on the TUC intranet:

<https://touroc.sharepoint.com/sites/TUCEnvironmentalHealthandSafety>.

The Environmental Health & Safety page includes the university's Emergency Preparedness Plan (EPP), Emergency Preparedness Flip Chart, and Automated External Defibrillator (AED) location resources.

Confirming an Emergency and Authorizing Notifications

Public Safety and other university officials, including the Environmental Health & Safety Officer, may become aware of emergency situations through direct observation, reports from community members, emergency responders, or other sources.

Once a significant emergency or dangerous situation has been confirmed, the Environmental Health & Safety Officer, Director of Public Safety, or Chief Executive Officer & Vice President, in consultation with appropriate university officials and emergency responders, will determine:

- The nature and scope of the emergency
- The appropriate segment or segments of the campus community to be notified
- The content of the notification
- The method or methods of communication to be used

These officials are authorized to initiate emergency notifications on behalf of the university.

Determining the Content of Emergency Notifications

The university maintains pre-developed emergency notification templates for a variety of emergency situations. When appropriate, these templates may be modified to reflect the specific circumstances of an incident. When no template is applicable, an emergency notification will be developed using the information available at the time.

Emergency notifications are intended to provide timely information regarding:

- The nature of the emergency
- The affected area or population
- Protective actions that should be taken
- Available sources of additional information

Dissemination of Emergency Information

The university may use all available communication resources to distribute emergency information and updates. In addition to emergency notifications, the university may provide follow-up information, status updates, protective action recommendations, and recovery information as conditions change.

The Office of Advancement is responsible for coordinating external communications with the media and the broader public during major emergencies or crisis situations.

Enrollment in the RAVE Emergency Notification System

All students, faculty, and staff are automatically enrolled in the university's RAVE Emergency Notification System. Members of the campus community are encouraged to maintain current contact information and add multiple notification methods whenever possible.

Users may review and update their contact information through the RAVE system at:

<https://www.getrave.com/login/tu>.

SECURITY OF AND ACCESS TO UNIVERSITY FACILITIES

University facilities are accessible to authorized students, faculty, staff, and visitors based on operational needs and university schedules. Administrative and academic buildings are generally accessible during normal business and instructional hours through university-controlled access systems. Access to individual classrooms, laboratories, offices, and other restricted areas is limited to authorized individuals.

Academic buildings may be accessible during evenings, weekends, and other times as required for academic, research, operational, or university-sponsored activities. Access outside of regularly scheduled hours may require special authorization.

Certain university-sponsored programs, community events, and cultural activities may be open to the public. Access to facilities for these events is managed in accordance with university procedures and event requirements.

Security Considerations Used in the Maintenance of Campus Facilities

Touro University California is committed to maintaining campus facilities in a manner that supports the safety and security of students, faculty, staff, and visitors. Factors considered in the maintenance of campus facilities include lighting, landscaping, building access systems, visibility, and other environmental design features intended to promote a safe campus environment.

Public Safety, Facilities, Environmental Health & Safety, and other university departments routinely evaluate campus conditions and identify opportunities to enhance safety and security. Landscaping is maintained to help preserve visibility around walkways, building entrances, parking areas, and other frequently used locations. Exterior lighting is inspected regularly, and maintenance concerns are addressed as promptly as practicable.

Members of the university community are encouraged to promptly report safety or security concerns, including issues involving lighting, doors, locks, emergency phones, access control systems, pathways, or landscaping. Information regarding reporting options is available in Appendix A: Campus Safety & Compliance Contact Information.

Student Housing

Touro University California does not own, operate, control, or maintain student housing facilities.

SAFETY AWARENESS PROGRAMS AND PUBLIC SAFETY POLICIES

Touro University California promotes campus safety through ongoing education, awareness initiatives, prevention programming, and communication efforts designed to encourage personal responsibility, informed decision-making, and community engagement.

Students receive information regarding campus safety, security procedures, reporting options, emergency preparedness, and available resources during orientation and throughout the academic year. Employees receive similar information through onboarding and ongoing university communications.

All incoming students are required to complete educational programming through Vector Solutions, including training related to Title IX rights and protections, sexual misconduct prevention, healthy relationships, bystander intervention, and other safety-related topics. Additional educational modules may be assigned or made available throughout the academic year.

The university provides ongoing prevention and awareness campaigns through electronic communications, educational materials, presentations, workshops, and other programs designed to strengthen awareness of safety resources and reporting options. Additional information regarding alcohol and drug prevention programs may be found in the Drug & Controlled Substance Policy (Appendix D).

DAILY CRIME LOG

Public Safety maintains a Daily Crime Log documenting crimes and other significant incidents reported to or otherwise brought to the attention of Public Safety.

The Daily Crime Log is available for public inspection during normal business hours in the Facilities Department, G-59, located in the basement of Wilderman Hall, 310 Moore Street, Vallejo, California.



The log identifies the nature, date, time, and general location of each reported incident, as well as the disposition of the complaint, if known.

The most recent 60 days of Daily Crime Log information are available for immediate review. Copies of records older than 60 days will be made available within two business days of a request.

REGISTERED SEX OFFENDERS

In accordance with the Campus Sex Crimes Prevention Act and applicable California law, information regarding registered sex offenders is available through the California Megan's Law website: <http://www.meganslaw.ca.gov/>

Additional information regarding registered sex offenders may be obtained through local law enforcement agencies.

ALCOHOL AND OTHER DRUGS POLICY

Touro University California is committed to maintaining a safe, healthy, and drug-free learning and working environment. In accordance with the Federal Drug-Free Workplace Act of 1988 and the California Drug-Free Workplace Act of 1990, the university prohibits the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances in the workplace, on university property, or as part of any university-sponsored activity.

No alcoholic beverages or controlled substances, including cannabis, may be manufactured, consumed, or distributed by students in any university facility or at any clinical or healthcare site affiliated with Touro University California, except as permitted by law and university policy.

Any student or employee whose use of alcohol, controlled substances, cannabis, prescription medications, or over-the-counter medications impairs their ability to perform academic, clinical, professional, or employment responsibilities safely and effectively may be subject to disciplinary action.

Students who attend classes, laboratories, clinical experiences, rotations, or other university-affiliated activities while under the influence of alcohol or controlled substances may be subject to immediate review under applicable university policies and may face sanctions up to and including suspension or expulsion.

Students convicted of a criminal drug violation must notify the university within five (5) days of the conviction. The university may report such convictions to appropriate agencies and may impose disciplinary sanctions and/or require participation in a drug abuse assistance or rehabilitation program, as permitted by law and university policy.

Students and employees who are using prescription or over-the-counter medications that may impair their ability to safely perform their responsibilities are expected to notify the appropriate university office in accordance with university policy.

The university encourages students and employees experiencing alcohol or drug dependency to seek evaluation, counseling, treatment, and rehabilitation services. When appropriate, the university may provide reasonable accommodations consistent with applicable laws and university policies. However, participation in treatment does not exempt an individual from compliance with university standards or applicable disciplinary processes.

New students receive alcohol and drug awareness and prevention education through university orientation and educational programming, including training offered through Vector Solutions.

Additional information regarding standards of conduct, legal sanctions, health risks, drug screening requirements, rehabilitation opportunities, and university disciplinary procedures is available in Appendix D: Controlled Substance Policy and Appendix G: Laws Relating to Drug Violations.

Drug and Alcohol Addiction Recovery Resources

Students and employees seeking assistance with alcohol or substance use concerns are encouraged to utilize available university and community resources. Contact information for

counseling services, employee assistance resources, treatment programs, and community-based recovery services is provided in Appendix A: Campus Safety & Compliance Contact Information.

The university supports individuals who voluntarily seek assistance and encourages early intervention when concerns related to alcohol or substance use arise.

ANNUAL DISCLOSURE OF CRIME STATISTICS

The Jeanne Clery Campus Safety Act (Clery Act) requires colleges and universities participating in federal student aid programs to collect, classify, and disclose information regarding crime statistics and campus safety policies.

Touro University California publishes crime statistics annually in this Annual Security Report (ASR) and submits required crime data to the U.S. Department of Education. The ASR includes statistics for the three most recent calendar years. Crime statistics are compiled from reports received by Public Safety, Campus Security Authorities (CSAs), local law enforcement agencies, and other sources required by the Clery Act.

Because Touro University California does not own, operate, or maintain on-campus student housing facilities, the university is not required to publish an Annual Fire Safety Report or maintain fire statistics.

Crime statistics are compiled and reported in accordance with the definitions and reporting requirements established by the Clery Act and the Federal Bureau of Investigation's Uniform Crime Reporting (UCR) Program. The compilation, review, and publication of Clery Act crime statistics are coordinated through the Associate Dean of Student Affairs & Clery Contact in collaboration with the Clery Act Compliance Committee.

Reportable Crime Categories

The Clery Act requires institutions to report statistics in the following categories:

Criminal Offenses

- Criminal Homicide
 - Murder and Non-Negligent Manslaughter
 - Manslaughter by Negligence
- Sexual Assault
 - Rape
 - Fondling
 - Incest
 - Statutory Rape
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson

Violence Against Women Act (VAWA) Offenses

- Domestic Violence
- Dating Violence
- Stalking

Definitions of these offenses under California law are provided in the section "VAWA Offenses as Defined by California Law."

Hate Crimes

A Hate Crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the offender's bias against the victim's actual or perceived:

- Race
- Religion
- Sexual Orientation
- Gender
- Gender Identity
- Ethnicity
- National Origin
- Disability

In addition to the criminal offenses listed above, the Clery Act requires the reporting of the following offenses when motivated by bias:

- Larceny/Theft
- Simple Assault
- Intimidation
- Destruction, Damage, or Vandalism of Property

Crime Classification

All crime statistics included in this report are classified using Clery Act reporting standards and applicable federal guidance. Crime classifications are determined based on the information known at the time the report is made and are independently evaluated for Clery reporting purposes. Criminal prosecution, arrest, or adjudication is not required in order for an incident to be included in Clery statistics.

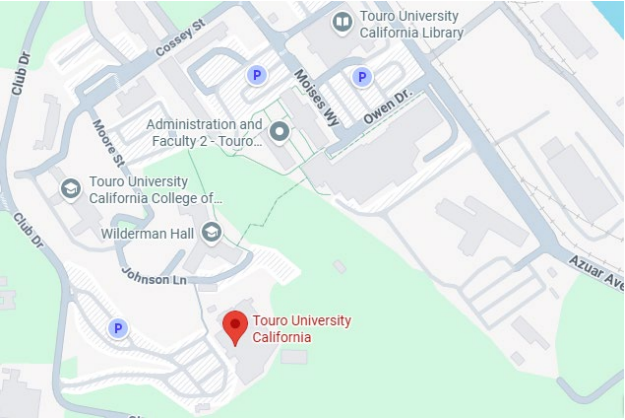
Clery Geography

The Clery Act requires colleges and universities to collect and report crime statistics for specific geographic areas owned, controlled, or utilized by the institution. The crime statistics contained in this report include incidents occurring within the following Clery-reportable locations.

Touro University California includes both on-campus and non-campus Clery-reportable locations. While crime statistics are collected and reported for all Clery-reportable locations in accordance with federal requirements, the university does not maintain a dedicated public safety or security presence at its non-campus locations.

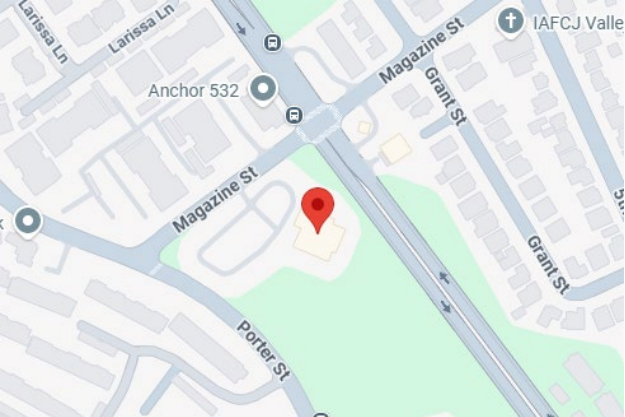
On-Campus Property

Touro University California Main Campus
1310 Club Dr, Vallejo, CA 94592 (Mare Island)

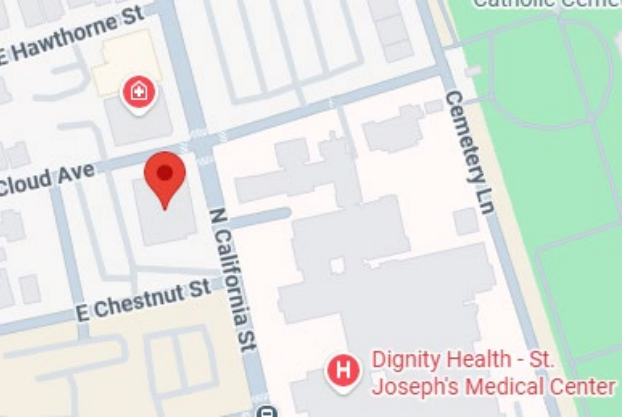


Non-Campus Properties

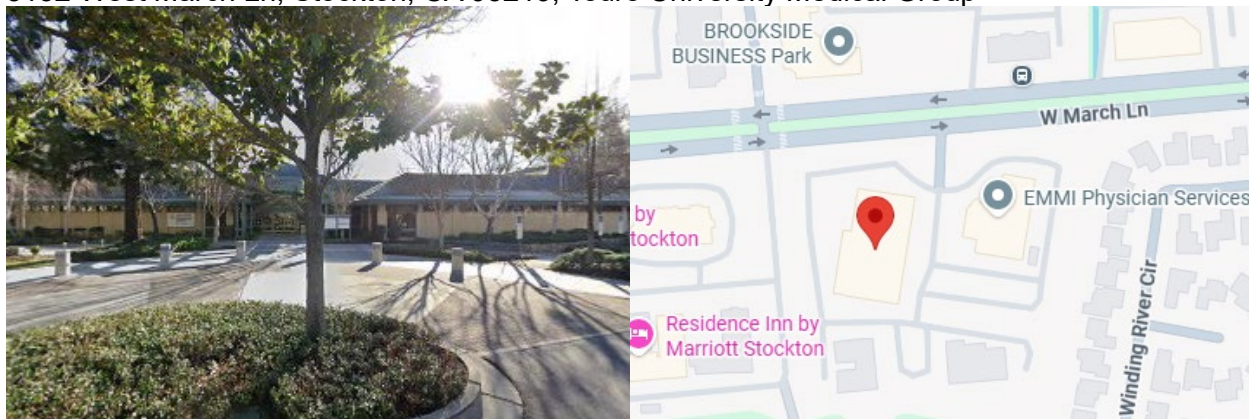
545 Magazine St, Vallejo, CA 94590, Student-Run Free Clinic



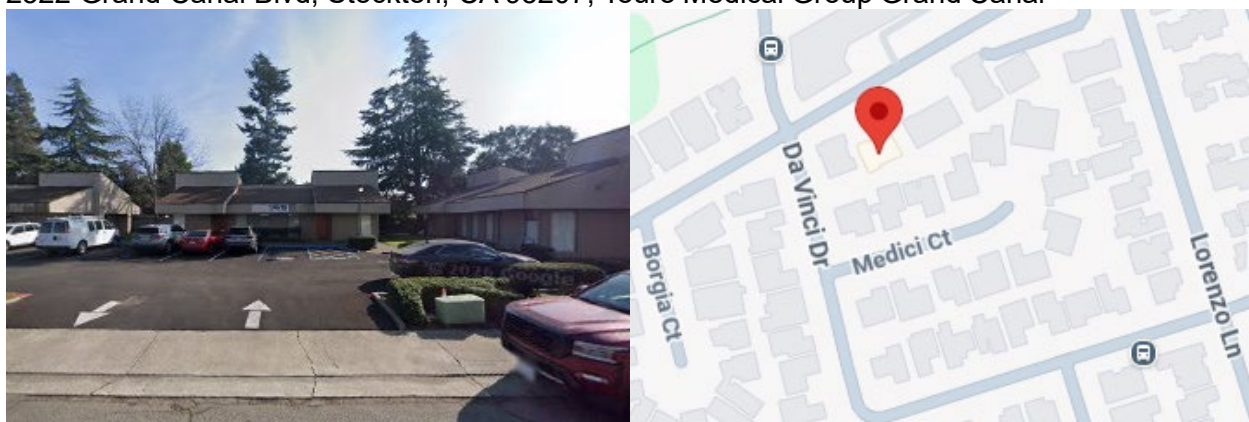
1805 N. California St, Stockton, CA 95219, Touro University Medical Group



3132 West March Ln, Stockton, CA 95219, Touro University Medical Group



2522 Grand Canal Blvd, Stockton, CA 95207, Touro Medical Group Grand Canal



14850 Roscoe Blvd, Panorama City, CA 91402, TUC PA Program in Los Angeles



Crime Statistics

The following table presents Clery Act crime statistics for the three most recent calendar years for incidents reported to Public Safety, Campus Security Authorities (CSAs), and local law enforcement agencies, when applicable. Statistics are reported in accordance with the Jeanne Clery Campus Safety Act and are organized by Clery-reportable geography, including On-Campus Property, Non-Campus Property, and Public Property.

The crime statistics presented below are organized by Clery-reportable geography. On-Campus Property includes the university's main campus locations. Non-Campus Property includes university-owned or controlled locations that support educational purposes but are not part of the main campus. Public Property includes public streets, sidewalks, and other public areas immediately adjacent to and accessible from Clery-reportable campus property, as defined by the Clery Act.

The statistics reflect reported incidents that occurred within Clery-reportable locations and met applicable federal reporting definitions and requirements. Inclusion of an incident in these statistics does not indicate that a criminal investigation resulted in arrest, prosecution, disciplinary action, or a finding of responsibility.

Where no incidents were reported for a particular crime category during the reporting period, a value of zero (0) is displayed. As permitted by the Clery Act, a reported crime may be classified as unfounded only when sworn or commissioned law enforcement personnel make a formal determination that the report is false or baseless.

Table 1: Annual Crime Statistics

Criminal Offenses	Year	On Campus	Non-Campus Property	Public Property
Criminal Homicide: Murder and Non-Negligent Manslaughter	2025	0	0	0
	2024	0	0	0
	2023	0	0	0
Criminal Homicide: Manslaughter by Negligence	2025	0	0	0
	2024	0	0	0
	2023	0	0	0
Sexual Assault: Rape	2025	0	0	0
	2024	0	0	0
	2023	0	0	0
Sexual Assault: Fondling	2025	0	0	0
	2024	0	0	0
	2023	0	0	0
Sexual Assault: Incest	2025	0	0	0
	2024	0	0	0
	2023	0	0	0
Sexual Assault: Statutory Rape	2025	0	0	0
	2024	0	0	0
	2023	0	0	0
Other Criminal Offenses: Robbery	2025	0	0	0
	2024	0	0	0
	2023	0	0	0
Other Criminal Offenses: Aggravated Assault	2025	0	0	0
	2024	0	0	0
	2023	0	0	0

Criminal Offenses	Year	On Campus	Non-Campus Property	Public Property
Other Criminal Offenses: Burglary	2025	8	0	0
	2024	11	1	0
	2023	7	0	0
Other Criminal Offenses: Motor Vehicle Theft	2025	0	0	0
	2024	0	1	0
	2023	0	0	0
Other Criminal Offenses: Arson	2025	0	0	0
	2024	0	0	0
	2023	0	0	0
Violence Against Women Act (VAWA) Offenses	Year	On Campus	Non-Campus Property	Public Property
Dating Violence	2025	0	0	0
	2024	0	0	0
	2023	0	0	0
Domestic Violence	2025	0	0	0
	2024	0	0	0
	2023	0	0	0
Stalking	2025	0	0	0
	2024	0	0	0
	2023	0	0	0
Arrests	Year	On Campus	Non-Campus Property	Public Property
Liquor Law Violations	2025	0	0	0
	2024	0	0	0
	2023	0	0	0
Drug Law Violations	2025	0	0	0
	2024	0	0	0
	2023	0	0	0
Illegal Weapons Possession	2025	0	1	0
	2024	0	0	0
	2023	0	0	0
Disciplinary Referrals	Year	On Campus	Non-Campus Property	Public Property
Liquor Law Violations	2025	0	0	0
	2024	0	0	0
	2023	0	0	0
Drug Law Violations	2025	0	0	0
	2024	0	0	0
	2023	0	0	0

Disciplinary Referrals	Year	On Campus	Non-Campus Property	Public Property
Illegal Weapons Possession	2025	0	0	0
	2024	0	0	0
	2023	0	0	0
Hate Crimes	Year	On Campus	Non-Campus Property	Public Property
Race, Religion, Sexual Orientation, Gender, Gender Identity, Ethnicity, National Origin, or Disability	2025	0	0	0
	2024	0	0	0
	2023	0	0	0
Hazing Incidents	Year	On Campus	Non-Campus Property	Public Property
Murder, Non-Negligent or Negligent Manslaughter, Sex offenses, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, or Arson	2025	0	0	0
	2024	n/a	n/a	n/a
	2023	n/a	n/a	n/a
Unfounded Crimes	Year	On Campus	Non-Campus Property	Public Property
A reported crime may be classified as unfounded only if sworn or commissioned law enforcement personnel make a formal determination that the report is false or baseless	2025	0	0	0
	2024	0	0	0
	2023	0	0	0

Additional Information

This Annual Security Report is intended to provide members of the Touro University California community with information regarding campus safety, security policies, prevention programs, reporting options, emergency procedures, and Clery Act crime statistics. The university encourages all students, faculty, staff, and visitors to remain informed, participate in campus safety programs, and promptly report concerns affecting the health, safety, and well-being of the university community.

The following appendices contain additional policies, procedures, contact information, and resources referenced throughout this report. Readers are encouraged to review these materials for more detailed information regarding university programs, reporting processes, rights, responsibilities, and available support services.

APPENDIX A:

CAMPUS SAFETY & COMPLIANCE CONTACT INFORMATION

Emergency Assistance Services

Emergency (Police, Fire, Ambulance) 911 (Dial 9911 from any university telephone)
Vallejo Police Department – Emergency (707) 552-3285
Vallejo Police Department – Non-Emergency (707) 648-4321
Note: Calling 911 from a cellular telephone may initially connect to the California Highway Patrol before being routed to local emergency services.

Touro University California Main Campus Public Safety & Facilities

Public Safety – Emergency (707) 638-5804
Public Safety – Non-Emergency / 24-Hour On-Call Services (707) 551-6034
Public Safety Website <https://tu.edu/campus-life/campus-safety/>
Facilities Operations & Management (707) 638-5800
Business Hours:
 Monday-Thursday: 8:00 a.m. – 5:00 p.m.
 Friday: 8:00 a.m. – 3:00 p.m.

Touro University California PA Los Angeles Public Safety

Emergency (Police, Fire, Ambulance) 911
Los Angeles Police Department – Non-Emergency (877) ASK-LAPD / (877) 275-5273
TUC Public Safety – Emergency (707) 638-5804
TUC Public Safety – Non-Emergency / 24-Hour On-Call Services (707) 551-6034
TUC Public Safety Website <https://tu.edu/campus-life/campus-safety/>
Mission Community Hospital — MCH Operator to Security – Non-Emergency (818) 787-2222

University Reporting & Compliance Resources

Dr. Tami Hendriks (707) 638-5910
Campus Provost & Dean, College of Osteopathic Medicine thendrik@touro.edu

Mr. Newman Hoffman (707) 638-5840
Chief Executive Officer & Vice President newman.hoffman@touro.edu

Dr. Steven Jacobson (707) 638-5226
Vice Provost & Dean of Student Affairs sjacobso10@touro.edu

Dr. Helen Frasier (707) 638-5207
Associate Dean of Student Affairs & Clery Contact hfrasier@touro.edu

Mr. Zachary Shapiro (707) 638-5459
Title IX Coordinator & Compliance Officer zshapiro@touro.edu
Campus Compliance Hotline Phone: (646) 565-6000 ext. 55330

Brando Cruz (707) 638-5526
Director of Public Safety bcruz8@touro.edu

Clery Act Compliance Committee

Co-Chaired by Dr. Tami Hendriksz, Campus Provost & Dean, College of Osteopathic Medicine
Co-Chaired by Mr. Newman Hoffman, Chief Executive Officer & Vice President
Coordinated through Dr. Helen Frasier, Associate Dean of Student Affairs & Clery Contact

Crime & Incident Reporting

Anonymous Crime Report Form – For students, employees, visitors, victims, witnesses, and third partieshttps://tuc.co1.qualtrics.com/jfe/form/SV_eA5yizZc4OcpRmS

Campus Security Authority (CSA) Reporting Form – For designated Campus Security Authorities reporting incidents disclosed to them in their official capacity
.....https://tuc.co1.qualtrics.com/jfe/form/SV_08pECec8d5PKdsa

Emergency Notification Resources

RAVE Emergency Notification System<https://www.getrave.com/login/tu>
Students, faculty, and staff may review and update contact information through the RAVE Emergency Notification System

California Megan's Law Website<http://www.meganslaw.ca.gov/>
Information regarding registered sex offenders is available through the California Megan's Law website

Student Health & Counseling Resources

Student Counseling Services Main Line (707) 638-5292
24/7 Student Mental Health Hotline (707) 638-5292, Option 3
National Suicide Prevention Lifeline (24/7) (800) 237-TALK (8255)
Campus Location 89 Cossey Street (Building 89)
Student Health Services Main Line (707) 638-5220
24/7 TimelyCare Healthcare (833) 4-TIMELY / (833) 484-6959
TimelyCare Website<https://timelycare.com/tuc>
SHCS Emailtuc.studenthealth@touro.edu

Employee Assistance Program (EAP)

Employee Assistance Program (EAP) Phone: (866) 799-2728
Health Advocate EAP Website:<http://www.HealthAdvocate.com/touro>

Confidential Resources

Rabbi Elchonon Tenenbaum (707) 638-5507
University Rabbi & Director of Jewish Liferabbi@tu.edu

SafeQuest Solano – Sexual Assault & Domestic Violence Advocacy and Support
24-Hour Crisis Hotline (866) 487-7233
Main Office (707) 422-7345
Address 1261 Travis Blvd, Suite 260, Fairfield, CA 94533
Website<https://www.safequestsolano.org/>

Medical Resources

Kaiser Permanente Vallejo Medical Center (707) 651-1000
Address..... 975 Sereno Dr, Vallejo, CA 94589
Sexual Assault Response Team (SART) services available

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

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

Urgent Care Resources

La Clínica North Vallejo (707) 641-1900
Address..... 220 Hospital Dr, Vallejo, CA 94589

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

Kaiser Permanente Vallejo Medical Center (Members) (707) 651-1025
Address..... 975 Sereno Dr, Vallejo, CA 94589

Community Victim Advocacy Resources

Community Violence Solutions, Rape Crisis Hotline..... (707) 644-7273
Resource Directory https://www.solanocounty.com/depts/fvp/community_resources.asp

National Sexual Assault Hotline (800) 656-4673

National Domestic Violence Hotline (800) 799-SAFE / (800) 799-7233

Alcohol & Drug Recovery Resources

Solano County Substance Use Services (707) 425-1038
Website..... https://www.solanocounty.com/depts/bh/substance_use_disorders.asp

Solano County Substance Abuse Resources Website
..... https://www.partnershiphp.org/Community/Documents/Solano/Solano_SubstanceUse.pdf

California Department of Health Care Services Substance Use Disorder Resources Website
..... <https://www.dhcs.ca.gov/provgovpart/Pages/sud-directories.aspx>

SAMHSA National Helpline (800) 662-HELP / (800) 662-4357

Kaiser Permanente Substance Abuse Services (Members) Main Line (707) 651-1000
Outpatient Services..... (707) 645-2700
Website..... <http://www.kaiserpermanente.org>

Cope Family Center Website <http://www.copefamilycenter.org>

APPENDIX B:

GRIEVANCE PROCEDURE FOR SEX-BASED HARASSMENT

Effective August 1, 2024

The below is Touro University's revised Title IX grievance procedure for sex-based harassment in accordance with the new regulations that go into effect August 1, 2024. To the extent that any state requirements are not provided for in the Federal policy at this time, please review Touro's pre-August 2024 sexual misconduct policy.

Touro University Worldwide is currently the subject of the pending injunction by a Kansas District court. *Kansas v. United States Department of Education*, No. 24-4041-JWB, 2024 U.S. Dist. WL 3273285 (D. Kan., July 2, 2024). Notwithstanding that fact, Touro University Worldwide is publishing this updated policy by the August 1, 2024 deadline.

1.0 Effective Date and Changes to Procedure Based on Court Rulings and Legal Challenges or Changes in Law or Regulation

This Grievance Procedure applies to incidents that occur on or after August 1, 2024. Any incidents reported under this Grievance Procedure that occurred on or before July 31, 2024, will be processed through the institution's former Title IX Grievance Policy.

Should any portion of the 2024 Title IX Final Rule (89 Fed. Reg. 33474 (Apr. 29, 2024)), be stayed or held invalid by a court of law, or if the 2024 Title IX Final Rule is withdrawn or modified to not require elements of this Grievance Procedure, the Grievance Procedures in their entirety, or the invalidated elements of this Procedure, they will be deemed revoked as of the publication date of the opinion or order from the Court 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 the date of the opinion or order publication by the Court. If this Procedure is revoked in this manner, any conduct covered under this Procedure shall be investigated and adjudicated under the previous 2020 Title IX Grievance Policy, Touro's Code of Conduct, and/or Touro's Sexual Misconduct Policy. Touro will update this Grievance Procedure as soon as practicable to reflect any court rulings or changes that invalidate parts of the Grievance Procedure, if applicable.

2.0 Scope of Procedure

Sex-Based Harassment is considered discrimination on the basis of sex if it includes harassment due to actual or perceived sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and/or gender identity.

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

3.0 Jurisdiction of Procedure

Touro University's Title IX Coordinator will determine if this Grievance Procedure applies to a Complaint. This Grievance Procedure will apply when the following elements are met, in the reasonable determination of the Title IX Coordinator:

- The conduct alleged occurred on or after August 1, 2024;
- The conduct alleged occurred in the United States;
- The conduct alleged occurred in Touro's Education Program or Activity; and
- The conduct alleged, if true, would constitute Sex-Based Harassment as defined in this Grievance Procedure.

Touro has an obligation to address a sex-based Hostile Environment under its Education Program or Activity, even when some conduct alleged to be contributing to the Hostile Environment occurred outside Touro's Education Program or Activity, or outside of the United States, if such conduct affects a Touro Education Program or Activity in the United States. Touro's Title IX Coordinator will work with all Complaints to assess such Complaints that may fall under these criteria, and direct to appropriate University Policies and Procedures that may apply if this Grievance Procedure does not. Touro will communicate all such decisions in writing to the Complainant. Any such dismissals shall be subject to appropriate appeal rights under this Grievance Procedure as outlined in the Dismissals section.

Conduct that occurs under Touro's Education Program or Activity includes but is not limited to conduct that occurs in a building owned or controlled by a Student organization that is officially recognized by Touro, and conduct that is subject to Touro's disciplinary authority under Touro's Code of Conduct.

If all elements of jurisdiction are met, Touro will investigate the allegations according to this Grievance Procedure as appropriate, unless informal resolution is pursued or there are grounds for dismissal of the Complaint.

4.0 *Non-Discrimination in Application*

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

5.0 *Definitions*

1. Admission means selection for part-time, full-time, special, associate, transfer, exchange, or any other enrollment, membership, or matriculation in or at an education program or activity operated by Touro University.
2. Consent means 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. Incapacitation 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. "Consent" and "affirmative consent" may be used interchangeably under this Grievance Procedure.

3. Complainant means:
 - a. A student or employee who is alleged to have been subjected to conduct that could constitute Sex-Based Harassment as defined in this Grievance Procedure and who was participating or attempting to participate in Touro's Education Program or Activity; or
 - b. A person other than a student or employee who is alleged to have been subjected to conduct that could constitute Sex-Based Harassment under this Grievance Procedure and who was participating or attempting to participate in Touro's Education Program or Activity at the time of the alleged Sex-Based Harassment.
4. Complaint means an oral or written request to Touro that objectively can be understood as a request for Touro to investigate and make a determination about alleged Sex-Based Harassment at the institution.
5. Disciplinary Sanctions means consequences imposed on a Respondent following a determination under this Grievance Procedure that the Respondent violated Touro's prohibition on Sex-Based Harassment. For students, faculty and staff, the existence of a progressive system of disciplinary sanctions measures does not preclude Touro University from levying a heavy sanction, without first resorting to a lesser sanction. By way of illustration and not exclusion, Touro University 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.
6. Education Program or Activity means any academic, extracurricular, research, occupational training or other Education Program or Activity operated by Touro that receives Federal financial assistance.
7. Party means Complainant or Respondent.
8. Peer Retaliation means Retaliation by a Student against another Student.
9. 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 Touro officials without permission, except for extreme circumstances, such as a health and/or safety emergency or child abuse. Touro offices and employees 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.
10. Relevant means related to the allegations of Sex-Based Harassment under investigation as part of this Grievance Procedure. Questions are Relevant when they seek evidence that may aid in showing whether the alleged Sex-Based Harassment occurred, and evidence is Relevant when it may aid a decisionmaker in determining whether the alleged Sex-Based Harassment occurred.
11. Remedies means measures provided, as appropriate, to a Complainant or any other person Touro identifies as having had their equal access to Touro's Education Program or Activity limited or denied by Sex-Based Harassment. These measures are provided to restore or preserve that person's access to Touro's Education Program or Activity after Touro determines that Sex-Based Harassment occurred.

12. Respondent means a person who is alleged to have violated Touro's prohibition on Sex-Based Harassment.
13. Retaliation means intimidation, threats, coercion, or discrimination by any person, by Touro, a Student, or an employee or other person authorized by Touro to provide aid, benefit, or service under Touro's Education Program or Activity, for the purpose of interfering with any right or privileged secured by Title IX, or because the person has reported information, made a Complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Grievance Procedure, including an informal resolution process.
14. Sex-Based Harassment means sexual harassment and other harassment on the basis of sex, including harassment because of gender identity, sexual orientation, sex characteristics, sex stereotypes, and/or pregnancy and other conditions, that is:
 - a. Quid pro quo harassment. An employee, agent or other person authorized by Touro's Education Program or Activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;
 - b. Hostile Environment harassment. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from Touro's Education Program or Activity (i.e., creates a Hostile Environment). Whether a Hostile Environment has been created is a fact-specific inquiry that includes consideration of the following: (i) the degree to which the conduct affected the Complainant's ability to access Touro's Education Program or Activity; (ii) the type, frequency, and duration of the conduct; (iii) the Parties' ages, roles within Touro's Education Program or Activity, previous interactions and other factors about each Party that may be Relevant to evaluating the effects of the conduct; (iv) the location of the conduct and the context in which the conduct occurred; and (v) other Sex-Based Harassment in Touro's Education Program or Activity;
 - c. Sexual Assault means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
 - d. Dating Violence means 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; and (iii) the frequency of interaction between the persons involved in the relationship.
 - e. Domestic Violence means any felony or misdemeanor crimes committed by a person who: (A) is a current or former partner of the victim under the family or Domestic Violence laws of the state in which your program is located, or a person similarly situated to a spouse of the victim; (B) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (C) shared a child in common with the victim; or (D) commits acts against a youth or adult victim who is protected from those acts under the family or Domestic Violence laws of the state in which your program is located; or
 - f. Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (A) fear for the person's safety or the safety of others; or (B) suffer substantial emotional distress.
15. Student means a person who has gained Admission.
16. Supportive Measures means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent, to: (1) restore or preserve that Party's access to Touro's Education Program or Activity, including measures that are designed to protect the safety of the Parties or Touro's educational environment; or (2) provide support

during Touro's Grievance Procedure for Sex-Based Harassment or during the informal resolution process.

6.0 Disability Accommodations

Generally, this Grievance Procedure does not alter any institutional obligations under applicable federal, state, and/or local disability laws, including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973, among others. Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point before or during the Title IX Grievance Procedure that do not fundamentally alter the Procedure. 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.

Requests for Reasonable Accommodations During the Title IX Grievance Procedure
If the Complainant or Respondent discloses a disability, the Title IX Coordinator or designee may consult, as appropriate, with the Office of Student Disability Services to provide support to Students with disabilities to determine how to comply with applicable law including, without limitation, Section 504 of the Rehabilitation Act of 1973 in the implementation of any Supportive Measures, or any other reasonable accommodations requested during the Grievance Procedure.

7.0 Basic Requirements of The Grievance Procedure

Touro University is required to:

- Treat Complainants and Respondents equitably;
- Ensure that any person designated by Touro as a Title IX Coordinator, investigator, or decisionmaker does not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent;
- Establish reasonably prompt timeframes for the major stages of this Grievance Procedure, including a process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the Parties that includes the reason for the delay;
- Ensure that reasonable steps to protect the privacy of the Parties and witnesses during the pendency of the Grievance Procedure are taken, provided that the steps do not restrict the abilities of the Parties to obtain and present evidence, including by speaking to witnesses (as long as such does not result in Retaliation), consult with their family members, confidential resources, or process support persons, or otherwise prepare for or participate in this Grievance Procedure (so long as all necessary FERPA Waivers have been executed on the Party's or witness's behalf);
- Ensure an objective evaluation of all evidence that is relevant and not otherwise impermissible under this procedure, including both inculpatory and exculpatory evidence, and provide that credibility determinations must not be based on a person's status as a Complainant, Respondent, or Witness;
- Exclude impermissible evidence from consideration as defined in the Grievance Procedure; and
- Clearly articulate principles for how Touro will determine which policies and procedures apply if not all such Complaints are handled under this institutional Grievance Procedure.

8.0 Reporting Sex-Based Harassment to the Institution

Non-Confidential Reports

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

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

Touro University and New York Medical College
Matthew Lieberman
3 Times Square, 11th Floor New York, NY 10036 Phone: (646) 565-6000 x55667
Email: matthew.lieberman@touro.edu

Touro University Nevada
Zachary Shapiro
874 American Pacific Dr Henderson, Nevada 89014 Phone: (707) 638-5459
Email: zachary.shapiro@tu.edu

Touro University California
Zachary Shapiro
Farragut Inn 107, Vallejo, California 94592
Phone: (707) 638-5459
Email: zachary.shapiro@tu.edu

Touro University Worldwide / Touro College Los Angeles
Zachary Shapiro
10601 Calle Lee, Suite 179 Los Alamitos, CA 90720 Phone: (707) 638-5459 Email:
zshapiro@touro.edu

Hebrew Theological College / Touro University Illinois
Rita Lipshitz
2606 W. Touhy Avenue Chicago, Illinois 60645 Phone: (773) 973-0241 x3109
Email: lipshitz@htc.edu

Touro College of Osteopathic Medicine, Montana
Jeanine Morgan
2801 18th Avenue S, Great Falls, MT 59405
(406) 401-8160
jmorgan12@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.

Confidential Reports

The following officials at Touro University will provide privacy, but not confidentiality, upon receiving a report of conduct prohibited by Title IX:

- Title IX Coordinator or designee(s);
- Officials with Authority to institute corrective measures under Title IX;
- All other employees at Touro that are not designated as confidential resources.

- Please note that Touro employees cannot guarantee confidentiality in any situation.

9.0 Supportive and Interim Measures

Providing Supportive Measures

Complainants who report allegations of Sex-Based Harassment have the right to receive Supportive Measures from Touro regardless of whether they file a Complaint. Supportive Measures are non-disciplinary and non-punitive. Supportive Measures may vary depending upon what is reasonably available at Touro.

As appropriate, Supportive Measures may include without limitation:

- Counseling services
- Extensions of deadlines or other course-related adjustments
- Modifications of work or class schedules
- Campus escort services, as available
- Restrictions on contact applied to one or more Parties (no contact orders)
- Changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative
- Leaves of absence
- Increased security and monitoring of certain areas of the campus
- Training and education programs related to Sex-Based Harassment

Supportive Measures must not unreasonably burden either Party and must be designed to protect the safety of the Parties or Touro's educational environment, or to provide support during Touro's Sex-Based Harassment grievance procedure under this policy or during informal resolution under this procedure.

Touro may modify or terminate Supportive Measures at the conclusion of the grievance procedure or at the conclusion of the informal resolution process, or may continue them beyond that point, within Touro's discretion.

Touro may disclose information about any Supportive Measures provided to either party, including informing one Party of Supportive Measures provided to another Party. These disclosures are at the sole and absolute discretion of the Title IX Coordinator, though the Parties can request that the supportive measures not be shared. Supportive measures may also be shared if necessary to provide the supportive measure or restore or preserve a Party's access to Touro's education program or activity.

Supportive measures may otherwise be disclosed to the extent that the Title IX Coordinator determines necessary.

- To carry out the purpose of the policy when it is necessary to address conduct that reasonably may constitute Sex-Based Harassment under Title IX in Touro's education program or activity;
- As required by Federal law, federal regulations, or the terms and conditions of a federal award; or
- To the extent such disclosures are not otherwise in conflict with Title IX, when required by State or local law or when permitted under the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. 1232g, or its implementing regulations, 34 CFR Part 99).

Process for Review of Supportive Measures

Touro provides for a Complainant or Respondent to seek modification or reversal of Touro's decision to provide, deny, modify or terminate a Supportive Measure provided to that party. Grounds for challenge of Supportive Measures include, but are not limited to:

- Whether a Supportive Measure is reasonably burdensome;
- Whether a Supportive Measure is reasonably available;
- Whether a Supportive Measure is being imposed for punitive or disciplinary reasons;
- Whether the Supportive Measure is being imposed without fee or charge; and
- Whether the Supportive Measure is effective in meeting the purposes for which it is intended, including to restore or preserve access to the Education Program or Activity, provide safety, or provide support during the Grievance Procedure.

This review will be conducted by an impartial employee of Touro, who did not make the challenged decision on the original supportive measure request. The impartial employee of Touro who makes this determination will have the authority to modify or reverse the decision if that impartial employee determines that the decision to provide, deny, modify or terminate the supportive measure was inconsistent with the procedures as outlined above for providing

Supportive Measures in accordance with the Title IX regulations.

Parties are only allowed to challenge their own individual Supportive Measures. Challenges by one Party will not be heard to Supportive Measures afforded to the opposite Party, unless that supportive measure directly impacts the Party making such challenge (i.e., two-way no contact orders).

Emergency Removal

Touro retains the authority to remove a Respondent from all or part of Touro's education program or activity on an emergency basis, where Touro (1) undertakes an individualized safety and risk analysis, and (2) determines that an imminent and serious threat to the health or safety of a Complainant or any Students, employees, or other persons arising from the allegations of Sex-Based Harassment justifies removal.

Touro will provide the Respondent with notice and an opportunity to challenge the decision immediately following the removal. The Respondent may file an appeal against the decision to remove. 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 emergency removal. Upon receipt of the appeal, the other party will receive notification of the appeal.

The decisionmaker who hears a challenge to an emergency removal must not be involved in any decision regarding responsibility or appeal of a determination.

Emergency removals will not be considered Relevant evidence that can be considered in reaching a determination of whether Sex-Based Harassment occurred.

Administrative Leave

Touro retains the authority to place a non-Student employee Respondent on administrative leave during the Title IX Grievance Procedures, consistent with the Employee or Faculty Handbook.

Note on student employees: when a Complainant or Respondent is both a student and an employee of Touro, Touro will make a fact-specific inquiry to determine whether these procedures apply to that Student employee. Touro will consider if the Complainant or

Respondent's primary relationship with Touro is to receive an education and whether the alleged Sex-Based Harassment occurred while the Party was performing employment-related work.

10.0 The Title IX Grievance Procedure for Allegations of Sex-Based Harassment

A. Filing a Complaint

WHO CAN MAKE A COMPLAINT?

- A Complainant (as defined in Section V(3) of this policy);
- An authorized legal representative with the legal right to act on behalf of a Complainant; or
- The Title IX Coordinator.

NOTE ON TITLE IX COORDINATOR INITIATED COMPLAINTS:

In the absence of a Complaint or the withdrawal of any or all of the allegations in a Complaint, and in the absence or termination of an informal resolution process, the Title IX Coordinator must determine whether to initiate a Complaint of Sex-Based Harassment. This determination is fact-specific, and the Title IX Coordinator must consider:

- The Complainant's request not to proceed with the initiation of a Complaint;
- The Complainant's reasonable safety concerns regarding initiation of a Complaint;
- The risk that additional acts of Sex-Based Harassment would occur if a Complaint is not initiated;
- The severity of the alleged Sex-Based Harassment, including whether the Sex- Based Harassment, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the Sex- Based Harassment and prevent its recurrence;
- The age and relationship of the Parties, including whether the Respondent is an employee of the recipient;
- The scope of the alleged Sex-Based Harassment, including information suggesting a pattern, ongoing Sex-Based Harassment, or Sex-Based Harassment alleged to have impacted multiple individuals;
- The availability of evidence to assist a decisionmaker in determining whether Sex-Based Harassment occurred; and
- Whether Touro could end the alleged Sex-Based Harassment and prevent its recurrence without initiating these grievance procedures.

If, after considering these and other Relevant factors, the Title IX Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the Complainant or other person, or that the conduct as alleged prevents Touro from ensuring equal access on the basis of sex to its education program or activity, the Title IX Coordinator may initiate a Complaint.

If the Title IX Coordinator does initiate the Complaint after making this determination, the Title IX Coordinator must notify the Complainant prior to doing so and appropriately address reasonable concerns about the Complainant's safety or the safety of others, including by providing Supportive Measures as listed in Section VI of these procedures.

IS THERE A PARTICULAR FORMAT THAT THE COMPLAINT NEEDS TO BE IN?

As defined in V(4) of these procedures, a Complaint can be an oral or written request to Touro that objectively can be understood as a request for Touro to investigate and make a determination about alleged Sex-Based Harassment at the institution.

Individuals who are looking to file a complaint are encouraged to fill out the following form and submit it to the Title IX Coordinator: Title IX and Sexual Misconduct Complaint Form

WHO CAN I REPORT A COMPLAINT TO?

Any reports of Sex-Based Harassment may be made directly to the Title IX Coordinator, whose contact information is listed at the beginning of this Grievance Procedure. There are also other ways in which a Party may report a Complaint.

Touro University requires that all employees notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination, including Sex-Based Harassment.

Note: If an employee has personally been subject to conduct that reasonably may constitute Sex-Based Harassment under Title IX or any institutional policy or this Grievance Procedure, these requirements do not apply to an employee reporting a personal Complaint.

WHAT IS THE TIMEFRAME FOR TOURO TO EVALUATE IF THE TITLE IX COORDINATOR IS INITIATING AN INVESTIGATION UNDER THIS GRIEVANCE PROCEDURE?

The Title IX Coordinator must evaluate whether the Complaint falls under this Grievance Procedure five (5) business days after the Complaint is made and must issue the Notice of Allegations as soon as practicable after the Complaint is evaluated. If there are any delays or

extensions, the Title IX Coordinator must appropriately notice the Parties in writing, on a case-by-case basis, with good cause and the rationale for the extension or delay.

CAN I MAKE A COMPLAINT AND REQUEST INITIATION OF THE GRIEVANCE PROCEDURE EVEN IF I HAVE MADE A COMPLAINT TO LAW ENFORCEMENT?

Yes. Touro University has an obligation to appropriately evaluate all Complaints, regardless of whether there is a concurrent Complaint before law enforcement. This process is an administrative process that is different from the criminal justice process.

B. Multi-Party Situations and Consolidation of Complaints

Touro University may consolidate Complaints alleging Sex-Based Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against the other Party, where the allegations of Sex-Based Harassment arise out of the same facts or circumstances. Complaints alleging a combination of Sex-Based Harassment and sex discrimination other than Sex-Based Harassment, if consolidated, will be addressed under this Grievance Procedure for Sex-Based Harassment Complaints.

Touro University can consider factors when making this fact-specific determination, which include, but are not limited to:

- The facts and circumstances of the particular Complaints when deciding whether to consolidate, including the toll of separate proceedings on the Parties; and
- Any risks to the fairness of the investigation or outcome.

C. Dismissal of a Complaint GROUNDS FOR DISMISSAL

Touro University may dismiss a Complaint of Sex-Based Harassment for any of the following reasons:

- Touro University is unable to identify the Respondent after taking reasonable steps to do so;
- The Respondent is not participating in Touro University's education program or
- activity and is not employed by Touro University;

- The Complainant voluntarily withdraws any or all of the allegations in the Complaint, the Title IX Coordinator declines to initiate a Complaint through this Grievance Procedure, and Touro University determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the Complaint, if any, would not constitute Sex-Based Harassment under Title IX or this Grievance Procedure even if proven; or
- Touro University determines that the conduct alleged in the Complaint, even if proven, would not constitute Sex-Based Harassment under Title IX or these procedures. Note: Touro University must make reasonable efforts to clarify the allegations with the Complainant before dismissing under this basis.

NOTICE OF DISMISSAL

If Touro University dismisses a Complaint, Touro University is required to promptly notify the Complainant of the basis for dismissal.

If the dismissal of the Complaint occurs before a Notice of Allegations is issued to the Respondent, the Title IX Coordinator does not need to notice the Respondent at that time. However, if the Complainant appeals the dismissal, the Respondent will need to be noticed of the Complaint allegations and given an opportunity to respond to the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then Touro University must notify the Respondent and Complainant of the dismissal and the basis for the dismissal simultaneously in writing.

Appeal rights must also be outlined in any notification of dismissal of a Complaint, as included below under Appeal of Dismissals.

APPEALS OF DISMISSALS

Touro University must notify the Complainant that a dismissal may be appealed and provide the Complainant with an opportunity appeal the dismissal of a Complaint on the following grounds:

- Procedural irregularity: procedural irregularity that affected the outcome of the matter (i.e., a failure to follow Touro University's own policy to a degree that had material effect on the outcome of the matter);
- New evidence: New evidence that would change the outcome and that was not reasonably available when the determination whether Sex-Based Harassment occurred or dismissal of the Complaint was made; and
- Bias or Conflict of Interest: The Title IX Coordinator, investigator(s), or decisionmaker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome of the matter.

If the dismissal occurs after the Respondent has been notified of the allegations, then Touro University must also notify the Respondent that the dismissal may be appealed on the grounds set out above.

Supportive Measures and remote learning opportunities remain available during the pendency of the appeal.

If a Party appeals, the institution will as soon as practicable notify the other Party in writing of the appeal, however the time for appeal shall be offered equitably to all Parties and shall not be extended for any Party solely because the other Party filed an appeal.

Appeals will be decided by the Appeals Committee that is appointed by the Title IX Coordinator. These individuals will be free of conflict of interest and bias, and will not serve as investigator,

Title IX Coordinator, or hearing decisionmaker in the same matter. If either party believes any individual appointed to the Appeals Committee has a conflict of interest or bias, this should be reported to the Title IX Committee. The outcome of the appeal will be provided in writing simultaneously to both Parties, and include rationale for the decision.

D. Allegations Potentially Falling Under Two Policies

If the alleged conduct, if true, includes conduct that would constitute covered Sex- Based Harassment and conduct that would not constitute covered Sex-Based Harassment or other sex discrimination, the Title IX Grievance Process will be applied to investigation and adjudication of only the allegations that constitute covered Sex- Based Harassment.

E. Notice of Allegations

Upon initiating Touro University's Grievance Procedure, the Title IX Coordinator shall provide a Notice of Allegations in writing to the Parties whose identities are known. Such notice will occur as soon as practicable after Touro University receives a Complaint, if there are no extenuating circumstances. Touro University will endeavor to provide the Notice of Allegations within 30 days after receiving a formal Complaint.

WHAT DOES THE NOTICE OF ALLEGATIONS INCLUDE?

The written Notice of Allegations must include:

- Touro University's Grievance Procedure and Touro University's Informal Resolution process;
- Sufficient information available at the time of the issuance of the Notice of Allegations to allow the Parties to respond to the allegations, which includes the identities of the Parties involved in the incident(s), the conduct alleged to constitute Sex-Based Harassment under the Grievance Procedure, and the date(s) and location(s) of the alleged incident(s), to the extent that information is available to Touro University;
- A statement that the Parties are entitled to an equal opportunity to access the Relevant and not otherwise impermissible evidence;
- A statement that the Respondent is presumed not responsible for the alleged Sex-Based Harassment until a determination is made at the conclusion of Touro University's Grievance Procedure and that prior to the determination, the Parties will have an opportunity to present Relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker;
- Parties may have an process support person of their choice, and that the process support persons may be, but is not required to be, an attorney; and Touro University's code of conduct prohibits knowingly making false statements or knowingly submitting false information during Touro University's Grievance Procedure.

WHAT IF TOURO UNIVERSITY DECIDES TO INVESTIGATE ADDITIONAL ALLEGATIONS OF SEX-BASED HARASSMENT?

If, in the course of an investigation, Touro University decides to investigate additional allegations of Sex-Based Harassment by the Respondent toward the Complainant that are not included in the original issued written Notice of Allegations, or that are included in a Complaint that is consolidated under this Grievance Procedure, Touro University shall provide notice of the additional allegations to the Parties whose identities are known.

WHAT IF I HAVE SAFETY CONCERNS ABOUT A NOTICE OF ALLEGATIONS BEING ISSUED TO A RESPONDENT?

To the extent that Touro University has reasonable concerns for the safety of any person as a result of providing a written Notice of Allegations, Touro University, through the Title IX Coordinator, may reasonably delay providing the written Notice of Allegations in order to

address the safety concern appropriately. Reasonable concerns must be based on individualized safety and risk analysis and not on mere speculation or stereotypes.

F. Process Support Person of Choice and Participation of Process Support Person of Choice

A Party's process support person of choice may accompany the Party to any meeting or proceeding, and that Touro University cannot limit the choice of who that process support person may be or their presence for the Parties in any meeting or proceeding unless such process support person does not follow Touro University's established rules of decorum and rules around participation discussed below.

G. Investigation

GENERAL RULES OF INVESTIGATIONS

The Title IX Coordinator and/or an investigator designated by the Title IX Coordinator will perform an investigation of the conduct alleged to constitute Sex-Based Harassment in a reasonably prompt timeframe, after issuing the Notice of Allegations.

Touro University, and not the Parties, have the burden to conduct an investigation that gathers sufficient evidence to determine whether Sex-Based Harassment occurred under this Grievance Procedure. This burden does not rest with either Party, and either Party may decide not to share their account of what occurred, or may decide not to participate in the investigation or hearing. This does not shift the burden of proof away from Touro University and does not indicate responsibility.

Touro University 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 University will provide an equal opportunity for the Parties to present witnesses, including fact and expert witnesses, and other inculpatory or exculpatory evidence, as described below.

NOTICE OF PARTICIPATION

Touro University will provide written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the Party to prepare to participate, if a Party is invited or expected to participate in any such meeting or proceeding.

PROCESS SUPPORT PERSONS AND PARTICIPATION OF PROCESS SUPPORT PERSON OF CHOICE

Touro University will provide the Parties with the same opportunities to be accompanied to any meeting or proceeding by the process support person of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of the process support person for the Complainant or Respondent in any meeting or proceeding.

Process Support Person of Choice restrictions:

- Both the Complainant and Respondent have the right to choose a Process Support Person. The Process Support Person will be the process support person 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.

EXPERT WITNESSES

Parties may present expert witnesses as part of an investigation.

Parties are allowed to call "expert witnesses" for direct examination and credibility assessment by the hearing board and cross examination. While the expert witness will be allowed to testify, the decisionmaker 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 all Parties present experts as witnesses.

CHARACTER WITNESSES

Touro does not allow character witnesses to testify. Only witnesses that tend to prove or disprove the allegations will be allowed to testify.

REVIEW AND ACCESS TO RELEVANT AND NOT OTHERWISE IMPERMISSIBLE EVIDENCE

Each Party will have an equal opportunity to present fact witnesses and other inculpatory and exculpatory evidence that are Relevant and not otherwise impermissible, to the Title IX Coordinator and/or an investigator designated by the Title IX Coordinator. The Title IX Coordinator will review all evidence gathered through the investigation and determine what evidence is Relevant and what evidence is impermissible regardless of relevance, consistent with this Grievance Procedure.

Each Party and their process support persons of choice will have an equal opportunity to review and access the evidence that is Relevant to the allegations of Sex-Based Harassment and not otherwise impermissible regardless of relevance prior to the conclusion of the investigation. The Title IX Coordinator will provide each Party with a reasonable opportunity to respond to the evidence. Both Parties will have the opportunity to respond to the evidence prior to the live hearing.

Touro University will take reasonable steps to prevent and address the Parties' and their process support persons of choice's unauthorized disclosure of information and evidence obtained solely through this Grievance Procedure. Participating individuals who engage in the unauthorized disclosure of information and evidence obtained solely through this Grievance Procedure may be subject to Touro's Code of Conduct and other University policies and/or procedures that may apply.

Note: Disclosures of information and evidence for purposes of administrative proceedings or litigation related to the Complaint of Sex-Based Harassment are authorized and not considered unauthorized disclosures potentially subject to other disciplinary action.

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.

RELEVANT EVIDENCE

Evidence is Relevant when it is related to the allegations of Sex-Based Harassment under investigation as part of this Grievance Procedure.

Questions are Relevant when they seek evidence that may aid in showing whether the alleged Sex-Based Harassment occurred, and evidence is Relevant when it may aid a decisionmaker in determining whether the alleged Sex-Based Harassment occurred.

IMPERMISSIBLE EVIDENCE

The following types of evidence, and questions seeking that evidence, are excluded as impermissible (i.e., must not be accessed or considered, except by Touro University to determine whether an exception applies, must not be disclosed, and must not otherwise be used) regardless of whether they are Relevant:

- Evidence that is protected under a privileged as recognized by Federal or State law or evidence provided to a Confidential Employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A Party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the Party or witness, unless Touro University obtains that Party's or witness's voluntary, written Consent for use in Touro University's Grievance Procedure; and
- Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove Consent to the alleged Sex-Based Harassment. Note: the fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's Consent to the alleged Sex-Based Harassment or preclude determination that Sex-Based Harassment occurred.

TIMEFRAMES

An investigation shall be completed in a reasonably prompt fashion. If there are any delays or extensions, the Title IX Coordinator must appropriately notice the Parties in writing, as detailed below. Touro shall endeavor to complete its investigation in 90 days.

Extensions may occur based on:

- 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.

EXTENSIONS AND DELAYS

Touro University allows for the reasonable extension of timeframes on a case-by-case basis for good cause with written notice to the Parties that includes the reason for the extension or delay.

H. Live Hearing

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, 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.

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 address 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, 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 process support person 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.
- See Section G of this Policy in determining who can be a witness.

RULES OF DECORUM

The following Rules of Decorum are to be observed in the hearing and applied equally to all parties (meaning the complainant and respondent) and process support persons:

1. Questions must be conveyed in a neutral tone.
2. Parties and process support persons will refer to other parties, witnesses, process support persons, and institutional staff using the name and gender used by the person and shall not intentionally mis-name or mis-gender that person in communication or questioning.
3. No party may act abusively or disrespectfully during the hearing toward any other party or to witnesses, process support persons, or decision-makers.
4. While a process support person may be an attorney, no duty of zealous advocacy should be inferred or enforced within this forum.
5. The process support person may not yell, scream, badger, or physically "lean in" to a party or witness's personal space. Process support persons may not approach the other party or witnesses without obtaining permission from the decisionmaker.
6. The process support person may not use profanity or make irrelevant ad hominem attacks upon a party or witness. Questions are meant to be interrogative statements used to test knowledge or understand a fact; they may not include accusations within the text of the question.
7. The process support person may not ask repetitive, irrelevant, or harassing questions. This includes questions that have already been asked by the decisionmaker, the process support person in cross-examination, or (if an expert witness is participating) the party or process support person in direct testimony. When the decisionmaker determines a question has been "asked and answered" or is otherwise not relevant, the process support person must move on.
8. Parties and process support persons may take no action at the hearing that a reasonable person in the shoes of the affected party would see as intended to intimidate that person (whether party, witness, or official) into not participating in the process or meaningfully modifying their participation in the process.

WARNING AND REMOVAL PROCESS

The decisionmaker shall have sole discretion to determine if the Rules of Decorum have been violated. The decisionmaker will notify the offending person of any violation of the Rules.

Upon a second or further violation of the Rules, the decision-maker shall have discretion to remove the offending person or allow them to continue participating in the hearing or other part of the process.

Where the decisionmaker removes a party's process support person, the party may select a different process support person of their choice, or accept a process support person provided by the institution for the limited purpose of cross-examination at the hearing. Reasonable delays, including the temporary adjournment of the hearing, may be anticipated should a process support person be removed. A party cannot serve as their own process support person in this circumstance.

The decisionmaker shall document any decision to remove a process support person in the written determination regarding responsibility.

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. Either party (Complainant or Respondent) may subsequently request to provide a brief statement of additional clarification of no more than five (5) minutes in duration.
4. Upon conclusion of any clarification statement, the Decision-Maker will ask questions of the Parties and Witnesses.
5. 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, the 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.
6. 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.
7. There shall be no Oral Direct Examination at any point in the hearing process. The only time it 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.
8. 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.
9. 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.

I. Determination Regarding Responsibility STANDARD OF PROOF

Touro University uses the preponderance of the evidence standard of proof to determine whether or not Sex-Based Harassment occurred. This means that the investigation and hearing determine whether it is more likely than not that a violation of the Grievance Procedure occurred.

GENERAL CONSIDERATIONS FOR EVALUATING EVIDENCE AND TESTIMONY

The decisionmaker is required to evaluate Relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that Sex-Based Harassment occurred, whatever the quantity of the evidence is, the decisionmaker must not determine that Sex-Based Harassment occurred.

Determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the decisionmaker. Decisionmakers 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 should 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. However, 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.

Decision makers 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.

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. See X(G) under this policy to further understand the weight given to expert witness testimony and character witness testimony.

Where a Party or witness' conduct or statements demonstrate that the Party or witness is engaging in retaliatory conduct, including, without limitation, witness tampering and intimidation, the decisionmaker may draw an adverse inference as to that Party or witness' credibility.

COMMUNICATION OF THE DETERMINATION IN WRITING

All determinations on whether Sex-Based Harassment occurred will be communicated to the Parties in writing, simultaneously.

The written determination will include:

- A description of the alleged Sex-Based Harassment;
- Information about the policies and procedures that Touro University used to evaluate the allegations;
- The decisionmaker's evaluation of the Relevant evidence and determination on whether Sex-Based Harassment occurred;
- Any Disciplinary Sanctions Touro University will impose on the Respondent, whether Remedies other than the imposition of Disciplinary Sanctions will be provided by Touro University to the Complainant, and, to the extent appropriate, other Students identified by Touro University to be experiencing the effects of Sex- Based Harassment, if there is a finding that Sex-Based Harassment occurred; and
- Touro University's procedures for Complainant and Respondent to appeal.

TIMELINE OF DETERMINATION REGARDING RESPONSIBILITY

If there are no extenuating circumstances, the determination regarding responsibility will be issued by Touro University within a reasonable timeframe following the completion of the hearing. Touro shall endeavor to provide a determination regarding responsibility within ten (10) days upon the completion of the hearing.

FINALITY OF DETERMINATION

The determination regarding responsibility becomes final either on the date that Touro University provides the Parties with the written determination of the result of any appeal, or, if no Party appeals, the date on which an appeal would no longer be considered timely.

J. Disciplinary Sanctions

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 the university in any capacity. Further violations while on probationary status will result in suspension or expulsion from the university.
- Restitution: A student may be required to pay restitution to the university or to fellow students for damages and losses resulting from his/her actions.
- Suspension: At any time during a student's enrollment at the university 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: Touro may terminate a student's status at the university 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 university 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 Faculties (for faculty members) or the Vice President for Administration (all other employees).
- 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 Touro University from levying a heavy sanction, without first resorting to a lesser sanction. By way of illustration and not exclusion, Touro University 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: a University 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 Touro University. 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 Touro 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.

K. 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 dismissal of a complaint based on the first three points listed above.

The request for an appeal must include the grounds on 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 decisionmaker. 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.

For appeals resulting from dismissal of a Complaint, please see the section on Dismissal of Complaints.

ADDITIONAL PROCEDURES FOR APPEAL PROCESS

Touro University will notify the Parties of any appeal, provide the Parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome, and will notify the Parties of the result of the appeal and the rationale for the result.

The submission of an appeal stays (or pauses) any sanctions for the period during which an appeal determination is being assessed. Supportive Measures and remote learning opportunities remain available while an appeal is being deliberated and before a final decision has been made.

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.

L. Informal Resolution

PROCEDURES FOR ENTERING AND EXITING INFORMAL RESOLUTION PROCESS

At any time prior to determining whether Sex-Based Harassment occurred under this Grievance Procedure, including prior to making a Complaint, Parties may instead seek Touro University’s assistance to resolve allegations of Sex-Based Harassment, and may elect to enter the informal resolution process.

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

The Parties may voluntarily elect to enter the Touro University’s informal resolution process at any time through an informed written Consent. This informed written Consent will include all terms of the elected informal process, including a statement that any agreement reached through the process is binding on the Parties.

No Party may be required to participate in informal resolution, and Touro University may never condition enrollment, employment, or enjoyment of any other right or privilege upon agreeing to informal resolution.

The Parties may elect to leave the informal resolution process at any point until the informal resolution process is concluded. If a Party elects to leave the informal resolution process, the Grievance Procedure that the Parties paused will continue. In participating in the informal resolution process, the Parties understand that the timeframes governing the Grievance Procedure will temporarily cease, and only reinstate upon reentry into the Grievance Procedure.

Supportive Measures will be available, or continue to be available if already provided, during an informal resolution process, if elected to proceed. The Title IX Coordinator will also, to the extent necessary, take other appropriate prompt and effective steps to ensure that Sex-Based Harassment does not continue or recur within Touro University’s Education Program or Activity.

DETERMINATION TO APPROVE ENTRY INTO INFORMAL RESOLUTION PROCESS

Even where the Parties agree to submit a matter to informal resolution, the Title IX Coordinator may approve the decision to move the matter to the informal resolution process and may determine that informal resolution is not appropriate under the circumstances.

Factors that the Title IX Coordinator may weigh in considering the appropriateness of the informal resolution process include, but are not limited to, the gravity of the allegations, whether there is an ongoing threat of harm or safety to the campus, whether the Respondent is a repeat offender, whether the alleged conduct would present a future risk of harm to others, and whether the Parties are participating in good faith. This determination is not subject to appeal.

NOTICE PRIOR TO ENTRY INTO INFORMAL RESOLUTION PROCESS

Before the initiation of an informal resolution process, the Title IX Coordinator must provide to the Parties a written notice that explains:

- The allegations;
- The requirements of the informal resolution process;
- That, prior to agreeing to a resolution, any Party has the right to withdraw from the informal resolution process and to initiate or resume Touro University's Grievance Procedure;
- That the Parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the Parties from initiating or resuming Touro University's Grievance Procedure arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the Parties; and
- What information Touro University will maintain and whether and how Touro University could disclose such information for use in its Grievance Procedure if they are initiated or resumed.

At any time after the commencement of the informal resolution process, the Title IX Coordinator may determine that the informal resolution process is not an appropriate method for resolving the matter and may require that the matter be resolved through the Grievance Procedures. This determination is not subject to appeal.

If informal resolution is approved or denied, the Title IX Coordinator will provide the outcome in writing simultaneously to the Parties.

CONTENTS OF INFORMAL RESOLUTION AGREEMENTS

Potential terms that may be included in an informal resolution agreement between the Parties include but are not limited to:

- Restrictions on contact; and
- Restrictions on the Respondent's participation in one or more of Touro University's education programs or activities or attendance at specific events, including restrictions Touro University could have imposed as Remedies or Disciplinary Sanctions had Touro University determined at the conclusion of the Grievance Procedure that Sex-Based Harassment occurred.

BREACH OF INFORMAL RESOLUTION AGREEMENTS

If a Party breaches the resolution or if Touro University has other compelling reasons, such as if it learns of any fraud by a Party in entering into the agreement, Touro University may void the agreement and initiate or resume the Grievance Procedure.

CONFIDENTIALITY

In entering the informal resolution process, the Parties agree that any testimony and evidence (including admissions of responsibility) they share or receive during the informal resolution process concerning the allegations of the Complaint is confidential.

No evidence concerning the allegations obtained within the informal resolution process may be disseminated to any person, provided that any Party to the informal resolution process may generally discuss the allegations under investigation with a parent, friend, process support person, or other source of emotional support, or with an advocacy organization. As a condition of entering the informal resolution process, any evidence shared or received during the informal resolution process may not be used in any subsequent Grievance Procedure or institutional appeal.

11.0 Retaliation

When Touro University has information about conduct that reasonably may constitute Retaliation under Title IX or its Grievance Procedure, Touro University is obligated to initiate its Grievance Procedure, or, as appropriate, Touro University's informal resolution process.

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.

ADDENDUM

For individuals attending or working at Touro University campuses located in California and Illinois the following policies and/or procedures are modified or supplemented to those set forth in the Grievance Procedure for Sex-Based Harassment Complaints.

Touro reserves the right to adjust this Addendum consistent with current law. If any portion of this Addendum is deemed invalid, the invalidity shall not affect other portions of the Grievance Procedure for Sex Discrimination Complaints.

CALIFORNIA

Touro University California and Touro College Los Angeles

The following modifications and/or supplementations apply only to Touro University campuses located in California.

I. Additional Definitions

“Affirmative consent” or “Consent” means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that the person has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

“Gender Expression” means a person’s gender-related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth.

“Sex” includes a person’s actual or perceived gender assigned at birth, gender identity, Gender Expression, and sexual orientation or a person’s actual or perceived association with a person who has, or is perceived to have, any of those characteristics. It also includes Sex stereotypes, Sex characteristics, and Pregnancy or Related Conditions.

“Sexual harassment” means unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or educational setting, under any of the following conditions:

1. Submission to the conduct is explicitly or implicitly made a term or a condition of an individual’s employment, academic status, or progress.
2. Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual.
3. The conduct has the purpose or effect of having a negative impact upon the individual’s work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment.
4. Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.

“Sexual violence” means physical sexual acts perpetrated against a person without the person’s affirmative consent. Physical sexual acts include both of the following:

1. “Rape” means penetration, no matter how slight, of the vagina or anus with any part or object, or oral copulation of a sex organ by another person, without the consent of the victim.
2. “Sexual battery” means the intentional touching of another person’s intimate parts without consent, intentionally causing a person to touch the intimate parts of another without consent, or using a person’s own intimate part to intentionally touch another person’s body without consent.

“Sexual exploitation” means a person taking sexual advantage of another person for the benefit of anyone other than that person without that person’s consent, including, but not limited to, any of the following acts:

1. The prostituting of another person.

2. The trafficking of another person, defined as the inducement of a person to perform a commercial sex act, or labor or services, through force, fraud, or coercion.
3. The recording of images, including video or photograph, or audio of another person's sexual activity or intimate parts, without that person's consent.
4. The distribution of images, including video or photograph, or audio of another person's sexual activity or intimate parts, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to the disclosure.
5. The viewing of another person's sexual activity or intimate parts, in a place where that other person would have a reasonable expectation of privacy, without that person's consent, for the purpose of arousing or gratifying sexual desire.

II. Amnesty

Touro's primary concern is student safety. An individual who participates as a Complainant or witness in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for a violation of Touro's student conduct policy at or near the time of the incident, unless Touro determines that the violation was egregious, including, but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty.

III. Non-Adversarial Process

The investigation and adjudication of alleged misconduct under this Grievance Procedure for Sex Discrimination Complaints is not an adversarial process between the Complainant, the Respondent, and the witnesses, but rather a process for Touro to comply with its obligations under existing law. The Complainant does not have the burden to prove, nor does the Respondent have the burden to disprove, the underlying allegation or allegations of misconduct.

IV. Title IX Coordinator Initiated Complaints

Regardless of whether or not a Complaint has been filed under Touro's grievance procedures, if Touro knows, or reasonably should know, about possible sexual harassment involving individuals subject to Touro's policies at the time, Touro will promptly investigate to determine whether the alleged conduct more likely than not occurred, or otherwise respond if Touro determines that an investigation is not required. If Touro determines that the alleged conduct more likely than not occurred, Touro will immediately take reasonable steps to end the harassment, address the hostile environment, if one has been created, prevent its recurrence, and address its effects.

If a Complainant requests confidentiality, which could preclude a meaningful investigation or potential discipline of the potential Respondent, or that no investigation or disciplinary action be pursued to address alleged sexual harassment, Touro will take the request seriously, while at the same time considering its responsibility to provide a safe and nondiscriminatory environment for all students, including for the Complainant. Touro will generally grant the request.

However, in determining whether to disclose a Complainant's identity or proceed to an investigation over the objection of the Complainant, the Title IX Coordinator must consider:

- The Complainant's request not to proceed with the initiation of a Complaint;
- The Complainant's reasonable safety concerns regarding initiation of a Complaint;
- The risk that additional acts of sex-based harassment would occur if a Complaint were not initiated;
- The severity of the alleged sex-based harassment, including whether the sex-based harassment, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the sex-based harassment and prevent its

recurrence and whether the Respondent reportedly used a weapon, physical restraints, or engaged in battery;

- The age and relationship of the Parties, including whether the Respondent is an employee of the recipient and whether the Respondent has oversight of students;
- The scope of the alleged sex-based harassment, including information suggesting a pattern, ongoing sex-based harassment, or sex-based harassment alleged to have impacted multiple individuals;
- Whether Touro is able to conduct a thorough investigation based on the availability of evidence to assist a decisionmaker in determining whether sex-based harassment occurred; and
- Whether Touro could end the alleged sex-based harassment and prevent its recurrence without initiating these grievance procedures.

If after considering these and other relevant factors, the Title IX Coordinator determines that the conduct as alleged present as an imminent and serious threat to the health or safety of the Complainant or other person, or that the conduct as alleged prevents Touro from ensuring equal access on the basis of sex to its Education Program or Activity, the Title IX Coordinator may initiate a Complaint.

If the Title IX Coordinator does initiate the Complaint after making this determination, the Title IX Coordinator must notify the Complainant prior to doing so and appropriately address reasonable concerns about the Complainant's safety or the safety of others, including by providing supportive measures as listed in Section VI of these procedures. In the event the Complainant requests that Touro inform the Respondent that the student asked Touro not to investigate or seek discipline, Touro will honor this request.

If Touro determines that it can honor the student's request for confidentiality, it will still take reasonable steps to respond to the Complaint, consistent with the request, to limit the effects of the alleged sexual harassment and prevent its recurrence without initiating formal action against the alleged Respondent or revealing the identity of the Complainant. These steps may include increased monitoring, supervision, or security at locations or activities where the alleged misconduct occurred; providing additional training and education materials for students

and employees; or conducting climate surveys regarding sexual violence. Touro will also take immediate steps to provide for the safety of the Complainant while keeping the Complainant's identity confidential as appropriate. These steps may include changing living arrangements or course schedules, assignments, or tests. The Complainant will be notified that the steps Touro will take to respond to the Complaint will be limited by the request for confidentiality.

Additions to Notice of Allegations

The written notice of allegations will include the following, additional information:

- a. Touro has received a report that the student may have been a victim of sexual harassment.
- b. A statement that retaliation for filing a complaint or participating in a complaint process, or both, is prohibited.
- c. Counseling resources within Touro or in the community.
- d. Where a crime may have occurred, notice that the student has the right, but not the obligation, to report the matter to law enforcement.
- e. Touro's investigation procedures.
- f. Potential interim measures, such as no-contact directives, housing changes, and academic schedule changes, where applicable.
- g. The importance of preserving evidence.

- h. A request for the student to meet with the Title IX coordinator or other designated employee to discuss options for responding to the report.
- i. The manner in which Touro responds to reports of sexual harassment and a description of potential disciplinary consequences.

The notice will also include information regarding appropriate counseling resources developed and maintained by Touro for student parties in school misconduct matters involving sexual harassment.

VI. Use of Evidence Regarding the Complainant's Sexual Predisposition Or Prior Sexual Behavior

Before allowing the consideration of any evidence of the Complainant's sexual predisposition or prior sexual behavior, the investigator or decisionmaker will provide a written explanation to the parties as to why consideration of the evidence is permissible.

VII. Hearings

Either party or any witness may request to answer the questions by video from a remote location. Any cross-examination of either party or any witness will not be conducted directly by a party or a party's advisor or support person.

Student parties will have the opportunity to submit written questions to the decisionmaker in advance of the hearing. At the hearing, the other party shall have an opportunity to note an objection to the questions posed. Such objections must be in written form, and neither the decisionmaker nor Touro is obligated to respond, other than to include any objection in the record. The decisionmaker has the authority and obligation to discard or rephrase any question that the decisionmaker deems to be repetitive, irrelevant, or harassing. In making these determinations, the decisionmaker is not bound by, but may take guidance from, the formal rules of evidence.

Generally, the parties may not introduce evidence, including witness testimony, at the hearing that the party did not identify during the investigation and that was available at the time of the investigation. Student parties will be informed that any evidence available but not disclosed during the investigation might not be considered at a subsequent hearing. However, the decisionmaker has discretion to accept for good cause, or exclude, such new evidence offered at the hearing.

VIII. Deadlines

Touro will not unreasonably deny a student party's request for an extension of a deadline related to a Complaint during periods of examinations or school closures.

Touro will provide periodic status updates on the investigation consistent with the timelines referenced in this grievance procedure.

IX. Informal Resolution

Touro will not mandate Informal Resolution to resolve allegations of sexual harassment, and will not allow Informal Resolution, even on a voluntary basis, to resolve allegations of sexual violence. Touro will not require that the Complainant enter a voluntary resolution agreement or any other form of resolution as a prerequisite to receiving supportive measures.

X. No Contact Orders

When requested by a complainant or otherwise determined to be appropriate, Touro will issue an interim No Contact Order prohibiting the respondent from contacting the complainant during the pendency of the investigation. Touro will not issue an interim mutual No Contact Order automatically, but instead will consider the specific circumstances of each case to determine whether a mutual No Contact Order is necessary or justifiable to protect the noncomplaining party's safety or well-being, or to respond to interference with an investigation. A No Contact Order issued after a decision of responsibility has been made shall be unilateral and only apply against the party found responsible. Upon the issuance of a mutual No Contact Order, Touro will provide the parties with a written justification for the directive and an explanation of the terms of the directive. Upon the issuance of any No Contact Order, Touro will provide the parties with an explanation of the terms of the directive, including the circumstances, if any, under which violation could be subject to disciplinary action.

XI. Policy Regarding Consent

In the evaluation of a Complaint involving an alleged lack of Consent, it is not a valid excuse that the Respondent believed that the Complainant Consented to the sexual activity under either of the following circumstances:

- The Respondent's belief in Consent arose from the intoxication or recklessness of the Respondent; or
- The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant Consented.

It is also not a valid excuse that the Respondent believed that the Complainant Consented to the sexual activity if the Respondent knew or reasonably should have known that the Complainant was unable to Consent to the sexual activity under any of the following circumstances:

- The Complainant was asleep or unconscious;
- The Complainant was Incapacitated due to the influence of drugs, alcohol, or medication, so that the Complainant could not understand the fact, nature, or extent of the sexual activity; or
- The Complainant was unable to communicate due to a mental or physical condition.

XII. Training

Touro will provide for A comprehensive, trauma-informed training program for campus officials involved in investigating and adjudicating sexual assault, domestic violence, dating violence, and stalking cases.

APPENDIX C:

GRIEVANCE PROCEDURE FOR SEX DISCRIMINATION COMPLAINTS

Effective August 1, 2024

Disclaimer: Touro University and Touro University Worldwide are currently the subject of the pending injunction by a Kansas District court. Kansas v. United States Department of Education, No. 24-4041-JWB, 2024 U.S. Dist. WL 3273285 (D. Kan., July 2, 2024).

Notwithstanding that fact, Touro University and Touro University Worldwide are publishing this updated policy by the August 1, 2024 deadline.

Nondiscrimination Policy

Under 2024 Amendments to the U.S. Department of Education's Title IX Regulations Touro University ("Touro") does not discriminate on the basis of sex and prohibits sex discrimination in any Education Program or Activity that it operates, as required by Title IX, including in admission and employment.

Notice of Nondiscrimination

Under 2024 Amendments to the U.S. Department of Education's Title IX Regulations Touro University is an equal opportunity employer. Touro University treats 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 Nicole Barnett, 3 Times Square, 11th Floor, New York, New York, 10036, nicole.barnett@touro.edu (646-565-6285) or, alternatively, to the Chief Compliance Officer at compliance@touro.edu and 646-565-6000 x55330

As an alternative, individuals may contact the Office for Civil Rights of the U.S. Department of Education for inquiries concerning the above. The Office for Civil Rights is

located at 32 Old Slip, 26th Floor, New York, New York 10005. They may be reached by phone at 646- 428-3800 or via email at OCR.NewYork@ed.gov.

Abbreviated Notice of Nondiscrimination

Touro prohibits sex discrimination in any Education Program or Activity that it operates. Individuals may report concerns or questions to the Title IX Coordinator. The notice of nondiscrimination is located at <https://www.touro.edu/non-discrimination/>

Grievance Procedure For Complaints of Sex Discrimination Other Than Sex- Based Harassment

Grievance Procedure for Complaints of Sex Discrimination

1.0 Effective Date

This Procedure applies to incidents that occur on or after August 1, 2024. Any incidents reported under this Procedure that occurred on or before July 31, 2024, will be processed through the institution's 2020 Title IX Grievance Policy and/or Touro's Sexual Misconduct Policy.

Should any portion of the 2024 Title IX Final Rule (89 Fed. Reg. 33474 (Apr. 29, 2024)), be stayed or held invalid by a court of law, or if the 2024 Title IX Final Rule is withdrawn or modified to not require elements of this Grievance Procedure, the Grievance Procedure in its entirety, or the invalidated elements of this Procedure, they will be deemed revoked as of the publication date of the opinion or order from the Court 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 the date of the opinion or order publication by the Court. If this Procedure is revoked in this manner, any conduct covered under this Procedure shall be investigated and adjudicated under the previous 2020 Title IX Grievance Policy and/or Touro's Code of Conduct, and/or Sexual Misconduct Policy. Touro will update this Grievance Procedure as soon as practicable to reflect any court rulings or changes that invalidate parts of the Grievance Procedure, if applicable.

2.0 Scope of Procedure

Touro has adopted a grievance procedure that provides for the prompt and equitable resolution of sex discrimination Complaints made by students, employees, or other individuals who are participating or attempting to participate in its Education Program or Activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations.

Sex discrimination, as defined by Title IX, includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

Title IX's prohibition on sex discrimination includes sex-based harassment in the form of quid pro quo harassment, hostile environment harassment, and four specific offenses (sexual assault, dating violence, domestic violence, and stalking). For the prompt and equitable resolution of Complaints of sex-based harassment involving a student Party, the institution will utilize institution's Sex-Based Harassment Grievance Procedure.

3.0 Jurisdiction of Procedure

- This Procedure applies to all sex discrimination occurring under Touro's Education
- Program or Activity in the United States.
- Conduct that occurs under Touro's Education Program or Activity includes but is not limited to conduct that occurs in a building owned or controlled by a student organization that is officially recognized by Touro and conduct that is subject to Touro's disciplinary authority.
- Touro has an obligation to address a sex-based hostile environment under its Education Program or Activity, even when some conduct alleged to be contributing to the hostile environment occurred outside the recipient's Education Program or Activity or outside the United States.
 - In the limited circumstances in which Title IX permits different treatment or separation on the basis of sex, Touro must not carry out such different treatment or separation in a manner that discriminates on the basis of sex by subjecting a person to more than de minimis harm, except as permitted by law.

4.0 Definitions

1. Admission means selection for part-time, full-time, special, associate, transfer, exchange, or any other enrollment, membership, or matriculation in or at an Education Program or Activity operated by Touro.
2. Consent means 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.
3. Complainant means:
 - (1) student or employee who is alleged to have been subjected to conduct that could constitute sex-based harassment as defined in this procedure and who was participating or attempting to participate in Touro's Education Program or Activity; or
 - (2) a person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex-based harassment under these grievance procedures and who was participating or attempting to participate in Touro's Education Program or Activity at the time of the alleged sex-based harassment.
4. Complaint means an oral or written request to Touro that objectively can be understood as a request for Touro to investigate and make a determination about alleged sex discrimination at the institution.
5. Disciplinary Sanctions means consequences imposed on a Respondent following a determination under this grievance procedure that the Respondent violated Touro's prohibition sex discrimination. For students, faculty and staff, the existence of a progressive system of disciplinary sanctions measures does not preclude Touro University from levying a heavy sanction, without first resorting to a lesser sanction. By way of illustration and not exclusion, Touro University 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.
6. Education Program or Activity means all of the operations of a college, university, or other postsecondary institution, or a public system of higher education.
7. Party means Complainant or Respondent.
8. Peer Retaliation means retaliation by a student against another student.
9. 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 Touro officials without permission, except for extreme circumstances, such as a health and/or safety emergency or child abuse. Touro offices and employees 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 Employees" and, as such, all information provided to Touro may be disclosed to the Title IX Coordinator or other relevant administrator with Authority.
10. Pregnancy or related conditions means
 - (1) Pregnancy, childbirth, termination of pregnancy, or lactation;
 - (2) Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or
 - (3) Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

11. Relevant means related to the allegations of sex discrimination under investigation as part of this Grievance Procedure. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.
12. Remedies means measures provided, as appropriate, to a Complainant or any other person Touro identified as having had their equal access to Touro's Education Program or Activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to Touro's Education Program or Activity after Touro determines that sex discrimination occurred.
13. Respondent means a person who is alleged to have violated Touro's prohibition on sex discrimination.
14. Retaliation means intimidation, threats, coercion, or discrimination by any person by Touro, a student, or an employee or other person authorized by Touro to provide aid, benefit, or service under Touro's Education Program or Activity, for the purpose of interfering with any right or privileged secured by Title IX, or because the person has reported information, made a Complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Grievance Procedure, including an informal resolution process.
15. Sex-Based Harassment means sexual harassment and other harassment on the basis of sex, including harassment because of gender identity, sexual orientation, sex characteristics, sex stereotypes, and/or pregnancy and other conditions, that is:
 - (1) Quid pro quo harassment. An employee, agent or other person authorized by Touro's Education Program or Activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;
 - (2) Hostile environment harassment. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from Touro's Education Program or Activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
 - a. The degree to which the conduct affected the Complainant's ability to access Touro's Education Program or Activity;
 - b. The type, frequency, and duration of the conduct;
 - c. The Parties' ages, roles within Touro's Education Program or Activity, previous interactions and other factors about each Party that may be relevant to evaluating the effects of the conduct;
 - d. The location of the conduct and the context in which the conduct occurred; and
 - e. Other sex-based harassment in Touro's Education Program or Activity.
 - (3) Sexual Assault means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
 - (4) Dating Violence means 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: The length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.
 - (5) Domestic Violence means any felony or misdemeanor crimes committed by a person who:
 - a. Is a current or former partner of the victim under the family or domestic violence laws of the applicable state or a person similarly situated to a spouse of the victim;

- b. Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
 - c. Shared a child in common with the victim; or
 - d. Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the applicable state; or
- (6) Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - a. fear for the person's safety or the safety of others; or
 - b. suffer substantial emotional distress.
- 16. Student means a person who has gained admission.
- 17. Supportive Measures means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to:
 - (1) Restore or preserve that Party's access to Touro's Education Program or Activity, including measures that are designed to protect the safety of the Parties or Touro's educational environment; or
 - (2) Provide support during Touro's Grievance Procedure for sex discrimination or during the informal resolution process.

5.0 Basic Requirements of Title IX Grievance Procedure

- A. Equitable Treatment: Touro will treat Complainants and Respondents equitably.
- B. Conflicts and Bias: Touro requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. A decisionmaker may be the same person as the Title IX Coordinator or investigator.
- C. Presumption: Touro presumes that the Respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its Grievance Procedure.
- D. Reasonably Prompt Timeframes: Establish reasonably prompt timeframes for the major stages of this grievance procedure, further described below under Subsection E "Investigations."
- E. Extensions: Touro has also established the following process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the Parties that includes the reason for the delay.
- F. Privacy: Touro will take reasonable steps to protect the privacy of the Parties and witnesses during its grievance procedure. These steps will not restrict the ability of the Parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedure. The Parties cannot engage in retaliation, including against witnesses.
- G. Objectivity: Touro will objectively evaluate all evidence that is relevant and not otherwise impermissible including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a Complainant, respondent, or witness.
- H. Impermissible Evidence: The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by Touro to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:
 - i. Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
 - ii. A Party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of

- treatment to the Party or witness, unless Touro obtains that Party's or witness's voluntary, written consent for use in its grievance procedures; and
- iii. Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

6.0 Disability Accommodations

Generally

- A. This Procedure does not alter any institutional obligations under federal and state 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 Procedure that do not fundamentally alter the Procedure. 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.

Supportive Measures

- B. If the Complainant or Respondent discloses a disability, the Title IX Coordinator may consult, as appropriate, with the Office of Student Disability Services to provide support to students with disabilities to determine how to comply with Section 504 of the Rehabilitation Act of 1973 in the implementation of any supportive measures.

7.0 Reporting Sex Discrimination to the Institution

A. Complaints

The following people have a right to make a Complaint of sex discrimination, including Complaints of sex-based harassment, requesting that Touro investigate and make a determination about alleged discrimination under Title IX:

- A "Complainant," which includes: a student or employee of Touro who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
- A person other than a student or employee of Touro who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in Touro's

Education Program or Activity;

- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a Complainant; or Touro's Title IX Coordinator.

With respect to Complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following persons have a right to make a Complaint:

- Any student or employee of Touro; or
- Any person other than a student or employee who was participating or attempting to participate in Touro's Education Program or Activity at the time of the alleged sex discrimination.

Types of Complaints that may be addressed under these Grievance Procedures include, but are not limited to, sex discrimination other than sex-based harassment, such as:

- Complaints of retaliation;
- Complaints of sex discrimination that do not involve sex-based harassment;
- Complaints regarding failure to make reasonable modifications to policies, practices or procedures as necessary to ensure equal access and prevent sex discrimination on the basis of parental, family or marital status, including pregnancy or related conditions; or
- Complaints that Touro's policies or procedures discriminate on the basis of sex.

Complaints may be submitted in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

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

Touro University and New York Medical College
 Matthew Lieberman
 3 Times Square, 11th Floor New York, NY 10036 Phone: (646) 565-6000 x55667
 Email: matthew.lieberman@touro.edu

Touro University Nevada
 Zachary Shapiro
 874 American Pacific Dr Henderson, Nevada 89014 Phone: (707) 638-5459
 Email: zachary.shapiro@tu.edu

Touro University California Zachary Shapiro Farragut Inn 107 Vallejo, California 94592
 Phone: (707) 638-5459
 Email: zachary.shapiro@tu.edu

Touro University Worldwide / Touro College Los Angeles
 Zachary Shapiro
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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.

B. Confidential Reports

The following officials at Touro will provide privacy, but not confidentiality, upon receiving a report of conduct prohibited by Title IX:

- Title IX Coordinator or designee(s);
- Officials with Authority to institute corrective measures under Title IX;

- All other employees at Touro that are designated as confidential resources Please note that Touro employees cannot guarantee confidentiality in any situation.

C. Public Awareness Events

When Touro's Title IX Coordinator is notified of information about conduct that reasonably may constitute sex-based harassment under Title IX or this policy that was provided by a person during a public event to raise awareness about sex-based harassment that was held on Touro's campus or through an online platform sponsored by it, Touro is not obligated to act in response to the information, unless it indicates an imminent and serious threat to the health or safety of a Complainant, any students, employees, or other persons.

However, in all cases Touro must use this information to inform its efforts to prevent sex-based harassment, including by providing tailored training to address alleged sex-based harassment in a particular part of its Education Program or Activity or at a specific location when information indicates there may be multiple incidents of sex-based harassment.

Nothing in Title IX or this policy obligates Touro to require its Title IX Coordinator or any other employee to attend such public awareness events.

8.0 Supportive and Interim Measures

A. Providing Supportive Measures

Complainants who report allegations of sex-based harassment have the right to receive supportive measures from Touro regardless of whether they file a Complaint.

Supportive measures are non-disciplinary and non-punitive. Supportive measures may vary depending upon what is reasonably available at Touro.

As appropriate, supportive measures may include but not be limited to:

- Counseling services;
- Extensions of deadlines or other course-related adjustments;
- Modifications of work or class schedules;
- Campus escort services, as available;
- Restrictions on contact applied to one or more Parties (no contact orders)
- changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative;
- Leaves of absence;
- Increased security and monitoring of certain areas of the campus; or
- Training and education programs related to sex-based harassment.

Supportive measures must not unreasonably burden either Party and must be designed to protect the safety of the Parties or Touro's educational environment, or to provide support during Touro's sex-based harassment grievance procedure under this policy or during informal resolution under these procedures.

Touro may modify or terminate Supportive Measures at the conclusion of the grievance procedure or at the conclusion of the informal resolution process, or may continue them beyond that point within Touro's discretion.

Touro may disclose information about any Supportive Measures provided to either party, including informing one Party of Supportive Measures provided to another Party. These disclosures are at the sole and absolute discretion of the Title IX Coordinator, though the Parties can request that the supportive measures not be shared. Supportive measures may also be

shared if necessary to provide the supportive measure or restore or preserve a Party's access to Touro's education program or activity.

Supportive measures may otherwise be disclosed to the extent that the Title IX Coordinator determines necessary;

- When the information is disclosed to an appropriate third Party with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue;
- To carry out the purpose of the policy when it is necessary to address conduct that reasonably may constitute sex-based harassment under Title IX in Touro's Education Program or Activity;
- As required by Federal law, federal regulations, or the terms and conditions of a federal award; or
- To the extent such disclosures are not otherwise in conflict with Title IX, when required by State or local law or when permitted under the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. 1232g, or its implementing regulations, 34 CFR Part 99).

B. Process for Review of Supportive Measures

Touro provides for a Complainant or Respondent to seek modification or reversal of Touro's decision to provide, deny, modify or terminate a supportive measure.

Grounds for challenge of Supportive Measures include, but are not limited to:

- Whether a Supportive Measure is reasonably burdensome;
- Whether a Supportive Measure is reasonably available;
- Whether a Supportive Measure is being imposed for punitive or disciplinary reasons;
- Whether the Supportive Measure is being imposed without fee or charge; and
- Whether the Supportive Measure is effective in meeting the purposes for which it is intended, including to restore or preserve access to the Education Program or Activity, provide safety, or provide support during the Grievance Procedure.

This review will be done by an impartial employee of Touro, who did not make the challenged decision on the original supportive measure request. The impartial employee of Touro who makes this determination will have the authority to modify or reverse the decision if that impartial employee determines that the decision to provide, deny, modify or terminate the supportive measure was inconsistent with the procedure as outlined above for providing supportive measures in accordance with the Title IX regulations.

Parties are only allowed to challenge their own individual supportive measures. Challenges by one Party will not be heard to supportive measures afforded to the opposite Party, unless that supportive measure directly impacts the Party making such challenge (i.e., two-way no contact orders).

C. Emergency Removal

Touro retains the authority to remove a Respondent from all or part of Touro's education program or activity on an emergency basis, where Touro (1) undertakes an individualized safety and risk analysis, and (2) determines that an imminent and serious threat to the health or safety of a Complainant or any students, employees, or other persons arising from the allegations of sex-based harassment justifies removal.

Touro will provide the Respondent with notice and an opportunity to challenge the decision immediately following the removal. 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 emergency removal. Upon receipt of the appeal, the other party will receive notification of the appeal.

The decisionmaker who hears a challenge to an emergency removal must not be involved in any decision regarding responsibility or appeal of a determination.

Emergency removals will not be considered Relevant evidence that can be considered in reaching a determination of whether Sex-Based Harassment occurred.

D. Administrative Leave

Touro retains the authority to place a non-student employee Respondent on administrative leave during the Title IX Grievance Procedure, consistent with the Employee or Faculty Handbook.

Note on student employees: when a Complainant or Respondent is both a student and an employee of Touro, Touro will make a fact-specific inquiry to determine whether these procedures apply to that student employee. If the Complainant or Respondent's primary relationship with Touro is to receive an education and whether the alleged sex-based harassment occurred while the Party was performing employment-related work.

9.0 The Title IX Grievance Procedure For Sex Discrimination

A. Filing a Complaint

Who can make a Complaint?

- A Complainant, which includes: a student or employee of Touro who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or a person other than a student or employee of Touro who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in Touro's Education Program or Activity;
- An authorized legal representative with the legal right to act on behalf of a Complainant; or
- The Title IX Coordinator.

Title IX Coordinator initiated Complaints: In the absence of a Complaint or the withdrawal of any or all of the allegations in a Complaint, and in the absence or termination of an informal resolution process, the Title IX Coordinator must determine whether to initiate a Complaint of sex-based harassment. This determination is fact-specific, and the Title IX Coordinator must consider:

- The Complainant's request not to proceed with the initiation of a Complaint;
- The Complainant's reasonable safety concerns regarding initiation of a Complaint;
- The risk that additional acts of sex-based harassment would occur if a Complaint were not initiated;
- The severity of the alleged sex-based harassment, including whether the sex-based harassment, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the sex-based harassment and prevent its recurrence;
- The age and relationship of the Parties, including whether the Respondent is an employee of the recipient;
- The scope of the alleged sex-based harassment, including information suggesting a pattern, ongoing sex-based harassment, or sex-based harassment alleged to have impacted multiple individuals;
- The availability of evidence to assist a decisionmaker in determining whether sex-based harassment occurred; and

- Whether Touro could end the alleged sex-based harassment and prevent its recurrence without initiating these grievance procedures.

If after considering these and other relevant factors, the Title IX Coordinator determines that the conduct as alleged present as an imminent and serious threat to the health or safety of the Complainant or other person, or that the conduct as alleged prevents Touro from ensuring equal access on the basis of sex to its Education Program or Activity, the Title IX Coordinator may initiate a Complaint.

If the Title IX Coordinator does initiate the Complaint after making this determination, the Title IX Coordinator must notify the Complainant prior to doing so and appropriately address reasonable concerns about the Complainant's safety or the safety of others, including by providing supportive measures as listed in Section VI of these procedures.

Format of Complaint

As defined in IV(4) of these procedures, a Complaint can be an oral or written request to Touro objectively can be understood as a request for Touro to investigate and make a determination about alleged sex discrimination at the institution.

Individuals who are looking to file a complaint are encouraged to fill out the following form and submit it to the Title IX Coordinator: Title IX and Sexual Misconduct Complaint Form (touro.edu). 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.

Who can I report a Complaint to?

Any reports of sex discrimination may be made directly to the Title IX Coordinator, whose contact information is listed at the beginning of this Grievance Procedure. There are also other ways in which a Party may report a Complaint.

Touro University requires that all employees, notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination, including Sex-Based Harassment.

Note: If an employee has personally been subject to conduct that reasonably may constitute sex discrimination under Title IX or any institutional policy or this Grievance Procedure, these requirements do not apply to an employee reporting a personal Complaint.

B. Consolidation of Complaints

Touro may consolidate Complaints of sex discrimination against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against another Party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one Complainant or more than one Respondent is involved, references below to a Party, Complainant, or Respondent include the plural, as applicable. Complaints alleging a combination of Sex-Based Harassment and sex discrimination other than Sex-Based Harassment, if consolidated, will be addressed under Touro's Grievance Procedure for Sex-Based Harassment Complaints.

C. Allegations Potentially Falling Under Two Policies

If the alleged conduct, if true, includes conduct that would constitute covered sex-based discrimination and conduct that would not constitute covered sex-based discrimination, the Title

IX Grievance Process will be applied to investigation and adjudication of only the allegations that constitute covered sex-based discrimination.

D. Notice of Allegations

Upon initiation of Touro's Title IX grievance procedure, Touro will notify the Parties of the following:

- Touro's Title IX grievance procedure and any informal resolution process;
- Sufficient information available at the time to allow the Parties to respond to the allegations, including the identities of the Parties involved in the incident(s), the
- conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- That Retaliation is prohibited; and
- The Parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence.
- If, in the course of an investigation, Touro decides to investigate additional allegations of sex discrimination by the Respondent toward the Complainant that are not included in the notice provided or that are included in a Complaint that is consolidated, Touro will notify the Parties of the additional allegations.

E. Investigation

Touro will provide for adequate, reliable, and impartial investigation of Complaints. The burden is on Touro—not on the Parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

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.

The University'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. Touro will use the preponderance of the evidence standard in the investigation and disciplinary action, as VAWA requires.

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. University's 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. Touro will not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding, but Touro 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.

Touro will provide an equal opportunity for the Parties to present fact witnesses and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible. Touro will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

Touro will provide each Party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible, in the following manner:

Touro will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of this evidence. If Touro provides a description of the evidence: Touro will provide the Parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any Party. The Title IX Coordinator will notify the Parties when the relevant evidence is ready for inspection and the Parties will be permitted to access the evidence at least five (5) business days prior to the hearing.

Touro will provide a reasonable opportunity to respond to the evidence or the accurate description of the evidence; and Touro will take reasonable steps to prevent and address the Parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of such information and evidence for purposes of

administrative proceedings or litigation related to the Complaint of sex discrimination are authorized.

Impermissible Evidence

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by Touro to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A Party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the Party or witness, unless Touro obtains that Party's or witness's voluntary, written consent for use in its grievance procedure; and
- Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's consent to the alleged sex discrimination or preclude determination that sex discrimination occurred.

Questioning Parties and Witnesses to Aid in Evaluating Allegations and Assessing Credibility

When a party or witness's credibility is in dispute, and such dispute is relevant to evaluating one or more allegations of sex discrimination, the investigator and/or decisionmaker must have an opportunity to question any party or witness whose credibility is in dispute in a live format.

The investigator/decisionmaker will question Parties and witnesses to adequately assess a Party's or witness's credibility to the extent credibility is both in dispute and Relevant to evaluating one or more allegations of sex discrimination. This will occur during individual meetings with a Party or witness.

Each Party shall have the opportunity to propose questions that the Party wants asked of any Party or witness and have those questions asked by the investigator/decisionmaker during one or more individual meetings, including follow-up meetings, with a Party or witness, subject to the appropriate procedures outlined herein regarding the decisionmaker's advance evaluation of all questions. Each Party will be provided with an audio or audiovisual recording or transcript with enough time for the Party to have a reasonable opportunity to propose follow-up questions.

F. Determination Regarding Responsibility

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, Touro will:

- Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred. The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded by the evidence, under the applicable standard, that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.

- Notify the Parties in writing of the determination whether sex discrimination occurred under Title IX, including the rationale for such determination, and the procedures and permissible bases for the Complainant and Respondent to appeal, if applicable;
- Not impose discipline on a Respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedure that the Respondent engaged in prohibited sex discrimination.

If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:

- Coordinate the provision and implementation of remedies to a Complainant and other people Touro identifies as having had equal access to Touro's Education Program or Activity limited or denied by sex discrimination;
- Coordinate the imposition of any disciplinary sanctions on a Respondent, including notification to the Complainant of any such disciplinary sanctions; and
- Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within Touro's Education Program or Activity.
- Comply with the grievance procedure before the imposition of any disciplinary sanctions against a Respondent; and
- Not discipline a Party, witness, or others participating in the grievance procedure for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

G. 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 the university in any capacity. Further violations while on probationary status will result in suspension or expulsion from the university.
- **Restitution:** A student may be required to pay restitution to the university or to fellow students for damages and losses resulting from his/her actions.
- **Suspension:** At any time during a student's enrollment at the university 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:** Touro may terminate a student's status at the university 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 university 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 Faculties (for faculty members) or the Vice President for Administration (all other employees).
- 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 Touro University from levying a heavy sanction, without first resorting to a lesser sanction. By way of illustration and not exclusion, Touro University 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.

H. Informal Resolution

Procedures for Entering and Exiting Informal Resolution Process

At any time prior to determining whether Sex-Based Harassment occurred under this Grievance Procedure, including prior to making a Complaint, Parties may instead seek Touro's assistance to resolve allegations of Sex Discrimination, and may elect to enter the informal resolution process.

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

The Parties may voluntarily elect to enter the Touro's informal resolution process at any time through an informed written Consent. This informed written Consent will include all terms of the elected informal process, including a statement that any agreement reached through the process is binding on the Parties.

No Party may be required to participate in informal resolution, and Touro may never condition enrollment, employment, or enjoyment of any other right or privilege upon agreeing to informal resolution.

The Parties may elect to leave the informal resolution process at any point until the informal resolution process is concluded. If a Party elects to leave the informal resolution process, the Grievance Procedure that the Parties paused will continue. In participating in the informal resolution process, the Parties understand that the timeframes governing the Grievance Procedure will temporarily cease, and only reinstate upon reentry into the Grievance Procedure.

Supportive Measures will be available, or continue to be available if already provided, during an informal resolution process, if elected to proceed. The Title IX Coordinator will also, to the extent necessary, take other appropriate prompt and effective steps to ensure that Sex Discrimination does not continue or recur within Touro's Education Program or Activity.

Notice Prior to Entry Into Informal Resolution Process

Before the initiation of an informal resolution process, the Title IX Coordinator must provide to the Parties a written notice that explains:

- The allegations;
- The requirements of the informal resolution process;
- That, prior to agreeing to a resolution, any Party has the right to withdraw from the informal resolution process and to initiate or resume Touro's Grievance Procedure;
- That the Parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the Parties from initiating or resuming Touro's Grievance Procedure arising from the same allegations;

- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the Parties; and
- What information Touro will maintain and whether and how Touro could disclose such information for use in its Grievance Procedure if they are initiated or resumed.

Determination to Approve Entry into Informal Resolution Process

Even where the Parties agree to submit a matter to informal resolution, the Title IX Coordinator may approve the decision to move the matter to the informal resolution process and may determine that informal resolution is not appropriate under the circumstances.

Factors that the Title IX Coordinator may weigh in considering the appropriateness of the informal resolution process include, but are not limited to, the gravity of the allegations, whether there is an ongoing threat of harm or safety to the campus, whether the Respondent is a repeat offender, whether the alleged conduct would present a future risk of harm to others, and whether the Parties are participating in good faith. This determination is not subject to appeal.

At any time after the commencement of the informal resolution process, the Title IX Coordinator may determine that the informal resolution process is not an appropriate method for resolving the matter, and may require that the matter be resolved through the Grievance Procedure. This determination is not subject to appeal.

If informal resolution is approved or denied, Touro will provide the outcome in writing simultaneously to the Parties.

Contents of Informal Resolution Agreements

Potential terms that may be included in an informal resolution agreement between the Parties include but are not limited to:

- Restrictions on contact; and
- Restrictions on the Respondent's participation in one or more of Touro's education programs or activities or attendance at specific events, including Touro could have imposed as Remedies or Disciplinary Sanctions had Touro determined at the conclusion of the Grievance Procedure that Sex-Based Harassment occurred.

Breach of Informal Resolution Agreements

If a Party breaches the resolution or if Touro has other compelling reasons, such as if it learns of any fraud by a Party in entering into the agreement, Touro may void the agreement and initiate or resume the Grievance Procedure.

Confidentiality

In entering the informal resolution process, the Parties agree that any testimony and evidence (including admissions of responsibility) they share or receive during the informal resolution process concerning the allegations of the Complaint is confidential. No evidence concerning the allegations obtained within the informal resolution process may be disseminated to any person, provided that any Party to the informal resolution process may generally discuss the allegations under investigation with a parent, friend, advisor, or other source of emotional support, or with an advocacy organization. As a condition of entering the informal resolution process, any evidence shared or received during the informal resolution process may not be used in any subsequent Grievance Procedure or institutional appeal.

I. Dismissal of a Complaint

Bases for Dismissal

Touro may dismiss a Complaint of sex discrimination for any of the following reasons:

- Touro is unable to identify the Respondent after taking reasonable steps to do so;
- The Respondent is not participating in Touro's Education Program or Activity and is not employed by Touro;
- The Complainant voluntarily withdraws any or all of the allegations in the Complaint, the Title IX Coordinator declines to initiate a Complaint under the bases described in these procedures, and Touro determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the Complaint, if any, would not constitute sex discrimination under Title IX or these grievance procedures even if proven; or
- Touro determines that the conduct alleged in the Complaint, even if proven, would not constitute sex discrimination under Title IX or these procedures. Note: Touro must make reasonable efforts to clarify the allegations with the Complainant before dismissing under this basis.

Notice of Dismissal

Upon dismissal, Touro will promptly notify the Complainant of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then Touro will also notify the Respondent of the dismissal and the basis for the dismissal promptly following notification to the Complainant, or simultaneously if notification is in writing.

Touro will notify the Complainant that a dismissal may be appealed and will provide the Complainant with an opportunity to appeal the dismissal of a Complaint. If the dismissal occurs after the Respondent has been notified of the allegations, then Touro will also notify the Respondent that the dismissal may be appealed.

Dismissals may be appealed on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome.

Appeal rights must also be outlined in any notification of dismissal of a Complaint, as outlined below.

J. Appeal of Dismissals and Determinations

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.

If a Party appeals, the institution will as soon as practicable notify the other Party in writing of the appeal, however the time for appeal shall be offered equitably to all Parties and shall not be extended for any Party solely because the other Party filed an appeal.

If the dismissal or determination is appealed, Touro will:

- Notify the Parties of any appeal, including notice of the allegations, if notice was not previously provided to the Respondent;
- Implement appeal procedures equally for the Parties;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the Complaint;

- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
- Provide the Parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the Parties of the result of the appeal and the rationale for the result.

Touro offers the following process for appeals from a dismissal or a determination whether sex discrimination occurred:

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 decided by the Appeals Committee that is appointed by the Title IX Coordinator, who will be free of conflict of interest and bias, and will not serve as investigator, Title IX Coordinator, or hearing decisionmaker in the same matter.

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 complainant and respondent 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.

Touro 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.

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

When a Complaint is dismissed, Touro will, at a minimum:

- Offer supportive measures to the Complainant as appropriate.
- If the Respondent has been notified of the allegations, offer supportive measures to the Respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within Touro's Education Program or Activity.

The submission of appeal stays (or pauses) any sanctions for the pendency (or duration while the appeal is being deliberated and decided upon) of an appeal.

Supportive measures and remote learning opportunities remain available during the pendency of the appeal.

K. Retaliation

Touro prohibits retaliation, including peer retaliation, in its Education Program or Activity. Upon receiving a Complaint alleging retaliation or upon receiving information about conduct that reasonably may constitute retaliation under Title IX, Touro will initiate its grievance procedure or, as appropriate, an informal resolution process.

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.

APPENDIX D:

CONTROLLED SUBSTANCE POLICY

*Policy: Touro University California (TUC) Controlled Substances Policy Responsible Executive:
Touro University California Dean of Student Affairs Executive Council*

Approval Date: January 24, 2018

Revised and Approved: ALT June 9, 2020

1.0 POLICY

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

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

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

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

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

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

2.0 PURPOSE

TUC seeks, with this policy, to safeguard the health and well-being of TUC students, faculty and staff and to comply with state and federal laws and regulations. All members of TUC are

accountable to know the laws and to understand the policies and procedures of TUC. All faculty, staff and students are notified annually of this policy as described below.

3.0 PUBLIC EDUCATION STATEMENT ON ILLICIT DRUG AND ALCOHOL USE

In order to better educate students, faculty and staff, TUC will provide all members of TUC with an education of the effects of substance abuse. Each fall students are provided, via the classroom management system, a copy of this policy which includes a comprehensive list of the health impacts for drug use. Faculty and staff receive the policy during employee orientation, then all employees have access to the policy posted on TouroOne. The drug use, intervention and legal consequence information are reviewed on a regular basis as part of the biennial review of the drug and alcohol use conducted in accordance with the Clery Act.

Students and staff are reminded that while legal; alcohol, marijuana and tobacco use can have severe negative health impacts. The TUC community is reminded that the university is a tobacco and marijuana free environment; meaning that the use of cigarettes, electronic cigarettes, cigars, chewing tobacco, or tobacco and marijuana in any form, except for FDA approved dosage forms for medicinal use, is prohibited at all times on university property, educational sites, and all university activities.

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

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

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

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

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

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

1. Muscle relaxants.

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

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

The university will encourage and reasonably accommodate students with alcohol or drug dependencies to seek treatment and/or rehabilitation. Students may consult with Counseling Services or the Student Health Center for referral information. The university is not obligated, however, to retain any student whose academic or professionalism performance is impaired because of drug or alcohol use, nor is the university obligated to re-admit any person who has participated in treatment and/or rehabilitation. Students who are given the opportunity to seek treatment and/or rehabilitation, but fail to successfully overcome their dependency, will not automatically receive a second opportunity to seek treatment and/or rehabilitation.

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

Nature of Violation	Responses for First-Time Violations May Include, But Are 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 university policy or federal, state, or local law	• Warnings • Disciplinary Probation • Counseling and treatment • Parental/Family Notification • College-level disciplinary action • Service to the college community	• Disciplinary Probation • Mandatory referral for counseling and treatment • Treatment • Suspension or expulsion from university • Parental/Family Notification • College-Level disciplinary action
Possession or use of alcohol or other drugs in violation of TUC policy or federal, state, or local law in a manner involving aggravated circumstances (e.g. actual/potential harm to self or others, disruption of the TUC community, repeated offenses)	• Warnings • Disciplinary Probation • Mandatory counseling and treatment • Parental/Family Notification • College-Level disciplinary action	• Disciplinary Probation • Mandatory counseling and treatment • Service to the college community • Parental/Family Notification • College-Level disciplinary action • Suspension or expulsion from university
Distribution or intent to distribute a controlled substance in violation of TUC policy or federal, state, or local law	• Legal action • College-level disciplinary actions	• Legal action • College-level disciplinary actions • Suspension or expulsion from university

TUC uses the following definitions for the above sanctions:

- Possession: Illegal holding or controlling of alcohol, drugs, or associated paraphernalia.
- Use: Illegal personal use of alcohol or drugs.
- Abuse: Repeated illegal use of alcohol or drugs, or use accompanied by other behavior, including but not limited to:
 - Disorderly, disruptive, or aggressive behavior that interferes with the well-being, safety, security, health, or welfare of the community and/or the regular operations of TUC
 - 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 considered when determining TUC's response include, but are not limited to:
 - Health and wellness of the responsible student
 - Impact on the TUC 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 they have violated the Code of Conduct and indicating that further misconduct may result in a more severe disciplinary action. A copy of this warning is placed in the student's disciplinary file kept by the Associate Dean of Student Affairs.
- **Probation:** A student may be placed on disciplinary probation for a defined period of time. While on probation, students may not hold office in Student Government Organizations, Clubs or Societies or represent TUC in any capacity. Further violations while on probationary status will result in suspension or expulsion from TUC. Probation status will be noted on the student transcript.
- **Counseling and Treatment:** A student's continued enrollment at TUC may be conditioned on their participation in counseling or treatment at outside counseling and treatment agencies. A student's failure to participate in such a program after being advised that his/her enrollment is conditional upon it, may result in more severe disciplinary sanctions.
- **Legal Action:** The academic program Dean, Dean of Student Affairs, or the Associate Dean of Student Affairs may recommend to the Campus Provost that the student(s) be turned over to law enforcement authorities for legal action. The final decision on referring student cases to the authorities is made by the TUC Campus Provost in consultation with TUC Compliance.

College-Level Sanctions:

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

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

For faculty and staff members:

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

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

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

5.0 REGULATIONS ON ALCOHOL USE/ABUSE

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

- The consumption of alcoholic beverages by individuals under the age of 21 is illegal. Provision of alcohol by any student or employee to anyone under the age of 21 is a violation of this policy and is a violation of state and federal law.
- All persons are prohibited from consuming alcoholic beverages on the premises of TUC (unless at an event specifically sanctioned by TUC Administration in writing according to related alcohol use policies), or entering or remaining on TUC premises in an impaired state.
- Any student, who falsely represents themselves at a sanctioned TUC event as being of age to consume alcohol, may be subject to disciplinary action as outlined in the Student Code of Conduct.
- Any faculty and/or staff member of TUC who provides alcohol to a minor on TUC premises shall be subject to full penalty under California law.
- Forcing any student or faculty member to consume alcohol and/or drugs for the purpose of initiation into or affiliation with any TUC sanctioned organization is not permitted.
- Alcoholism, while it may be a disability, does not excuse any faculty and/or staff member of TUC from violating a legitimate TUC policy or neglecting their responsibilities to TUC. Individuals whose work performance is impaired as a result of the use/abuse of alcohol may be required to participate in an appropriate evaluation/treatment program and may, in certain circumstances this may lead to sanctions against that individual. If an individual is an alcoholic, they may self- identify to the Director of Human Resources, and request confidential counseling and/or referral services for assistance and treatment. All inquiries and requests for assistance will be handled with strict confidentiality.
- TUC observes the culpability laws for serving drinks to the mentally- impaired and to individuals who are already inebriated. Some signs that may indicate if a person is inebriated may be the smell of alcohol on their clothes, impairment to speech, mood changes, slowed reflexes, or impairment of coordination.
- NOTE: Mothers who drink alcohol during pregnancy may give birth to infants with irreversible physical abnormalities and mental retardation. Research shows that children of alcoholic parents are at greater risk.

6.0 CRIMINAL SANCTIONS FOR ALCOHOL MISUSE

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

7.0 SUBSTANCE ABUSE SELF-IDENTIFICATION AND AMNESTY

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

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

8.0 SUBSTANCE ABUSE COUNSELING

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

Drug Abuse & Addiction Information & Treatment Centers.

For a listing of external support services, please see Appendix 1 below.

9.0 IMPLEMENTATION

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

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

10.0 APPROVAL

This policy was approved by the Campus Provost and the TUC Executive Council. Changes to this policy must be approved by the same entities.

11.0 DRUG USE HEALTH RISKS

For current information on the health risks associated with the use of various narcotics, depressants, stimulants, hallucinogens, or alcohol please see Appendix 2 below.

12.0 LAWS RELATING TO DRUG VIOLATIONS

Please refer to Appendix 3 below for a list of violation codes associated with the unlawful manufacture, distribution, dispensing, possession or use of any controlled substance. Any student violating any of the described laws of the Health and Safety Code or the Business and Professional Code could be subject to fines and imprisonment.

13.0 REHABILITATION

Touro University California will reasonably accommodate any student or employee who volunteers to enter an alcohol or drug rehabilitation program, provided the reasonable accommodation does not impose undue hardship on Touro University California. Reasonable accommodation could include a Medical Leave of Absence. However, Touro University California is not obligated to offer an accommodation for any student or employee who has violated any university policy that in Touro University California's sole discretion merits termination of the relationship before asking for assistance.

Touro University California will take reasonable measures to safeguard the privacy of the student or employee concerning enrollment in an alcohol or drug rehabilitation program. If the student or employee enters into a state approved rehabilitation program, he/she shall sign an agreement with Touro University California, which will include the following:

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

14.0 WHERE CAN STUDENTS OR EMPLOYEES GO FOR HELP?

Students:

Call or visit the University Student Counseling Center at:

Building H89 in the Student Health Clinic

Touro University California 1310 Club Dr

Vallejo, CA 94592

Phone: (707) 638-5822

Email: ryan.quetersloh@touro.edu

Dean of Student Affairs Touro University California Truett Hall, Office 107 Vallejo, CA 94592

Phone: (707) 638-5883

Email: sjacobso10@touro.edu

Employees Contact:

Pawan Sahota

Director of Employee Relations

Touro University California Truett Hall, Office 179 Vallejo, CA 94592

Phone: (707) 638-5806

15.0 POLICY DISTRIBUTION PROCEDURES

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

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

APPENDIX E:

LIST OF DRUG AND ALCOHOL SUPPORT SERVICES

California Department of Health Care Services Substance Abuse Disorder Treatment Referral Line..... (800) 879-2772
California State Addiction Hotline (866) 210-1303

Solano County

Substance Abuse and Mental Health Services Administration Helpline (800) 662-4357
Alcoholics Anonymous World Services (meeting times and locations)..... (212) 870-3400
Solano County South Alcoholics Anonymous Central Office..... (707) 745-8822
Solano County North Alcoholics Anonymous Central Office (707) 446-2244
Solano County Substance Abuse Services (707) 784-2220
Napa Solano Area of Narcotics Anonymous..... (866) 642-3848
All California Narcotics Meetings..... <https://www.narcotics.com/na-meetings/california/>

Napa County

Substance Abuse and Mental Health Services Administration Helpline (800) 662-4357
Alcoholics Anonymous World Services (meeting times and locations)..... (212) 870-3400
Napa County Alcohol and Drug Services..... (707) 253-4063
Napa Valley Alcoholic Anonymous (707) 500-7001
Napa Solano Area of Narcotics Anonymous..... (866) 642-3848
All California Narcotics Meetings..... <https://www.narcotics.com/na-meetings/california/>

Contra Costa County

Substance Abuse and Mental Health Services Administration Helpline (800) 662-4357
Alcoholics Anonymous World Services (meeting times and locations)..... (212) 870-3400
Contra Costa County Alcohol and Drug Services (800) 846-1652
Contra Costa Alcoholics Anonymous..... (925) 939-4155
Contra Costa Area of Narcotics Anonymous (866) 642-3848
All California Narcotics Meetings..... <https://www.narcotics.com/na-meetings/california/>

Sonoma County

Sonoma County Department of Public Health Services..... (707) 565-6680
Substance Abuse and Mental Health Services Administration Helpline (800) 662-4357
Alcoholics Anonymous World Services (meeting times and locations)..... (212) 870-3400
Sonoma County Substance Abuse Disorder Services (800) 870-8786
Sonoma County Fellowship of Narcotics Anonymous..... (707) 324-4062
All California Narcotics Meetings..... <https://www.narcotics.com/na-meetings/california/>

National Association for Children of Addiction <https://nacoa.org/>

Cocaine Anonymous www.ca.org

Narcotics Anonymous <https://www.narcotics.com/>

Al-Anon www.al-anon.org/

APPENDIX F:

DRUG USE HEALTH RISKS

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

- **Marijuana:** Commonly known as "pot", it is a plant with the botanical names of either *cannabis sativa* or *cannabis indicus*. Pot is almost always smoked but can be ingested. Use causes the central nervous system to become disorganized and confused. Most users experience an increase in heart rate, reddening of eyes and dryness of the throat and mouth. Studies have proven that marijuana's mental effects include temporary impairment of short-term memory and an altered sense of time. It also reduces the ability to perform tasks requiring concentration, swift reactions and coordination. Feelings of euphoria, relaxation and bouts of exaggerated laughter are also commonly reported. Smoking "pot" may cause: brain chemical changes, an altered reality, physically damaged lungs, emphysema, chronic bronchitis, lung cancer, a weakened immune system, damage to sperm in males, irregular menstrual cycles in females, reduced fertility and sex drive.
- **Cocaine/Crack:** Cocaine is a stimulant drug, which is derived from the coca plant. Street cocaine is available in the form of a powder or a "rock" of crack and is most commonly inhaled or smoked. Cocaine increases the heart rate and blood pressure and is very addictive. Crack is a form of smoke-able cocaine named for the popping sound it makes when burned. It is a mixture of cocaine, baking soda, and water. It is 5-10 times more potent than cocaine and is extremely dangerous. It has been reported that addiction can occur with as few as two "hits." Some of the symptoms of cocaine/crack abuse are: personality changes, unexplained weight loss, excess sniffing and coughing, insomnia, depression, irritability, neglect of responsibility toward work, school, family and friends, and panic attacks.
- **Alcohol:** In small doses, alcohol has a tranquilizing effect on most people, although it appears to stimulate others. Alcohol first acts on those parts of the brain that affect self-control and other learned behaviors; lowered self-control often leads to the aggressive behavior associated with those who drink. Alcohol use can also quickly cause dehydration, coordination problems, and blurred vision. In large doses, alcohol can dull sensation and impair muscular coordination, memory and judgment. Taken in larger quantities over a long period of time, alcohol can damage the liver and heart and cause brain damage and a great number of other health, medical, and social issues.
- **Hallucinogens:** These are also known as psychedelics. The effects vary; the same person may have different reactions on different occasions. Most users are affected by changes in time and space perception, delusions and hallucinations. The effects may be mild or overwhelming, depending on the dose and quantity of the drug. Physical reactions range from minor changes such as dilated pupils, a rise in temperature and heartbeat to tumors. High doses can greatly alter the state of consciousness. After taking a hallucinogenic, the user loses control of thought processes. Although many perceptions are pleasant, others may cause panic or may make a person believe that he or she cannot be harmed. These delusions can be quite dangerous.

- **Heroin:** Heroin is a narcotic, which relieves pain and induces sleep. Commonly known as “junk” or “smack”, heroin is a highly addictive depressant and has been attributed as the cause of many deaths. Obvious symptoms include “pin point pupils”, drowsiness, lethargy, slurred speech and an inability to concentrate. Related medications used to treat pain include oxycontin and oxycodone, methadone, and codeine. The abuse of painkillers ranks second only to the abuse of marijuana in the United States. Heroin users experience a high rate of infectious diseases due to a weakened immune system and dirty needles shared by users. Children can be born addicted or can become addicted from heroin in the mother’s milk.
- **Crystal Methamphetamine:** Crystal methamphetamine is a colorless, odorless powerful and highly addictive synthetic (man-made) stimulant. Crystal methamphetamine typically resembles small fragments of glass or shiny blue-white “rocks” of various sizes. Like powdered methamphetamine, crystal methamphetamine produces long lasting euphoric effects. Crystal methamphetamine, however, typically has a higher purity level and may produce even longer-lasting and more intense physiological effects than the powdered form of the drug. Crystal methamphetamine use is associated with numerous serious physical problems. The drug can cause rapid heart rate, increased blood pressure, and damage to the small blood vessels in the brain – which can lead to stroke. Chronic use of the drug can result in inflammation of the heart lining. Overdoses can cause hyperthermia (elevated body temperature), convulsions, and death. Individuals who use crystal methamphetamine also may have episodes of violent behavior, paranoia, anxiety, confusion, and insomnia. The drug can produce psychotic symptoms that persist for months or years after an individual has stopped using the drug. Crystal methamphetamine users who inject the drug expose themselves to additional risks, including contracting HIV (human immunodeficiency virus), methamphetamine also risk scarred or collapsed veins, infections of the heart lining and valves, abscesses, pneumonia, tuberculosis, and liver or kidney disease.
- **Depressants:** Depressants are highly addictive. They are usually known as “downers”. A user may be drowsy, lethargic, suffer from memory loss and have slurred speech. Many lawful drugs that have a depressant feature are from the family of drugs called barbiturates. More serious effects of the abuse of downers are liver damage, paradoxical anxiety and excited rage, coma and death.
- **Ecstasy: (MDMA)** Also known as XTC, X and E, Ecstasy is a mind-altering drug with hallucinogenic and speed like side effects. Often used at raves, it is taken to promote loss of inhibition, excited-ness, euphoria, energy, and sexual stimulation. Ecstasy increases the amounts of serotonin in a person’s brain, which causes increased energy and cheerfulness; it also contains anti-coagulative properties, which can cause a person to bleed to death if injured. Ecstasy can also cause serious brain damage in a short time. Side effects of ecstasy are: depression, increase in heart rate and blood pressure, muscle tension, nausea, blurred vision, faintness, chills, brain damage, organ damage, and death. Similar “designer drugs” include MDEA and MDA (also known as “Adam” and “Eve”)
- **Ritalin:** Methylphenidate (Ritalin) is a medication prescribed for individuals who have attention-deficit hyperactivity disorder (ADHD). It contains amphetamines and can be abused as a stimulant by those other than for whom prescribed. When abused, the tablets are either taken orally or crushed and snorted. Some abusers dissolve the tablets in water and inject the mixture – complications can arise from this because insoluble fillers in the tablets can block small blood vessels.
- **GHB:** Gamma-hydroxyl butyrate is an intoxicating chemical with medical, recreational, and potentially dangerous uses. Its use is illegal for any purpose in the United States. Nicknamed the “date rape drug,” it is a clear liquid often mixed in drinks to promote relaxation or increased sociability. When taken, side effects can be: drowsiness, dizziness, vomiting, amnesia, decreased motor skills, slurring of speech, unarousable sleep (coma)

and death. GHB was used as a dietary supplement until banned by the FDA. GHB is now illegal in the United States. Common slang names for GHB are: G, Liquid X, GBH, Gamma-oh, Blue Verve, Grievous Bodily Harm, Goop, and EZLay.

APPENDIX G:

LAWS RELATING TO DRUG VIOLATIONS

Federal Trafficking Penalties for Controlled Substances

Federal law imposes significant criminal penalties for trafficking in controlled substances. The penalties depend on the type of drug, the amount involved, whether the person has prior drug convictions, and whether death or serious bodily injury resulted from the offense. The following summary provides general information about federal penalties for trafficking in Schedule I, II, III, IV, and V controlled substances, excluding marijuana.

Higher-Quantity Schedule I and II Controlled Substances

For certain controlled substances, federal law imposes mandatory minimum sentences based on the quantity involved. Examples include cocaine, cocaine base, fentanyl, fentanyl analogues, heroin, LSD, methamphetamine, and PCP.

For offenses involving the following quantities, the penalty for a first offense is generally **not less than 5 years and not more than 40 years in prison**:

- Cocaine: 500 to 4,999 grams of mixture
- Cocaine base: 28 to 279 grams of mixture
- Fentanyl: 40 to 399 grams of mixture
- Fentanyl analogue: 10 to 99 grams of mixture
- Heroin: 100 to 999 grams of mixture
- LSD: 1 to 9 grams of mixture
- Methamphetamine: 5 to 49 grams pure, or 50 to 499 grams of mixture
- PCP: 10 to 99 grams pure, or 100 to 999 grams of mixture

If death or serious bodily injury results, the sentence is generally **not less than 20 years and may be up to life imprisonment**. Fines may be up to **\$5 million for an individual** and **\$25 million for an organization**.

For a second offense involving these quantities, the penalty is generally **not less than 10 years and may be up to life imprisonment**. If death or serious bodily injury results, the sentence is generally **life imprisonment**. Fines may be up to **\$8 million for an individual** and **\$50 million for an organization**.

Largest-Quantity Schedule I and II Controlled Substances

Federal penalties are more severe for larger quantities of certain controlled substances. These include:

- Cocaine: 5 kilograms or more of mixture
- Cocaine base: 280 grams or more of mixture
- Fentanyl: 400 grams or more of mixture
- Fentanyl analogue: 100 grams or more of mixture
- Heroin: 1 kilogram or more of mixture
- LSD: 10 grams or more of mixture
- Methamphetamine: 50 grams or more pure, or 500 grams or more of mixture
- PCP: 100 grams or more pure, or 1 kilogram or more of mixture

For a first offense involving these quantities, the penalty is generally **not less than 10 years and may be up to life imprisonment**. If death or serious bodily injury results, the sentence is generally **not less than 20 years and may be up to life imprisonment**. Fines may be up to **\$10 million for an individual** and **\$50 million for an organization**.

For a second offense involving these quantities, the penalty is generally **not less than 20 years and may be up to life imprisonment**. If death or serious bodily injury results, the sentence is generally **life imprisonment**. Fines may be up to **\$20 million for an individual** and **\$75 million for an organization**.

For a person with **two or more prior qualifying offenses**, the penalty may be **life imprisonment**, with fines of up to **\$20 million for an individual** and **\$75 million for an organization**.

Other Schedule I and II Controlled Substances, GHB Products, and Flunitrazepam

For any amount of other Schedule I or II controlled substances, any drug product containing gamma hydroxybutyric acid, or 1 gram of flunitrazepam, the penalty for a first offense is generally **up to 20 years in prison**. If death or serious bodily injury results, the sentence is generally **not less than 20 years and may be up to life imprisonment**. Fines may be up to **\$1 million for an individual** and **\$5 million for an organization**.

For a second offense, the penalty is generally **up to 30 years in prison**. If death or serious bodily injury results, the sentence is generally **life imprisonment**. Fines may be up to **\$2 million for an individual** and **\$10 million for an organization**.

Schedule III Controlled Substances

For any amount of a Schedule III controlled substance, the penalty for a first offense is generally **up to 10 years in prison**. If death or serious bodily injury results, the sentence may be **up to 15 years**. Fines may be up to **\$500,000 for an individual** and **\$2.5 million for an organization**.

For a second offense, the penalty is generally **up to 20 years in prison**. If death or serious bodily injury results, the sentence may be **up to 30 years**. Fines may be up to **\$1 million for an individual** and **\$5 million for an organization**.

Schedule IV Controlled Substances

For any amount of a Schedule IV controlled substance, other than 1 gram or more of flunitrazepam, the penalty for a first offense is generally **up to 5 years in prison**. Fines may be up to **\$250,000 for an individual** and **\$1 million for an organization**.

For a second offense, the penalty is generally **up to 10 years in prison**. Fines may be up to **\$500,000 for an individual** and **\$2 million for an organization**.

Schedule V Controlled Substances

For any amount of a Schedule V controlled substance, the penalty for a first offense is generally **up to 1 year in prison**. Fines may be up to **\$100,000 for an individual** and **\$250,000 for an organization**.

For a second offense, the penalty is generally **up to 4 years in prison**. Fines may be up to **\$200,000 for an individual** and **\$500,000 for an organization**.

APPENDIX H:

STOP CAMPUS HAZING

Touro University maintains a zero-tolerance policy toward hazing across all campuses and programs. Touro defines hazing as any act or situation that endangers a person's mental, emotional, or physical well-being in connection with joining or maintaining membership in a group. This includes actions that cause embarrassment, harassment, or ridicule, as well as coerced consumption of substances or participation in degrading or harmful activities. Hazing, in any form, compromises a student's safety and wellbeing and is against Touro's mission and values.

The Hazing Policy sets forth the framework and procedures for compliance with the Stop Campus Hazing Act (the "SCHA"), enacted on December 23, 2024, which amends the Jeanne Clery Campus Safety Act (the "Clery Act"), to prioritize the prevention of and transparency about hazing incidents at colleges and universities.

Touro will resolve any complaints of hazing in a timely and effective manner. Adherence to this policy is essential to maintaining a safe, respectful, and inclusive environment.

More information about the [anti-hazing policy](#) or <https://www.touro.edu/students/policies/hazing/>.

For this Annual Security Report, incidents of hazing are those involving two or more students enrolled at Touro, by any student organization or group, regardless of affiliation or recognition by Touro. "Clery Geography" applies for hazing incidents included in this Report, if any.

Current Policies Related to Hazing as Defined by Touro

Touro University strictly prohibits hazing in all forms within its community, as outlined in its institutional policies. Hazing is defined as any act or method of initiation into any student organization, group, or activity, or any act or behavior likely to cause bodily danger, physical harm, personal degradation, or disgrace resulting in physical or mental harm to any student or individual. This prohibition applies regardless of an individual's willingness to participate. All members of the Touro University community are expected to comply with the University's anti-hazing standards and all corresponding laws.

Incidents of hazing can be reported through multiple channels. Individuals should promptly contact 911 or Public Safety for emergencies. For non-emergencies, reports may be made to Student Affairs, Human Resources, or directly to the Office of Institutional Compliance. Upon receiving a report of hazing, Touro University initiates a formal and prompt investigation conducted by authorized personnel. The process includes:

- Reviewing all submitted reports and gathering relevant information and evidence
- Interviewing all involved parties, including witnesses and victims;
- Ensuring that due process is observed for all individuals involved;
- Maintaining confidentiality and safeguarding the rights of all participants throughout the investigation.

If an individual or group is found to have engaged in Hazing, sanctions are determined based on the severity of the violation and any prior disciplinary history. Sanctions include, but are not limited to, formal warning, disciplinary probation, counseling and treatment, restitution, suspension, or expulsion/dismissal.

Sanctions need not be progressive.

Touro University adheres to all applicable local, state, and tribal laws regarding hazing. Acts of hazing may be subject to prosecution and criminal penalties, independent of any action taken by the University. Where required or appropriate, the university will cooperate fully with law enforcement agencies. The University is committed to fostering a safe campus environment and expects all members of the community to comply with these standards and legal requirements.

Touro's [anti-hazing policy](#) or <https://www.touro.edu/students/policies/hazing/anti-hazing-policy/>.

Hazing Prevention and Awareness Programs

Touro University adopts a comprehensive, research-informed approach to hazing prevention and awareness that reaches every sector of our campus community including all students, faculty, and staff. Prevention, intervention, and awareness are ongoing priorities, integrated into the campus culture and supported at every level of leadership.

Our hazing prevention programs are grounded in national research and best practices as outlined in resources such as StopHazing's Hazing Prevention and Intervention Guides as well as their We Don't Haze Companion Guide.

Recognizing that hazing can occur in a wide range of campus groups, we have implemented a suite of initiatives and educational offerings to build awareness, develop intervention skills, and encourage positive alternatives to hazing.

Regular, interactive workshops for students, faculty, and staff will be implemented that focus on hazing prevention, recognizing early warning signs, bystander intervention skills, and healthy team-building alternatives. These workshops are tailored to the needs of different audiences, ensuring that the content is relevant and actionable for each sector.

For students, prevention education is embedded in new student orientation, resident assistant training, club and organization officer development, and athletic programs. Peer support models are encouraged to empower students as leaders and advocates for a hazing-free campus. Tailored sessions for faculty and staff emphasize their critical roles as mentors, advisors, and gatekeepers.

These programs equip staff and faculty with tools to recognize, report, and prevent hazing, and to promote healthy group dynamics within their units, classrooms, and organizations.

Description of Prevention and Awareness Programs

Vector Solutions - Hazing Awareness and Prevention Course: Examines why hazing occurs, the health and legal risks of hazing, and community members' responsibility to recognize, address, and prevent hazing at their institutions and organizations.