

2024 ANNUAL SECURITY REPORT

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



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

Dear Members of the University Community:

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

Enclosed, you will find our Clery Act Annual Security Report (ASR) for the 2023 calendar year. We believe this important report is an essential part of our commitment to creating a safe environment for every member of our university community. Not only does it provide a comprehensive overview of our safety measures, policies, and resources that we have in place, but it also presents statistical data on reported crimes and incidents that have occurred on our campus and surrounding areas over the past calendar year.

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

We are continually reviewing and enhancing our safety protocols, and we value your input and collaboration in these efforts. Should you have any questions or need additional information, please contact Dr. Fraylanie Aglipay, the TUC Associate Dean of Student Affairs, at faglipay@touro.edu

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

Newman Hoffman
& Vice President and
Interim Chief Executive Officer

ANNUAL SECURITY REPORT

ABOUT TOURO UNIVERSITY CALIFORNIA

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

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

NON-DISCRIMINATION POLICY

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

employment, or in admission, treatment or access to educational programs or activities. For questions or concerns regarding discrimination on the basis of gender, please contact

Title IX Officer Zachary Shapiro
Farragut Inn 107
Vallejo, CA 94592
(707) 638-5459

PREPARATION OF THE ANNUAL SECURITY REPORT AND DISCLOSURE OF CRIME STATISTICS

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

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

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

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

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

REPORTING CRIMES AND OTHER EMERGENCIES

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

Voluntary, Confidential Reporting

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

Daily Crime Log

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

Campus Security Authority (CSA) Policy

While we prefer that TUC community members promptly report all crimes and other emergencies directly to the Campus Security (707) 638-5804 or to the Dean or Associate

Dean of Student Affairs (707-638-5935), we recognize that some may prefer to report to other individuals or university offices. The Clery Act recognizes certain university officials and offices as “Campus Security Authorities (CSA).” The Act defines these individuals as “an official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student activities and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.”

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

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

- Interim Chief Academic Officer
- Interim Chief Executive Officer
- Vice Provost and Dean of Student Affairs
- The Environmental Health and Safety Officer
- All members of Campus Security
- All Deans, Associate Deans, Assistant Deans and Directors
- All advisors to student organizations
- All Building Safety Coordinators
- Title IX Officer
- Study Hall Monitors and student library workers

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

- Pastoral counselor. A person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone

who provides confidential counseling, and is functioning within the scope of that recognition at the university as a pastoral counselor. At TUC, this would be the Rabbi (rabbi@tu.edu).

- Professional counselor. A person whose official responsibilities include providing mental health counseling to members of the university community and who is functioning within the scope of their license or certification. This definition applies even to professional counselors who are not university employees but are under contract to provide counseling at TUC. Professional counselors at TUC would include the Director of Counseling, the Counselor, the Director of the Student Health Center and the Medical Supervisor of Student Health.

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

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

Emergency Phones

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

ABOUT CAMPUS SECURITY

Role, Authority, and Training

Campus Security at Touro University California is provided through a contract with a third-party security guard service provided by Excel Security. Campus Security provides safety, security, and emergency response services for the university 24 hours/day seven days a week, by two full-time, unarmed, uniformed officers. Security officers are on duty patrolling the campus and are able to respond quickly to those needing assistance. Typical patrols are carried out on foot and in a marked Campus Security patrol vehicle. All full-time security officers are registered with the California Department of Justice, Division of Consumer Affairs as security officers and have the same powers to arrest as those of any other private citizen. All security officers have first aid/responder, CPR and AED training. Ongoing training is mandatory for all campus safety officers.

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

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

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

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

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

Crimes Involving Student Organizations at Off-Campus Locations

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

TIMELY WARNING REPORTS

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

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

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

Informational Message - The university may issue an Informational Message to advise of situations that may affect or be of interest to the campus community. Such information is not considered an immediate threat to health, safety, or property. (Example: street closures due to a major utility disruption, a series of larcenies, etc.)

SEXUAL MISCONDUCT PREVENTION AND RESPONSE

Touro University California prohibits all forms of sexual misconduct, including sexual and gender-based harassment, sexual violence, intimate partner violence and stalking. Such acts and all attempts to commit such acts are regarded as serious violations of TUC's community expectations and norms and are likely to result in a severe disciplinary penalty.

Students are advised to review the university policies on Sex Discrimination Harassment and Complaint Procedure; Gender Based and Sexual Misconduct Policy; Student Code of Rights and Responsibilities; Resolution Process for Disputes and Grievances and Misconduct all located in the online University Catalog. Possible disciplinary sanctions may be found below in the section “Conduct Proceedings” page 42. California criminal law encompasses certain sexual offenses, and criminal prosecution may take place independently of TUC’s disciplinary processes.

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

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

What to Do if You or a Friend is Assaulted

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

- Get to a safe place as soon as possible!
- Contact SafeQuest Solano by calling the 24/7 hotline number 1-866-4UR-SAFE (866-487-7233). SafeQuest Solano is a county agency that provides confidential advising, advocacy, and support for survivors of sexual assault and domestic violence. SafeQuest Solano responders would be able to advise survivors on their rights and offer resources for healing.
- Try to preserve all physical evidence. The victim/survivor should not bathe, shower, brush teeth, douche, use the toilet, or change clothing until s(he) has a medical exam.
- Contact a close friend or relative, if available, who can provide support and accompany the victim to the medical exam and/or police. SafeQuest Solano can provide someone to be with survivor during the medical exam and/or when talking

with the police and can advise a survivor of sexual misconduct on what will happen when reporting to law enforcement and medical personnel.

- Contact the TUC Counseling department for confidential counseling support. Students can make an appointment by contacting the Student Health Center at 707-638-5292 or by emailing directly to rgueters@touro.edu. Speaking with a counselor or an advocate may be important to help the survivor understand her/his feelings and begin the process of recovery.
- Students may also contact a counselor at any time using our 24/7 counseling hotline by calling 707-638-5292 and selecting option 3.
- Employees of TUC may also take advantage of counseling through our Employee Assistance Program (EAP) at no charge. This program may be reached by calling 866.799.2728 or, at this website www.HealthAdvocate.com/touro
- Get medical attention as soon as possible. An exam may reveal the presence of a physical injury that is unknown to the victim. Following a sexual assault, antibiotics are typically given at the time of the exam to help prevent the victim from acquiring certain sexually transmitted diseases. Emergency contraceptive pills are offered to all victims at the time of the exam (if the victim presents within 120 hours) to help prevent pregnancy from occurring as a result of a rape. If the victim reports memory loss, loss of consciousness or other circumstances suspicious for a drug-facilitated assault, a urine test may be done if the victim presents within 96 hours. Some of the commonly used “date rape” drugs, however, are only detectable in the urine for six to eight hours after ingestion. The following local hospitals have trained Sexual Assault Nurse Examiners (S.A.N.E.) and Sexual Assault Response Teams (S.A.R.T.) who provide these examinations free of charge (reimbursed by the county; a SafeQuest Advocate can help with this process):

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

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

SafeQuest Solano Phone: 707-422-7345
Crisis Hotline: 1-866-487-7233

1261 Travis Blvd., Suite 260
Fairfield, California 94533
<https://www.safequestsolano.org/>

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

How to be an Active Bystander

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

Bystander intervention involves safe and positive options that may be carried out by an individual to prevent harm or to intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene. The university promotes a culture of community accountability in which bystanders are actively engaged in the prevention of violence without causing further harm. However, individuals may not always know what to do even if they want to help. Below is a list of some ways to be an active bystander. Further information regarding bystander intervention may be found at the Student Counseling Center and by contacting the interim Title IX Officer. If you or someone else is in immediate danger, dial 911 on campus phones or (707)638-5804 (Campus Security) on your cell if you're on campus or, by utilizing the Blue Light emergency call system located on the

Campus Geography Map [HERE](#). This is always an option if you feel it is not safe for you to intervene.

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

Risk Reduction

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

1. Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Try to avoid isolated areas. It is more difficult to get help if no one is around.
3. Walk with purpose. Act like you know where you are, even when you do not.
4. Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
5. Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
6. Make sure your cell phone is with you and charged and that you have money for transportation if needed.
7. Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
8. Avoid putting music earbuds in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
9. When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together.
10. Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911). When on campus dial 9911 on campus phones and

(707) 638-5804 on your cell phone or, by utilizing the Blue Light emergency call system located on the [Campus Geography Map](#).

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

Reporting Sexual Misconduct and Gender Based Violence

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

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

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

Advising, Resources & Education

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

and support as well. Survivor Advocates are also available in the local community. TUC administrators will assist community members in accessing these services.

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

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

University Disciplinary Procedures

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

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

Introduction

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

Sexual Assault, Domestic Violence, Dating Violence, and Stalking

Sexual Assault Defined

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

Domestic Violence Defined

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

Dating Violence Defined

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

Stalking Defined

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

VAWA Offences as Defined by the State of California

Consent (California Penal Code 261.6)

PENAL CODE - PEN

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

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

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

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

Domestic Violence (California Penal Code 243)

PENAL CODE - PEN

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

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

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

243.

(a) A battery is punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment.

(b) When a battery is committed against the person of a peace officer, custodial officer, firefighter, emergency medical technician, lifeguard, security officer, custody assistant, process server, traffic officer, code enforcement officer, animal control officer, or search and rescue member engaged in the performance of his or her duties, whether on or off duty, including when the peace officer is in a police uniform and is concurrently performing the duties required of him or her as a peace officer while also employed in a private capacity as a part-time or casual private security guard or patrolman, or a nonsworn employee of a probation department engaged in the performance of his or her duties, whether on or off duty, or a physician or nurse engaged in rendering emergency medical care outside a hospital, clinic, or other health care facility, and the person committing the offense knows or reasonably should know that the victim is a peace officer, custodial officer, firefighter, emergency medical technician, lifeguard, security officer, custody assistant, process server, traffic officer, code enforcement officer, animal control officer, or search and rescue member engaged in the performance of his or her duties, nonsworn

employee of a probation department, or a physician or nurse engaged in rendering emergency medical care, the battery is punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment.

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

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

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

(e) (1) When a battery is committed against a spouse, a person with whom the defendant is cohabiting, a person who is the parent of the defendant's child, former spouse, fiancé, or fiancée, or a person with whom the defendant currently has, or has previously had, a

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

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

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

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

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

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

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

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

(f) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

(B) “Code enforcement officer” also includes any person who is employed by the Department of Housing and Community Development who has enforcement authority for health, safety, and welfare requirements pursuant to the Employee Housing Act (Part 1 (commencing with Section 17000) of Division 13 of the Health and Safety Code); the State Housing Law (Part 1.5 (commencing with Section 17910) of Division 13 of the Health and Safety Code); the Manufactured Housing Act of 1980 (Part 2 (commencing with Section 18000) of Division 13 of the Health and Safety Code); the Mobile Home Parks Act (Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code); and the Special Occupancy Parks Act (Part 2.3 (commencing with Section 18860) of Division 13 of the Health and Safety Code).

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

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

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

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

as private security guards or patrolmen and to allow the exercise of peace officer powers concurrently with that employment.

Stalking (California Penal Code 646.9)

PENAL CODE – PEN

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

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

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

646.9.

(a) Any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family is guilty of the crime of stalking, punishable by imprisonment in a county jail for not more than one year, or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment, or by imprisonment in the state prison.

(b) Any person who violates subdivision (a) when there is a temporary restraining order, injunction, or any other court order in effect prohibiting the behavior described in subdivision (a) against the same party, shall be punished by imprisonment in the state prison for two, three, or four years.

(c) (1) Every person who, after having been convicted of a felony under Section 273.5, 273.6, or 422, commits a violation of subdivision (a) shall be punished by imprisonment in a county jail for not more than one year, or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment, or by imprisonment in the state prison for two, three, or five years.

(2) Every person who, after having been convicted of a felony under subdivision (a), commits a violation of this section shall be punished by imprisonment in the state prison for two, three, or five years.

(d) In addition to the penalties provided in this section, the sentencing court may order a person convicted of a felony under this section to register as a sex offender pursuant to Section 290.006.

(e) For the purposes of this section, “harasses” means engages in a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, torments, or terrorizes the person, and that serves no legitimate purpose.

(f) For the purposes of this section, “course of conduct” means two or more acts occurring over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of “course of conduct.”

(g) For the purposes of this section, “credible threat” means a verbal or written threat, including that performed through the use of an electronic communication device, or a threat implied by a pattern of conduct or a combination of verbal, written, or electronically communicated statements and conduct, made with the intent to place the person that is the target of the threat in reasonable fear for his or her safety or the safety of his or her family, and made with the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety or the safety of his or her family. It is not necessary to prove that the defendant had the intent to actually carry out the threat. The present incarceration of a person making the threat shall not be a bar to prosecution under this section. Constitutionally protected activity is not included within the meaning of “credible threat.”

(h) For purposes of this section, the term “electronic communication device” includes, but is not limited to, telephones, cellular phones, computers, video recorders, fax machines, or pagers. “Electronic communication” has the same meaning as the term defined in Subsection 12 of Section 2510 of Title 18 of the United States Code.

(i) This section shall not apply to conduct that occurs during labor picketing.

(j) If probation is granted, or the execution or imposition of a sentence is suspended, for any person convicted under this section, it shall be a condition of probation that the person participate in counseling, as designated by the court. However, the court, upon a showing of good cause, may find that the counseling requirement shall not be imposed.

(k) (1) The sentencing court also shall consider issuing an order restraining the defendant from any contact with the victim, that may be valid for up to 10 years, as determined by the court. It is the intent of the Legislature that the length of any restraining order be based upon the seriousness of the facts before the court, the probability of future violations, and the safety of the victim and his or her immediate family.

(2) This protective order may be issued by the court whether the defendant is sentenced to state prison, county jail, or if imposition of sentence is suspended and the defendant is placed on probation.

(l) For purposes of this section, “immediate family” means any spouse, parent, child, any person related by consanguinity or affinity within the second degree, or any other person who regularly resides in the household, or who, within the prior six months, regularly resided in the household.

(m) The court shall consider whether the defendant would benefit from treatment pursuant to Section 2684. If it is determined to be appropriate, the court shall recommend that the Department of Corrections and Rehabilitation make a certification as provided in Section 2684. Upon the certification, the defendant shall be evaluated and transferred to the appropriate hospital for treatment pursuant to Section 2684.

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

Rape (California Penal Code 261)

PENAL CODE - PEN

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

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

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

261.

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

(1) Where a person is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or

developmental or physical disability rendered the alleged victim incapable of giving consent.

(2) Where it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.

(3) Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused.

(4) Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, "unconscious of the nature of the act" means incapable of resisting because the victim meets any one of the following conditions:

(A) Was unconscious or asleep.

(B) Was not aware, knowing, perceiving, or cognizant that the act occurred.

(C) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.

(D) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.

(5) Where a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.

(6) Where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.

(7) Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, "public official" means a person employed by a governmental agency who has

the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(b) As used in this section, “duress” means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed, or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and his or her relationship to the defendant, are factors to consider in appraising the existence of duress.

(c) As used in this section, “menace” means any threat, declaration, or act which shows an intention to inflict an injury upon another. 261.5. (a) Unlawful sexual intercourse is an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator, if the person is a minor. For the purposes of this section, a “minor” is a person under the age of 18 years and an “adult” is a person who is at least 18 years of age. (b) Any person who engages in an act of unlawful sexual intercourse with a minor who is not more than three years older or three years younger than the perpetrator, is guilty of a misdemeanor. (c) Any person who engages in an act of unlawful sexual intercourse with a minor who is more than three years younger than the perpetrator is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170.

(d) Any person 21 years of age or older who engages in an act of unlawful sexual intercourse with a minor who is under 16 years of age is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.

(e) (1) Notwithstanding any other provision of this section, an adult who engages in an act of sexual intercourse with a minor in violation of this section may be liable for civil penalties in the following amounts:

(A) An adult who engages in an act of unlawful sexual intercourse with a minor less than two years younger than the adult is liable for a civil penalty not to exceed two thousand dollars (\$2,000).

(B) An adult who engages in an act of unlawful sexual intercourse with a minor at least two years younger than the adult is liable for a civil penalty not to exceed five thousand dollars (\$5,000).

(C) An adult who engages in an act of unlawful sexual intercourse with a minor at least three years younger than the adult is liable for a civil penalty not to exceed ten thousand dollars (\$10,000).

(D) An adult over the age of 21 years who engages in an act of unlawful sexual intercourse with a minor under 16 years of age is liable for a civil penalty not to exceed twenty-five thousand dollars (\$25,000).

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

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

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

261.6.

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

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

261.7.

In prosecutions under Section 261, 262, 286, 287, or 289, or former Section 288a, in which consent is at issue, evidence that the victim suggested, requested, or otherwise communicated to the defendant that the defendant use a condom or other birth control device, without additional evidence of consent, is not sufficient to constitute consent.

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

261.9.

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

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

262.

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

(1) Where it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.

(2) Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known, by the accused.

(3) Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, "unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions:

(A) Was unconscious or asleep.

(B) Was not aware, knowing, perceiving, or cognizant that the act occurred.

(C) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.

(4) Where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.

(5) Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(b) As used in this section, "duress" means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed, or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and his or her relationship to the defendant, are factors to consider in appraising the existence of duress.

(c) As used in this section, "menace" means any threat, declaration, or act that shows an intention to inflict an injury upon another.

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

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

(2) That the defendant reimburse the victim for reasonable costs of counseling and other reasonable expenses that the court finds are the direct result of the defendant's offense. For any order to pay a fine, make payments to a battered women's shelter, or pay restitution as a condition of probation under this subdivision, the court shall make a determination of the defendant's ability to pay. In no event shall any order to make payments to a battered women's shelter be made if it would impair the ability of the defendant to pay direct restitution to the victim or court ordered child support. Where the injury to a married person is caused in whole or in part by the criminal acts of his or her spouse in violation of this section, the community property may not be used to discharge the liability of the offending spouse for restitution to the injured spouse, required by

Section 1203.04, as operative on or before August 2, 1995, or Section 1202.4, or to a shelter for costs with regard to the injured spouse and dependents, required by this section, until all separate property of the offending spouse is exhausted. (Amended by Stats. 2006, Ch. 45, Sec. 1. Effective January 1, 2007.)

263.

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

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

263.1.

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

This section is declarative of existing law.

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

264.

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

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

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

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

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

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

264.1.

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

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

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

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

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

264.2.

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

(b) (1) The law enforcement officer, or his or her agency, shall immediately notify the local rape victim counseling center, whenever a victim of an alleged violation of Section 261, 261.5, 262, 286, 287, or 289 is transported to a hospital for any medical evidentiary or physical examination. The hospital may notify the local rape victim counseling center,

when the victim of the alleged violation of Section 261, 261.5, 262, 286, 287, or 289 is presented to the hospital for the medical or evidentiary physical examination, upon approval of the victim. The victim has the right to have a sexual assault counselor, as defined in Section 1035.2 of the Evidence Code, and a support person of the victim's choosing present at any medical evidentiary or physical examination.

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

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

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

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

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

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

265.

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

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

266.

A person who inveigles or entices a person under 18 years of age into a house of ill fame, or of assignation, or elsewhere, for the purpose of prostitution, or to have illicit carnal connection with another person, and a person who aids or assists in that inveiglement or enticement, and a person who, by any false pretenses, false representation, or other fraudulent means, procures a person to have illicit carnal connection with another person, is punishable by imprisonment in the state prison, or by imprisonment in a county jail not exceeding one year, or by a fine not exceeding two thousand dollars (\$2,000), or by both that fine and imprisonment.

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

266a.

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

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

266b.

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

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

266c.

Every person who induces any other person to engage in sexual intercourse, sexual penetration, oral copulation, or sodomy when his or her consent is procured by false or fraudulent representation or pretense that is made with the intent to create fear, and which does induce fear, and that would cause a reasonable person in like circumstances to act contrary to the person's free will, and does cause the victim to so act, is punishable by imprisonment in a county jail for not more than one year or in the state prison for two,

three, or four years. As used in this section, “fear” means the fear of physical injury or death to the person or to any relative of the person or member of the person’s family.

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

266d.

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

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

266e.

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

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

266f.

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

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

266g.

Every man who, by force, intimidation, threats, persuasion, promises, or any other means, places or leaves, or procures any other person or persons to place or leave, his wife in a house of prostitution, or connives at or consents to, or permits, the placing or leaving of his wife in a house of prostitution, or allows or permits her to remain therein, is guilty of a felony and punishable by imprisonment pursuant to subdivision (h) of Section 1170 for

two, three or four years; and in all prosecutions under this section a wife is a competent witness against her husband.

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

266h.

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

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

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

266i.

(a) Except as provided in subdivision (b), any person who does any of the following is guilty of pandering, a felony, and shall be punishable by imprisonment in the state prison for three, four, or six years: (1) Procures another person for the purpose of prostitution. (2) By promises, threats, violence, or by any device or scheme, causes, induces, persuades, or encourages another person to become a prostitute. (3) Procures for another person a place as an inmate in a house of prostitution or as an inmate of any place in which prostitution is encouraged or allowed within this state. (4) By promises, threats, violence, or by any device or scheme, causes, induces, persuades, or encourages an inmate of a house of prostitution, or any other place in which prostitution is encouraged or allowed, to

remain therein as an inmate. (5) By fraud or artifice, or by duress of person or goods, or by abuse of any position of confidence or authority, procures another person for the purpose of prostitution, or to enter any place in which prostitution is encouraged or allowed within this state, or to come into this state or leave this state for the purpose of prostitution. (6) Receives or gives, or agrees to receive or give, any money or thing of value for procuring, or attempting to procure, another person for the purpose of prostitution, or to come into this state or leave this state for the purpose of prostitution.

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

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

266j.

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

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

266k.

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

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

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

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

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

267.

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

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

269.

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

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

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

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

(4) Oral copulation, in violation of paragraph (2) or (3) of subdivision (c), or subdivision (d), of Section 287 or former Section 288a.(5) Sexual penetration, in violation of subdivision (a) of Section 289.

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

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

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

261.5.

(a) Unlawful sexual intercourse is an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator, if the person is a minor. For the purposes of this section, a “minor” is a person under the age of 18 years and an “adult” is a person who is at least 18 years of age.

(b) Any person who engages in an act of unlawful sexual intercourse with a minor who is not more than three years older or three years younger than the perpetrator, is guilty of a misdemeanor.

(c) Any person who engages in an act of unlawful sexual intercourse with a minor who is more than three years younger than the perpetrator is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170.

(d) Any person 21 years of age or older who engages in an act of unlawful sexual intercourse with a minor who is under 16 years of age is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.

(e) (1) Notwithstanding any other provision of this section, an adult who engages in an act of sexual intercourse with a minor in violation of this section may be liable for civil penalties in the following amounts:

(a) An adult who engages in an act of unlawful sexual intercourse with a minor less than two years younger than the adult is liable for a civil penalty not to exceed two thousand dollars (\$2,000).

(b) An adult who engages in an act of unlawful sexual intercourse with a minor at least two years younger than the adult is liable for a civil penalty not to exceed five thousand dollars (\$5,000).

(c) An adult who engages in an act of unlawful sexual intercourse with a minor at least three years younger than the adult is liable for a civil penalty not to exceed ten thousand dollars (\$10,000).

(d) An adult over the age of 21 years who engages in an act of unlawful sexual intercourse with a minor under 16 years of age is liable for a civil penalty not to exceed twenty-five thousand dollars (\$25,000).

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

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

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

Statutory Rape (California Penal Code Section 261.5)

PENAL CODE - PEN

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

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

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

261.5.

(a) Unlawful sexual intercourse is an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator, if the person is a minor. For the purposes of this section, a “minor” is a person under the age of 18 years and an “adult” is a person who is at least 18 years of age.

(b) Any person who engages in an act of unlawful sexual intercourse with a minor who is not more than three years older or three years younger than the perpetrator, is guilty of a misdemeanor.

(c) Any person who engages in an act of unlawful sexual intercourse with a minor who is more than three years younger than the perpetrator is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170.

(d) Any person 21 years of age or older who engages in an act of unlawful sexual intercourse with a minor who is under 16 years of age is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.

(e) (1) Notwithstanding any other provision of this section, an adult who engages in an act of sexual intercourse with a minor in violation of this section may be liable for civil penalties in the following amounts:

(a) An adult who engages in an act of unlawful sexual intercourse with a minor less than two years younger than the adult is liable for a civil penalty not to exceed two thousand dollars (\$2,000).

(b) An adult who engages in an act of unlawful sexual intercourse with a minor at least two years younger than the adult is liable for a civil penalty not to exceed five thousand dollars (\$5,000).

(c) An adult who engages in an act of unlawful sexual intercourse with a minor at least three years younger than the adult is liable for a civil penalty not to exceed ten thousand dollars (\$10,000).

(d) An adult over 21 years of age who engages in an act of unlawful sexual intercourse with a minor under 16 years of age is liable for a civil penalty not to exceed twenty-five thousand dollars (\$25,000).

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

(3) In addition to any punishment imposed under this section, the judge may assess a fine not to exceed seventy dollars (\$70) against a person who violates this section with the proceeds of this fine to be used in accordance with Section 1463.23. The court shall, however, take into consideration the defendant's ability to pay, and a defendant shall not be denied probation because of their inability to pay the fine permitted under this subdivision.

(f) A person convicted of violating subdivision (d) who is granted probation shall not complete their community service at a school or location where children congregate.

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

Fondling (Sexual Battery) (California Penal Code 243.4)

PENAL CODE - PEN

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

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

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

243.4.

(a) Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. A violation of this subdivision is punishable by

imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(b) Any person who touches an intimate part of another person who is institutionalized for medical treatment and who is seriously disabled or medically incapacitated, if the touching is against the will of the person touched, and if the touching is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(c) Any person who touches an intimate part of another person for the purpose of sexual arousal, sexual gratification, or sexual abuse, and the victim is at the time unconscious of the nature of the act because the perpetrator fraudulently represented that the touching served a professional purpose, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(d) Any person who, for the purpose of sexual arousal, sexual gratification, or sexual abuse, causes another, against that person's will while that person is unlawfully restrained either by the accused or an accomplice, or is institutionalized for medical treatment and is seriously disabled or medically incapacitated, to masturbate or touch an intimate part of either of those persons or a third person, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(e) (1) Any person who touches an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of misdemeanor sexual battery, punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. However, if the defendant was an employer and the victim was an employee of the defendant, the misdemeanor sexual battery shall be punishable by a fine not exceeding three thousand dollars (\$3,000), by imprisonment in a county jail not exceeding six months, or by both that fine and

imprisonment. Notwithstanding any other provision of law, any amount of a fine above two thousand dollars (\$2,000) which is collected from a defendant for a violation of this subdivision shall be transmitted to the State Treasury and, upon appropriation by the Legislature, distributed to the Department of Fair Employment and Housing for the purpose of enforcement of the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), including, but not limited to, laws that proscribe sexual harassment in places of employment. However, in no event shall an amount over two thousand dollars (\$2,000) be transmitted to the State Treasury until all fines, including any restitution fines that may have been imposed upon the defendant, have been paid in full.

(2) As used in this subdivision, “touches” means physical contact with another person, whether accomplished directly, through the clothing of the person committing the offense, or through the clothing of the victim.

(f) As used in subdivisions (a), (b), (c), and (d), “touches” means physical contact with the skin of another person whether accomplished directly or through the clothing of the person committing the offense.

(g) As used in this section, the following terms have the following meanings:

(1) “Intimate part” means the sexual organ, anus, groin, or buttocks of any person, and the breast of a female.

(2) “Sexual battery” does not include the crimes defined in Section 261 or 289.

(3) “Seriously disabled” means a person with severe physical or sensory disabilities.

(4) “Medically incapacitated” means a person who is incapacitated as a result of prescribed sedatives, anesthesia, or other medication.

(5) “Institutionalized” means a person who is located voluntarily or involuntarily in a hospital, medical treatment facility, nursing home, acute care facility, or mental hospital.

(6) “Minor” means a person under 18 years of age.

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

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

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

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

Incest (California Penal Code 285)

PENAL CODE - PEN

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

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

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

285.

Persons being within the degrees of consanguinity within which marriages are declared by law to be incestuous and void, who intermarry with each other, or who being 14 years of age or older, commit fornication or adultery with each other, are punishable by imprisonment in the state prison.

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

Reporting An Incident

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

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

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

Students may also report to

- Vice Provost and Dean of Student Affairs, Dr. Steven Jacobson located at Truett Hall, Office 175, 707-638-5935
- Associate Dean of Student Affairs, Dr. Fraylanie Aglipay located at Truett Hall, Office 107, 707-638-5883

Employees may also report to

- Mr. Zachary Shapiro, Compliance Officer and Title IX Officer, located at Farragut Inn 107, 707-638-5459

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

Written Notification of Rights and Options

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

Victim Reporting Procedures

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

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

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

On and Off Campus Victim Support Resources

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

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

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

Employee Assistance Program (EAP)(available 24/7).....(866) 799-2728
www.HealthAdvocate.com/touro

TUC Student Health Center.....(707) 638-5220
Building H89

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

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

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

Community Violence Solutions Rape Crisis Hotline 1(866) 487-7233

National Sexual Assault Hot Line 1(800) 656-4673

National Domestic Violence Hotline 1(800) 799-SAFE (7233)

Accommodations

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

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

Victim Confidentiality

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

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

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

Education Programs

Touro University is committed to increasing the awareness of and preventing sexual violence. All incoming students and new employees are provided with programming and strategies intended to prevent rape, acquaintance rape, sexual assault, domestic violence, dating violence, and stalking before it occurs through the changing of social norms and other approaches; that includes a clear statement that Touro University California prohibits such acts, their definitions, the definition of consent, options for bystander intervention, information about risk reduction, and our policies and procedures for responding to these incidents. TUC has partnered with Vector Solutions and they will be providing a mandatory educational program to all new Touro University students. These programs include refresher educational videos on health relationships, dating and domestic violence, and bystander intervention. Ongoing educational campaigns are delivered through periodic emails throughout the semester and year, ensuring that students receive consistent reminders and updates on safety awareness. Additionally, these are integrated into their academic curriculum to reinforce the importance of campus safety and foster a culture of awareness and prevention. More information is found in the [Drug & Controlled Substance Policy \(Appendix C\)](#).

Conduct Proceedings

Touro University California strictly prohibits all acts of sexual assault, domestic violence, dating violence, and stalking. In addition to facing criminal investigation and prosecution, students, employees, and other affiliates may also face disciplinary action by Touro University. Individuals found responsible for having committed such a violation face sanctions that include: permanent expulsion, termination of employment, suspension (with or without pay), removal from class or rotations, probation, or protective measures such as alteration in living situation, no contact orders, limited access to facilities and activities, restitution, third party professional development training, written statements, notation on transcripts or permanent employment record. Incidents involving accused students will be handled by the Associate Dean of Student Affairs, Truett Hall Office 107, 707-638-5883, and incidents involving accused employees/affiliates will be handled by the Compliance Officer and Title IX Officer, Farragut Inn 107, 707-638-5459.

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

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

Determinations shall be made by an independent third-party finder of fact in student and employee cases within 45 days using the preponderance of the evidence standard (which means that it is more likely than not that the alleged misconduct occurred). The finder of fact shall be a TUC official who does not have a conflict of interest or bias for or against either the accuser or the accused.

In all proceedings, including any related meetings or hearings, both the accused and accuser are entitled to the same opportunities to have others present. This includes the right to be accompanied by an advisor of their choice at any proceeding conducted by the university. The term “advisor” means any individual who provides the accused or accuser

support, guidance, or advice. This advisor may function only as an advisor and may not speak during any proceeding. Both the accused and accuser shall simultaneously be informed in writing of the outcome of the proceeding, of procedures and timeframe, within 7 business days, for appealing the results of the outcome, of any change to the results that occurs prior to the time that they become final, and when such results become final. Disclosure of the outcome shall be made to both parties unconditionally, and each shall be free to share or not share the details with any third parties.

Upon written request, Touro University California will disclose to the victim(s) of a crime of violence (as that term is defined in section 16 of title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the university against a student or employee who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

For additional information about student conduct proceedings please consult Appendix H in the [University Student Catalog](#).

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

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

Emergency Management at Touro University California

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

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

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

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

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

Drills, Exercises and Training

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

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

Emergency Notification

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

Procedures Used to Notify the Campus Community

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

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

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

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

The university's authorized representatives will immediately initiate the university's emergency notification system. If, in the professional judgment of first responders, issuing a notification potentially compromises efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency, the university may elect to delay issuing an emergency notification. As soon as the condition that may compromise efforts is no longer present, the university will issue the emergency notification to the campus community.

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

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

Determining the Contents of the Emergency Notification

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

Procedures for Disseminating Emergency Information to the University Community

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

If the University activates its emergency notification system in response to a situation that poses an immediate threat to members of the campus community, several offices such as the Interim Chief Academic Officer, Vice President and Interim Chief Executive Officer,

Deans of the Colleges, Student Affairs, Facilities, Operations, and Information Technology at the University are responsible for notifying the larger community about the situation and steps the University has taken to address the emergency. Primarily, Public Relations is responsible for crisis communications and for maintaining communications with national, regional, and local news and radio outlets.

Enrolling in the TUC's Emergency Notification System

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

<https://www.getrave.com/login/tu> and logging in.

SECURITY OF AND ACCESS TO UNIVERSITY FACILITIES

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

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

Security Considerations Used in the Maintenance of Campus Facilities

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

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

Student Housing

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

SAFETY AWARENESS PROGRAMS AND CAMPUS SECURITY POLICIES

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

Daily Crime Log

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

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

Registered Sex Offenders

Under 42 U.S.C. 16921, States provide a registry of known sex offenders and sexual predators. This data may be obtained clicking on the following link

<http://www.meganslaw.ca.gov/>

ALCOHOL AND OTHER DRUGS POLICY

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

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

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

TUC Students enrolled in the Osteopathic Medicine, Pharmacy, PA/MPH and Nursing programs must meet a variety of institutional and third party standards in order to

participate in their clinical rotations. TUC establishes the academic standards and experiential educational standards for all educational experiences, such as for clinical rotations. Clinical rotation standards and policies are stated in full detail in each program's student handbook. However, since the clinical rotation experience is common to several academic programs, the university drug screening procedures apply to all academic programs requiring clinical rotations. More information can be found in the [Controlled Substance Policy \(Appendix C\)](#) in this report.

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

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

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

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

Drug and Alcohol Addiction Recovery Resources

- Solano County
 - Comprehensive Mental Health Resources
 - https://www.solanocounty.com/depts/bh/substance_use_disorders.asp

- Alcohol and Drug Abuse Services 707-784-2220
- State of California Department of Alcohol and Drug Programs
 - <https://data.chhs.ca.gov/dataset?tags=Certified+Alcohol+and+Drug+Programs>
- Substance Abuse and Mental Health Service Administration Help Line 800-662-4357
- Kaiser Hospital (members only service) 707-651-1000; outpatient 707-645-2700
<http://www.kaiserpermanente.org>
- Community resources: Cope family Services <http://www.copefamilycenter.org>
- 12 Step Program Group Meetings: Meeting times, locations and directions for the service areas of Benicia, Dixon, Fairfield, Rio Vista, Rockville, Suisun City, Vacaville and Vallejo can be found by using the following link:
http://www.partnershiphp.org/Community/Documents/Solano/Solano_Substance_Use.pdf
- EAP Services (Health Advocate) 24/7 referral for employees. (1 866-799-2728)

ANNUAL DISCLOSURE OF CRIME STATISTICS

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

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

Definitions of Reportable Crimes

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

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

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

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

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

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

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

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

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

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

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

Violence Against Women Act (VAWA) Offences – which include

- A. **Domestic violence** – is a felony or misdemeanor crime of violence committed by:
- A current or former spouse or intimate partner of the victim,
 - A person with whom the victim shares a child in common,
 - A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
 - A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies (under VAWA) or,
 - Any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

- B. Dating violence** – is violence committed by a person:
- who is or has been in a social relationship or a romantic or intimate nature with the victim; and
 - where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - the length of the relationship;
 - the type of relationship; and
 - the frequency of interaction between the persons involved in the relationship.
- C. Stalking** – is engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
- fear for his or her safety or the safety of others; or
 - suffer substantial emotional distress.

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

- **Larceny/Theft** — includes pocket picking, purse snatching, shoplifting, theft from building, theft from motor vehicle, theft of motor vehicle parts or accessories, and all other larceny.
- **Simple Assault** — an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.
- **Intimidation** — to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct but without displaying a weapon or subjecting the victim to actual physical attack.
- **Destruction/Damage/Vandalism of Property (except Arson)** — to willfully or maliciously destroy, damage, deface or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Categories of Prejudice:

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

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

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

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

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

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

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

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

TOURO UNIVERSITY CALIFORNIA
1310 Club Drive, MARE ISLAND

CRIME STATISTICS

TYPE OF OFFENSE	YEAR	ON CAMPUS	NON- CAMPUS PROPERTY	PUBLIC PROPERTY
CRIMINAL HOMICIDE				
MURDER/NON-NEGLIGENT MANSLAUGHTER	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
NEGLIGENT MANSLAUGHTER	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
AGGRAVATED ASSAULT				
	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
SEX OFFENSES				
RAPE	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
FONDLING	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
INCEST	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
STATUTORY RAPE	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
ROBBERY				
	2023	0	0	0
	2022	1	0	0
	2021	0	0	0
BURGLARY				
FORCIBLE BURGLARY	2023	7	0	0
	2022	0	7	0
	2021	1	1	0
NON-FORCIBLE BURGLARY	2023	0	0	0
	2022	0	0	0
	2021	1	0	0

VAWA Offense				
DOMESTIC VIOLENCE	2023	0	0	0
	2022	0	1	0
	2021	0	0	0
STALKING	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
DATE VIOLENCE	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
MOTOR VEHICLE THEFT				
	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
ARSON				
	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
ARRESTS				
DRUG LAW ARRESTS	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
ILLEGAL WEAPONS POSSESSION ARRESTS	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
LIQUOR LAW ARRESTS	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
DISCIPLINARY REFERRALS				
DRUG LAW VIOLATIONS	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
ILLEGAL WEAPONS POSSESSION VIOLATIONS	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
LIQUOR LAW VIOLATIONS	2023	0	0	0
	2022	0	0	0
	2021	0	0	0

*Non Campus Property includes

545 Magazine St, Vallejo, CA 94590

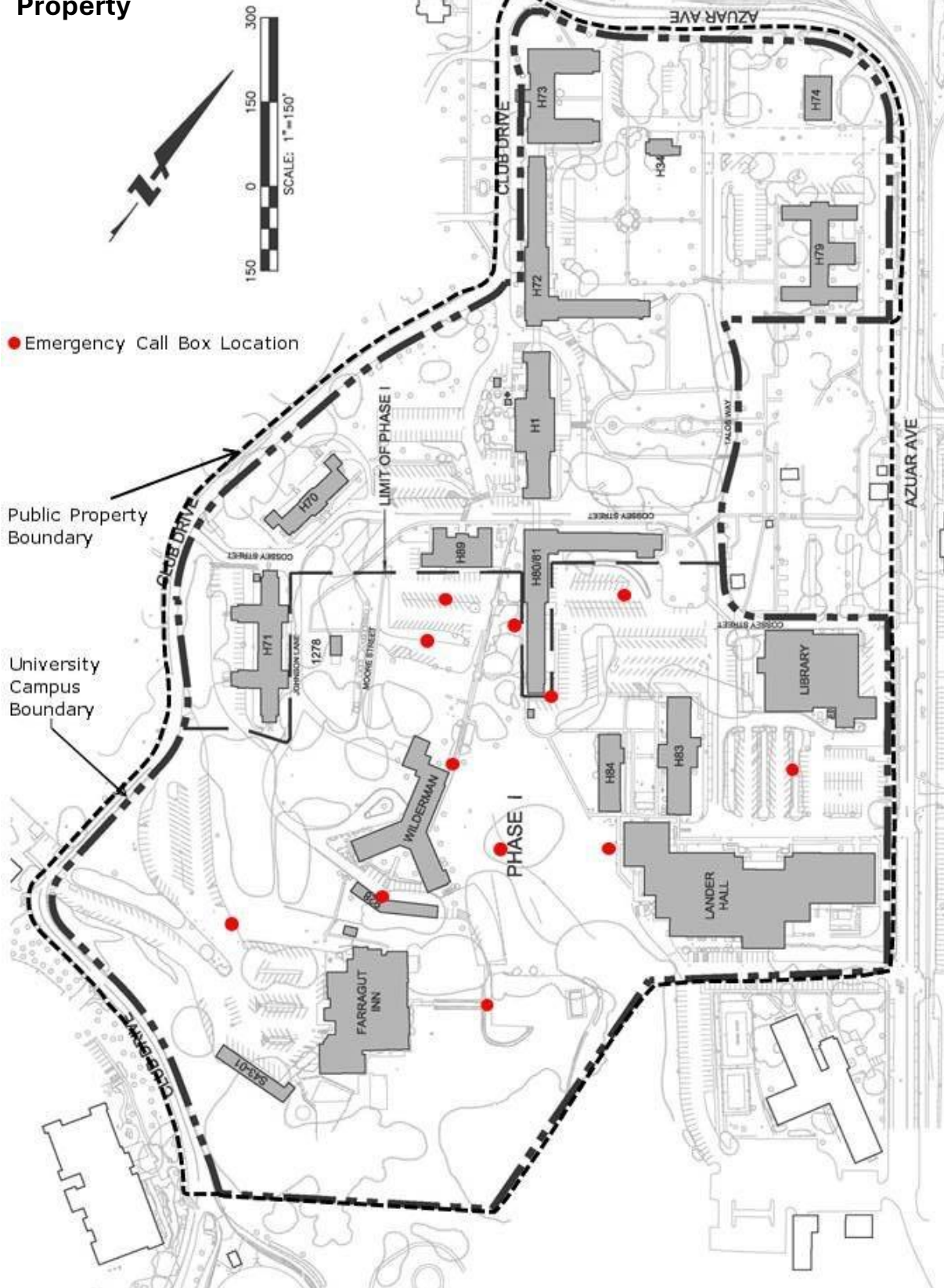
690 Walnut Ave., Vallejo, CA 94592

1805 California St., Stockton, CA 94202 3132 W March Ln., Stockton, CA 95219

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

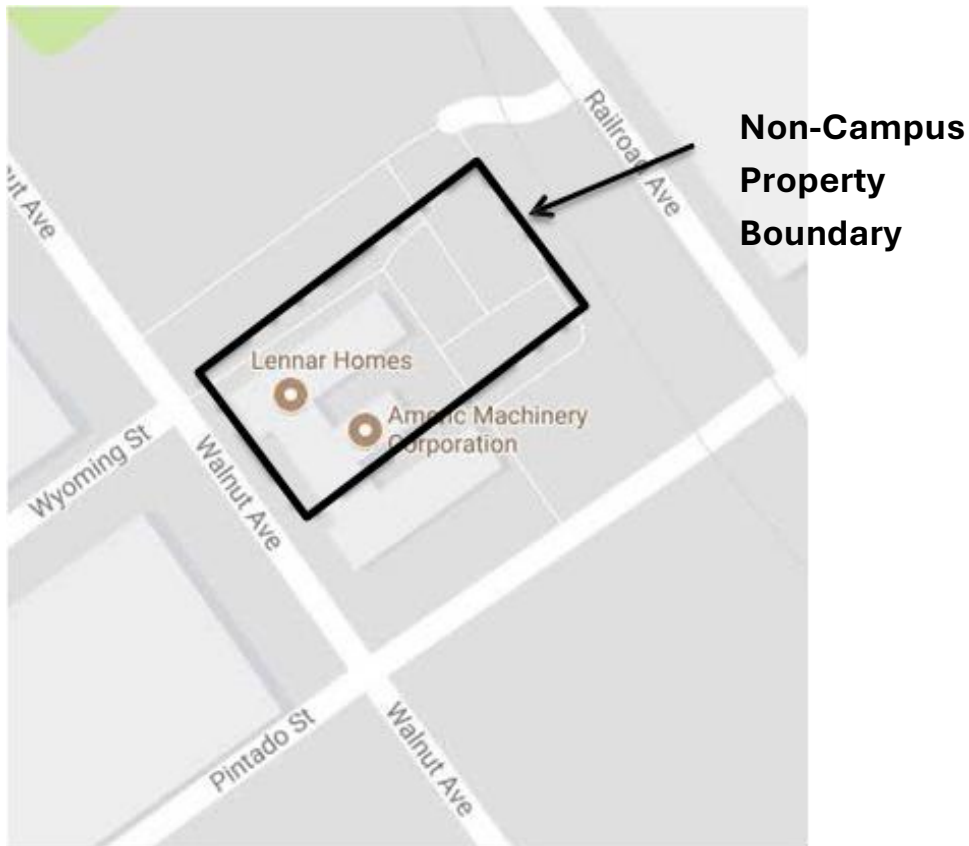
There were no Hate Crimes reported in 2021, 2022, or 2023 (Hate Crimes include the above and Larceny, Theft, Simple Assault, Intimidation and Destruction/damage/vandalism of property).

Clery Geography: Campus Property

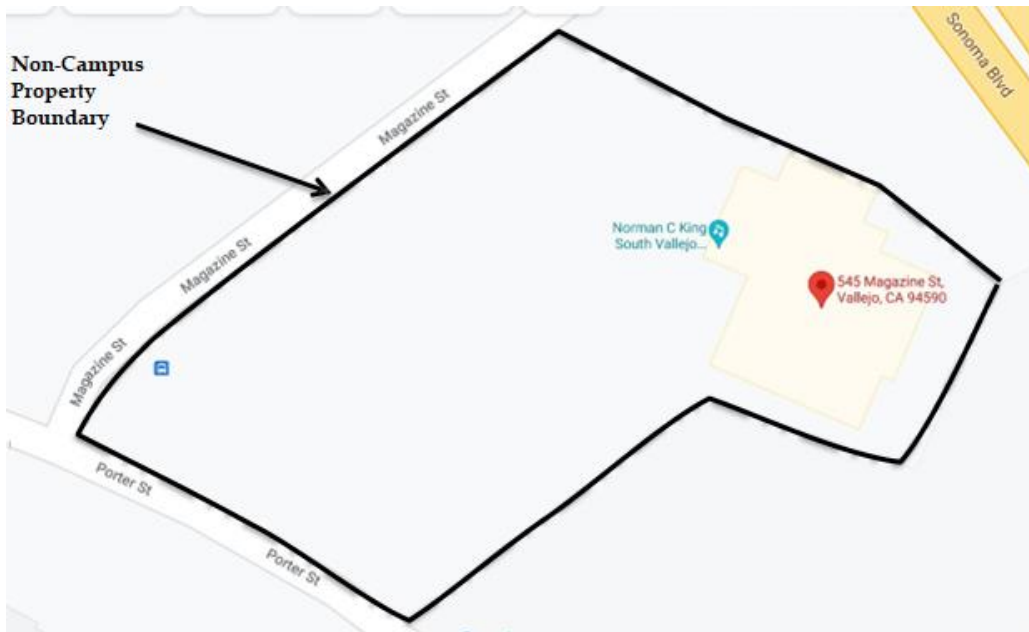


Non-Campus Property

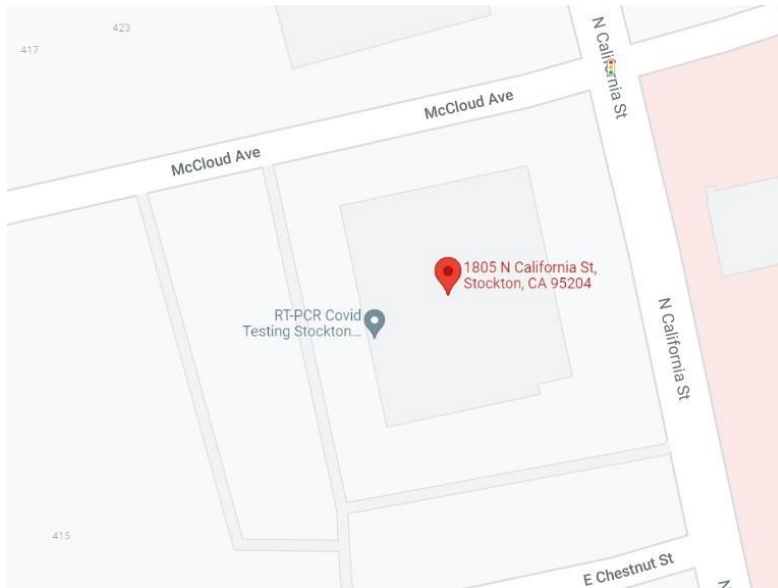
690 Walnut Avenue, Student Affairs, Human Resources, Finance, University Compliance



545 Magazine Street, Student Run Free Clinic



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



3132 W March Lane, Stockton, CA



IMPORTANT EMERGENCY PHONE NUMBERS AND OTHER CONTACT INFORMATION

Emergency Services

Vallejo Police/Fire/Ambulance

EMERGENCY911, dial 911 from any
..... campus phone

Vallejo PD Emergency..... (707) 552-3285

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

Vallejo PD Non-emergency(707) 648-4321

General information(707) 648-4321

Campus Security

EMERGENCY(707) 638-5804

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

Facilities Operations and Management(707) 638-5800

Business hoursM-Th 8:00AM – 5PM;

..... F 8:00 AM – 3:00 PM

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

Health Resources

Student Health Center

Non-emergency(707) 638-5220

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

Local Hospitals

Sutter Solano Medical Center(707) 554-4444

300 Hospital Drive, Vallejo, CA 94589

Kaiser Permanente.....(707) 651-1000

975 Sereno Drive, Vallejo CA 94589 Sexual Assault Response Team available

NorthBay Medical Center(707) 646-5000

1200 B. Gale Wilson Blvd., Fairfield, CA 94533

Sexual Assault Response Team available

Local Urgent Care Facilities

La Clinica North Vallejo(707) 641-1900

220 Hospital Drive, Vallejo, CA 94589-2517

La Clinica Vallejo(707) 556-8100

243 Georgia Street, Suite B, Vallejo, CA 94590-5905

For Kaiser Members

- Kaiser Permanente Vallejo Medical Center(707) 651-1025
 975 Sereno Drive, Vallejo, CA 94589
- Touro Student Counseling.....(707) 638-5292
 Student Health Center (Building H89)
 Touro University 24-hour Mental Health Hotline(707) 638-5292, option 3
- Touro University EAP(866) 799-2728
- Campus Rabbi(707) 638-5507
- Solano County Resources
 SafeQuest(866) 4UR-SAFE (487-7233)
 Sexual Assault and Domestic Violence advocacy and support
- Community Violence Solutions Rape Crisis Hotline(707) 644-7273
https://www.solanocounty.com/depts/fvp/community_resources.asp
- National Sexual Assault Hot Line 1(800) 656-4673
- National Domestic Violence Hotline1(800) 799-SAFE (7233)

Additional Resources

- Information Concerning Alcohol and Other Drug Education(707) 638-5822
- Student Conduct and Professionalism.....(707) 638-5883
- Associate Dean of Student Affairs.....(707) 638-5883
- Dean of Student Affairs.....(707) 638-5226
- Student Activities(707) 638-5254
- Graduate/Professional School Deans:
- College of Osteopathic Medicine(707) 638-5982
- College of Pharmacy(707) 638-5221
- College of Education and Health Sciences.....(707) 638-5429

Faculty/Employee Assistance Program (EAP)(866) 799-2728

Or, www.HealthAdvocate.com/touro

Title IX Officer(707) 638-5459

Campus Compliance.....(707) 638-5459

Compliance Hotline(646) 565-6000x55330

APPENDIX A: 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 Drive
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

GROUNDINGS 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 privilege 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 X(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 is may be allowed is if a Party identifies, and provides sufficient justification for, an "Expert Witness" prior to the Hearing. If an "Expert Witness" is identified by one party, the other party will have an opportunity to Cross-Examine that "Expert Witness", if they so choose.
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.

V. 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 B: 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 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:

(a) a 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

(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 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
 - (a) Pregnancy, childbirth, termination of pregnancy, or lactation;
 - (b) Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or
 - (c) 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

A. Generally

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.

B. Supportive Measures

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 Drive

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.

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 accuser and accused will have an opportunity to be present or have others present during any disciplinary proceedings. If a change in this decision is necessary, the Appeals Panel will review the appeal and rationale and make a final decision. Both parties will be informed of the outcome reached and sanctions imposed as a result of such proceedings.

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

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 C: CONTROLLED SUBSTANCE POLICY

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

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

Approval Date: January 24, 2018

Revised and Approved: ALT June 9, 2020

1.0 POLICY

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

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

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

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

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

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

2.0 PURPOSE

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

3.0 PUBLIC EDUCATION STATEMENT ON ILLICIT DRUG AND ALCOHOL USE

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

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

For students:

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

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

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

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

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

1. Muscle relaxants.
2. Antipsychotic drugs with central nervous system depressant effects.
3. Antidepressants with central nervous system depressant effects.
4. Antihistamines, motion sickness agents, antipruritics, antinauseants, anticonvulsants and antihypertensive agents with central nervous system depressant effects.

5. All Schedule II, III, IV and V agents with central nervous system depressant effects.
6. Anticholinergic agents that may impair vision.
7. Any other drug which, based on the pharmacist's professional judgment, may impair a patient's ability to operate a vehicle or vessel.

The student need not disclose the condition(s) for which the drugs are being used but will be required to document a valid prescription or physician letter. Following the required disclosure, the university will determine whether reasonable accommodations can be made which would allow the student to perform his or her duties safely. Students are referred to the university catalog section on drug testing for more information on how to disclose the use of 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	<ul style="list-style-type: none"> • Warnings • Disciplinary Probation • Counseling and treatment 	<ul style="list-style-type: none"> • Disciplinary Probation • Mandatory referral for counseling and • Treatment

	<ul style="list-style-type: none"> • Parental/Family Notification • College-level disciplinary action • Service to the college community 	<ul style="list-style-type: none"> • 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)	<ul style="list-style-type: none"> • Warnings • Disciplinary Probation • Mandatory counseling and treatment • Parental/Family Notification • College-Level disciplinary action 	<ul style="list-style-type: none"> • Disciplinary Probation • Mandatory counseling and treatment • Service to the college community • Parental/Family Notification • College-Level disciplinary action • Suspension or expulsion from university
Distribution or intent to distribute a controlled substance in violation of TUC policy or federal, state, or local law	<ul style="list-style-type: none"> • Legal action • College-level disciplinary actions 	<ul style="list-style-type: none"> • Legal action • College-level disciplinary 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 Provost that the student(s) be turned over to law enforcement authorities for legal action. The final decision on referring student cases to the authorities is made by the TUC Provost in consultation with TUC Compliance.

College-Level Sanctions:

- **Service to University Community:** Student must complete a designated number of hours of service to the TUC community. Service hours cannot interfere with the individual's course schedule.
- **Disciplinary Probation:** Exclusion from participation in specified privileges or university programs and activities as set forth in the notice of disciplinary probation for a designated period of time.
- **Restitution:** A student may be required to pay restitution to TUC or to fellow students for damages and losses resulting from his/her actions.
- **Suspension:** At any time during a student's enrollment at TUC 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 C) and the Student Code of Responsibilities and Rights (Appendix E).

For faculty and staff members:

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

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

In all cases, for students and faculty and staff, the existence of a tiered system of disciplinary sanctions measures does not preclude TUC from levying a heavy sanction prior to levying a lesser sanction. By way of illustration and not exclusion, TUC may, at

its sole discretion, expel a student or terminate a staff member for a violation of policy without first issuing a warning or putting that student or employee on probation.

5.0 REGULATIONS ON ALCOHOL USE/ABUSE

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

- The consumption of alcoholic beverages by individuals under the age of 21 is illegal. Provision of alcohol by any student or employee to anyone under the age of 21 is a violation of this policy and is a violation of state and federal law.
- All persons are prohibited from consuming alcoholic beverages on the premises of TUC (unless at an event specifically sanctioned by TUC Administration in writing according to related alcohol use policies), or entering or remaining on TUC premises in an impaired state.
- Any student, who falsely represents 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 Provost/interim CAO.

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

10.0 APPROVAL

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

11.0 DRUG USE HEALTH RISKS

For current information on the health risks associated with the use of various narcotics, depressants, stimulants, hallucinogens, or alcohol please 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 student's or employee's expense.
2. Execute the appropriate release of medical information forms to the university in order to monitor the compliance with the rehabilitation program.
3. Ensure the treatment facility provides the university with the necessary documentation to establish compliance.
4. Abstain from any illegal drug or alcohol misconduct.
5. Acknowledge that any future violation of Touro University California drug and alcohol prohibitions may result in immediate dismissal.
6. Failure to comply with any provision of the agreement may result in immediate dismissal.

14.0 WHERE CAN STUDENTS OR EMPLOYEES GO FOR HELP?

Students:

Call or visit the University Student Counseling Center at:
Building H89 in the Student Health Clinic
Touro University California
1310 Club Drive
Vallejo, CA 94592
Phone: (707) 638-5822
Email: ryan.guetersloh@tu.edu

Or, Associate Dean of Student Affairs

Touro University California
Truett Hall, Office 107
Vallejo, CA 94592
Phone: (707) 638-5883
Email: faglipay@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 1: List of Drug and Alcohol Support Services

United States and California State Resources

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

Solano County

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

Napa County

- National Institute on Drug Abuse 888.644.6432
- National Recovery Referral 1 800-363-0075
- Alcohol Abuse 800.356.9996 n Rapid Detox 800.996.3784
- Treatment Access Services 1 800.750.2727
- All California AA Meetings
- Narcotics Anonymous

Contra Costa County

- National Institute on Drug Abuse 888.644.6432
- Alcohol Abuse 800.356.9996
- Alcoholics Anonymous World Services (meeting times and locations) 212.870.3400
- Rapid Detox 800.996.3784
- Treatment Access Services 1 800.750.2727
- National Recovery Referral 1 800-363-0075
- All California AA Meetings

- All California NA Meetings

Sonoma County

- Sonoma County Department of Public Health Services (707) 565-6680
- Adult Children of Alcoholics (AA) (707) 575-7837
- National Institute on Drug Abuse 888.644.6432
- Alcohol Abuse 800.356.9996
- Alcoholics Anonymous World Services (meeting times and locations) 212.870.3400
- Rapid Detox 800.996.3784
- Treatment Access Services 1 800.750.2727
- National Recovery Referral 1 800-363-0075
- All California AA Meetings
- All California NA Meetings

Vallejo Fellowship of Alcoholics Anonymous:

Phone: 707-557-6318

Website: www.aa.org

Marijuana Anonymous:

Phone: 800-766-6779

Website: www.marijuana-anonymous.org

Children of Alcoholics Foundation:

Website: www.coaf.org

Cocaine Anonymous:

Website: www.ca.org

Narcotics Anonymous:

Website: www.na.org

Al-Anon:

Website: www.al-anon.alateen.org

APPENDIX 2: Drug Use Health Risks

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

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

quickly cause dehydration, coordination problems, and blurred vision. In large doses, alcohol can dull sensation and impair muscular coordination, memory and judgment. Taken in larger quantities over a long period of time, alcohol can damage the liver and heart and cause brain damage and a great number of other health, medical, and social issues.

- **Hallucinogens:** These are also known as psychedelics. The effects vary; the same person may have different reactions on different occasions. Most users are affected by changes in time and space perception, delusions and hallucinations. The effects may be mild or overwhelming, depending on the dose and quantity 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 3: LAWS RELATING TO DRUG VIOLATIONS

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

II Cocaine 500-4999 grams mixture

II Cocaine Base 28-279 grams mixture

IV Fentanyl 40-399 grams mixture

I Fentanyl Analogue 10-99 grams mixture

I Heroin 100-999 grams mixture

I LSD 1-9 grams mixture

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

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

First Offense:

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

Second Offense:

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

II Cocaine 5 kilograms or more mixture

II Cocaine Base 280 grams or more mixture

IV Fentanyl 400 grams or more mixture

I Fentanyl Analogue 100 grams or more mixture

I Heroin 1 kilogram or more mixture

I LSD 10 grams or more mixture

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

II PCP 100 grams or more pure or 1 kilogram or more mixture

First Offense:

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

Second Offense:

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

2 or More Prior Offenses:

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

Any Amount of Other Schedule I & II Substances

Any Drug Product Containing Gamma Hydroxybutyric Acid

Flunitrazepam (Schedule IV) 1 gram

First Offense:

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

Second Offense:

Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.

Any Amount of Other Schedule III Drugs

First Offense:

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

Second Offense:

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

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

First Offense:

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

Second Offense:

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

Any Amount of All Schedule V Drugs

First Offense:

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

Second Offense:

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