



UNITED STATES
UNIVERSITY

7675 Mission Valley Road
San Diego, CA 92108

2018 Annual Safety and Security Report

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I. Introduction

United States University (USU) prepares this report to comply with the requirements of the Federal Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (“Clery Act”). United States University is committed to providing our students, faculty, staff, and guests a safe and secure environment.

This report is prepared by members of the USU Safety Committee, which includes the President, Provost, Chief Financial Officer, Registrar, and Title IX Coordinator in cooperation with the local law enforcement agencies. Campus crime, arrest, and referral statistics include those reported to the local law enforcement agencies.

Each year, an email notification is made to all enrolled students, faculty and staff with the website to access this report. Current and prospective students and staff may obtain a copy of the report online at <https://www.usuniversity.edu/current-students/consumer-information/> or from the Chief Financial Officer.

II. Contact Information to Report a Crime or Emergency

Dial 911 for emergencies. All other crimes or suspicious activity may be reported to the following:

Safety Coordinator-San Diego

Ricardo Gonzalez

Receptionist and Facilities Coordinator

7675 Mission Valley Road

San Diego, CA 92108

619-876-4250

Non-Emergency Police (San Diego): 619-531-2000

Non-Emergency Fire (San Diego): 619-523-1624

Security for San Diego Campus

West Coast Security and Investigation Agency, LLC

Monday - Friday: 5 pm – 10 pm

Saturday & Sunday: 8 am – 7 pm

Human Resources

4615 E. Elwood St. Suite 100

Phoenix, AZ 85040

HR@usuniversity.edu

It is important for staff to take responsibility for their own safety and well-being. USU strongly encourages employees to take steps to ensure the safety and security of their belongings, themselves, and others and to report any crimes or emergencies to local authorities. USU does not maintain student housing and does not have a police department. A designated Safety Coordinator is responsible for receiving and documenting incident reports.

USU has a policy in the United States University, Inc., Company Handbook Version 1.0, under Policy Safety and Loss Prevention that allow victims or witnesses to report crimes on a voluntary, confidential basis to University administrators. It may remain confidential, except where there is a legitimate need to know. In addition, under Policy 6.6 Security, employees are encouraged to immediately report potential security risks and/or suspicious conduct. The University neither employs professional counselors or pastoral (faith-based) counselors for use by staff nor follows a policy that encourages pastoral counselors and professional counselors to inform the persons whom they are counseling to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics. Employees may anonymously report a crime directly to the local police or through other anonymous crime reporting mechanisms (such as Crime Stoppers).

III. Campus Security & Access

United States University contracts with West Coast Security and Investigation Agency, LLC to provide security on campus. Security guards at the San Diego Campus are on duty from 5:00 pm - 10:00 pm, Monday through Friday; and from 8:00 am - 7:00 pm on Saturday and Sunday.

During business hours, all facilities will be open to students, staff, faculty, and guests. During non- business hours access to all facilities is by key, if issued, or by admittance via the staff. The University recommends students, faculty, and staff to practice the following safety tips:

- Report suspicious people or activity to the appropriate staff member.
- Avoid places where you are vulnerable and there are no exits.
- Do not hesitate to call a USU staff person when strangers confront you.
- Lock your office when you leave.
- Walk in groups of at least two people at night.
- Walk only in lighted sidewalks after dark.
- When parking, lock your vehicle and remove valuables from plain view.
- Make a record of your credit card numbers and keep separate from your wallet or purse.
- Avoid carrying large amounts of cash or valuables.
- Write your name in several places in your textbooks.
- Lock your bicycle with a high quality lock.
- Always report all criminal incidents and losses of property to the contacts listed in [Section I.](#)

IV. Law Enforcement Authority and Crime Reporting

United States University enforces its campus security and access practices; it will not tolerate any criminal activity under any circumstances. Any and all crime occurrences on campus, at property owned by USU and on public property within, or immediately adjacent to and accessible from the campus that is reported to the campus security official, will be immediately reported to the appropriate law enforcement agency. Any and all crimes committed by a student, faculty or staff member may result in immediate dismissal from USU.

Campus security officials do not have the authority to arrest individuals. The campus security officials work closely with local law enforcement agencies and cooperate during any criminal investigation or request for service/advisement.

United States University staff and faculty have the authority to ask persons for identification and to determine whether individuals have lawful business on campus. Criminal incidents are referred to the local police who have jurisdiction on the campus. All crime victims and witnesses are strongly encouraged to immediately report a crime. Prompt reporting will assure timely warning notices on-campus and timely disclosure of crime statistics.

All incident reports are forwarded to the Chief Financial Officer for review and potential action. If a sexual assault or rape should occur, staff on the scene will assist the victim in contact with the Center for Community Solutions (“CCS”). CCS is a member of the San Diego County Sexual Assault Response Team (SART) and can be reached at the following numbers:

- 24-Hour Toll Free Crisis Line: 1-888-DVLINKS (385-4657)
- Coastal Location: 858-272-5777
- La Mesa Location: 619-697-7477
- North County Location: 760-747-6282

V. Emergency Response and Evacuation Procedures

The following document is the Emergency Action Plan to meet the written program requirements of Cal/OSHA standard (8 CCR § 3220) for:

United States University
675 Mission Valley Road
San Diego, CA 92108

- **Person(s) responsible for emergency planning and information**

Name	Title
Ricardo Gonzalez	Receptionist and Facilities Coordinator
Steve Stargardter	President
Scott Burrus	Provost

Reporting Emergencies

Employees are instructed to report fire or other emergency immediately, to the supervisor, then to the responsible person(s) listed above. If neither is immediately available or if professional assistance is needed, report to:

A. IF USING A CELL PHONE, DIAL THE SEVEN- DIGIT NUMBER. ONLY DIAL 911 IF YOU ARE CALLING FROM A LANDLINE.

Emergency:		Non-Emergency Numbers:
Fire Department:	911 or (619)-533-4300	(619) 523-1624
Medical Assistance:	911	
Police:	911 or (619) 291-1729	(619) 531-2000 or (858) 484-4154
Security:	(619) 721-7926	(888) 961-7776

Be prepared to provide the responder with the employer's name, location and the nature of the emergency.

Other Types of Emergencies

Animal Control	(619) 767-2675	Injured or sick animals, animal cruelty, aggressive animal, animal bite to a person.
Dead Animal Removal	(858) 694-7000/ (888) 299-9905	Removal of dead animals from County maintained roads or facilities
Arson Hotline		Arson investigations/Explosive Device Team
Crisis & Suicide Hotline	(888) 724-7240	Assistance with mental health crisis
Flood control 24-hour hotline	(858) 565-5262	
Hazardous Material	(800) 728-6942/ (800) 424-8802	Emergencies and other sudden threats to public safety; oil and/or chemical spills; radiation emergencies and biological discharges
Power or Gas Emergency Outages	(800) 411-7343	Electrical or gas emergency (SDG&E)
Street Lights/ Signals/Public Works	(619) 527-7500	Street signal malfunctions, trees in roadway
Water & Sewer Emergency Repair	(619) 515-3535	For reporting water emergencies such as water main breaks, service leaks, valve leaks, and hydrant knock overs, high line leaks, and pressure problems. This hotline takes calls and dispatches crews to investigate and/or fix problems.

- **The alarm system or method(s) used to alert employees of an emergency**

The employee alarm system shall provide warning for necessary emergency action, or for reaction time for safe escape of employees from the workplace or the immediate work area, or both. The alarm

system or method(s) used to alert employees of an emergency are:

Sirens:

A siren will produce a loud piercing wail if/when the emergency pull station is activated.

Visual Alarms:

Visual signals are used to alert workers with hearing loss about an emergency in the form of strobe lights. Visible signals are provided in restrooms and other general and common use areas including hallways, meeting and conference rooms, and classrooms.

Emergency Alert System

The Emergency Alert System may be used to notify employees of emergencies via phone or text message. United States University utilizes EZ Texting as a text messaging service. This may be used as an all-out communication regarding emergency situations, including company shutdown or stay in place notifications.

Mass Communication:

A broadcast e-mail to the Faculty and Staff list may also be used.

• **Emergency procedures**

A wide variety of emergencies, both man-made and natural, may require United States University to be evacuated. These emergencies include - fires, explosions, floods, earthquakes, hurricanes, tornadoes, toxic material releases, civil disturbances and workplace violence.

Each emergency situation may call for a different response. For example, employees may need to assemble in one area inside the workplace if threatened by an external incident or perhaps a chemical spill on an adjacent highway, but evacuate to an exterior location during a fire. This plan shall identify when and how employees are to respond to different types of emergencies.

Do not use elevators.

- (1) Evacuate quickly—without running—to the nearest exit specified. Use an alternate route if the nearest one is blocked.
- (2) Determine identity of the employee(s) who remain to operate critical operations before they evacuate.
- (3) Proceed to the assembly area and stay there until accounted for and authorized to leave the premises.
- (4) Until authorized, do not return to the workplace.



FIRE EMERGENCY

- (1) Activate the nearest alarm (if possible).
- (2) Fight the fire only if:
 - The fire is small and is not spreading to other areas.
 - The fire extinguisher is in working condition and employee is trained.
- (3) Evacuate the building and assemble in the designated area.
- (4) Escape the area by backing up to the nearest exit.

EARTHQUAKE OR CIVIL DISTURBANCE

REMAIN CALM. DO NOT ATTEMPT TO EVACUATE. EVACUATION SHOULD NEVER BE AUTOMATIC.



- (1) **DROP** to the ground and take **COVER**; find shelter under a desk or sturdy table. A doorway may provide some shelter if a piece of furniture is not immediately available. **HOLD ON** until the shaking stops.
- (2) Avoid places where objects may fall from overhead storage or near outside walls and windows.
- (3) Follow instructions from responsible persons.
- (4) If outdoors, get into an open area away from trees, buildings, walls and power lines. When on a sidewalk or near buildings, duck into a doorway to protect yourself from potential falling debris. Stay clear of windows.
- (5) If an earthquake, once building stops shaking, follow evacuation route(s) quickly. Do not use elevators. Once outside, stay away from buildings, trees and electrical lines.

EXTENDED POWER LOSS

In the event of extended power loss to a facility certain precautionary measures should be take depending on the geographical location and environment of the facility:

- (1) Unnecessary electrical equipment and appliances should be turned off in the event that power restoration would surge causing damage to electronics and effecting sensitive equipment.
- (2) Upon restoration of power:
 - Electronic equipment should be brought up to ambient temperatures before energizing to prevent condensate from forming on circuitry.
 - Fire and potable water piping should be checked for leaks from freeze damage after the heat has been restored to the facility and water turned back on.

FIRST AID AND MEDICAL EMERGENCIES

- (1) The following person(s) are designated and trained first-aid providers: Jennifer Billingsley, DNP, FNP-BC, CNE
- (2) In the event of a medical emergency, request medical assistance by calling the number listed above for reporting emergencies, while the designated first-aid provider or other employee attends to the victim.
- (3) Do not provide medical attention unless you are trained and have the necessary supplies available.
- (4) Avoid contact with blood, body fluids or other potentially infectious material by using protective equipment and safe practices. Any exposure must be promptly reported to the employer.
- (5) First-aid kit(s) are available at the following location(s):
 - Staff Lounge
 - Reception Desk
 - 2nd Floor Administration area
- (6) First-aid posters are displayed at the following location(s). Employees should familiarize themselves with this information.
 - Staff Lounge
 - Student Lounge

TELEPHONE BOMB THREAT (Appendix A)

Complete the form in Appendix A and return to the Chief Financial Officer.

- **Evacuation route and assembly area map**

Evacuation route(s) and assembly area(s) maps are posted in each area. At least two evacuation routes and an assembly area are included. Employees should become familiar with all evacuation route(s) and assembly area(s).

Designated employees may be responsible for checking offices, bathrooms, and other spaces before being the last person to exit an area. They might also be tasked with ensuring that fire doors are closed when exiting. All employees designated to assist in emergency evacuation procedures should be trained in the complete workplace layout and various alternative escape routes if the primary evacuation route becomes blocked. Employees designated to assist in emergencies should be made aware of employees with special needs (who may require extra assistance during an evacuation), how to use the buddy system, and any hazardous areas to avoid during an emergency evacuation.

Visitors also should be accounted for following an evacuation and may need additional assistance when exiting. Visitors and contractors are expected to sign in when entering the workplace; this shall be used when accounting for all persons in the evacuation assembly area. The hosts and/or area employees, shall help these individuals safely evacuate.

Internal assembly areas (“Areas of Refuge”) have been established for the following at the San Diego campus:

- 1st Floor 2nd Floor
- Admissions/Student Services Area Staff Lounge
- Main Lobby

Manager /Supervisor shall take a head count after the evacuation. Identify the names and last known locations of anyone not accounted for and pass them to the official in charge. Accounting for all employees following an evacuation is critical. Confusion in the assembly areas can lead to delays in rescuing anyone trapped in the building, or unnecessary and dangerous search-and-rescue operations. The Receptionist shall take the visitor log to account for non-employees on-site at the time of evacuation.

Note: Phoenix employees are subject to the evacuation procedures and training provided the Safety Coordinator in the Phoenix office. These procedures are coordinated with the Phoenix Police and Fire Departments.

- **Emergency Response Team**

The primary responsibility of the emergency response team indicated by this plan is to provide for the safe and efficient evacuation of all personnel during a significant event. The secondary responsibility may be to assist in mitigating the emergency if it is within the capabilities of the team. The team is comprised of the president, chief financial officer, and safety committee members (as applicable).

VI. Drug and Alcohol Policies/Drug Free Campus

United States University complies with the Drug Free Workplace Act of 1990 and the Higher Education Act Section 120a, 34 CFR 668.46(b) (4) (ii) and 34 CFR 668.46 (b) (8). The University policy regarding the possession, use, and/or sale of alcoholic beverages or illicit drugs on campus is governed by state and municipal law.

The Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989

require that, as a condition of receiving funds or financial assistance under any Federal program, the University create and maintain a drug-free environment and implement a program to prevent the Unlawful possession, use, or distribution of drugs, and the abuse of alcohol, by its students and employees.

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

VII. Substance Abuse Education

LOCAL, STATE & FEDERAL LEGAL SANCTIONS

Violation of this policy can result in a disciplinary action, up to and including termination of an employee or dismissal of a student, even for a first time offense. There are numerous legal sanctions under local, State, and federal laws which can be used to punish violators. Penalties can range from suspension, revocation, and denial of a driver's license to 20-50 years' imprisonment at hard labor without benefit of parole. Property may be seized. Community service may be mandated.

Recent federal anti-drug laws affect a number of areas in everyone's lives. Students could lose eligibility for financial aid, could be denied other federal benefits such as Social Security, retirement, welfare, health, disability, and veterans' benefits. The Department of Housing and Urban Development, which provides funds to states and communities for public housing, now has the authority to evict residents and members of their household who are involved in drug-related crimes on or near the public housing premises.

Businesses could lose federal contracts if the company does not promote a drug-free environment. Finally, a record of a felony or conviction in a drug-related crime may prevent a person from entering certain careers. The laws of the State are adequate to protect the innocent, but stringent enough to ensure that persons involved with the illegal dealing of drugs or excessive use of alcohol can be adequately punished. For example, a small amount of drugs found on a person may lead to an arrest that could require the person to make payment of all court costs as well as participate in mandatory community service. A person found with drugs with the intention to distribute could be imprisoned. A person found to be intoxicated while driving could be forced to pay court costs, lawyers' fees, participate in community service, receive an increase in the cost of automobile insurance or even lose their driver's license and end up in prison. In addition to local and State authorities, the federal government has four agencies engaged in fighting illicit drugs: Drug Enforcement Administration, U.S. Customs and Border Protection, Federal Bureau of Investigation, and the U.S. Coast Guard.

SUBSTANCE ABUSE PREVENTION PROGRAM

The University provides information regarding the prevention of substance abuse and consequences regarding the violation of its policies in its University Catalog: <https://www.usuniversity.edu/university-catalogs/2019.2020-usu-catalog.pdf>. The following national toll-free telephone number is provided to assist any member of the University who may require assistance in dealing with a drug or alcohol problem:

24 Hour National Alcohol and Substance Abuse Information Center

1-800-784-6776 or 844-285-0221

VIII. Sexual Misconduct Policy

A. PURPOSE

United States University is committed to fostering an environment in which students, faculty, and staff learn and work in an atmosphere free of unlawful discrimination. The University regards sexual misconduct, including domestic violence, dating violence, sexual assault, sexual exploitation, sexual harassment, and stalking, as a serious offense that may result in suspension, expulsion, or termination of employment for faculty and staff or result in sanctions up to dismissal from the University for students. Definitions for each of these terms are found in the Definition of Terms below. The Sexual Misconduct Policy has been developed to proactively create an environment in which incidents of sexual misconduct can be promptly and effectively responded to without further victimization, retaliation, and with possible remediation of its effects. This policy applies to all students, faculty, and staff, regardless of sexual orientation or gender identity, as well as to third parties, and also applies to off-campus conduct if the conduct occurs in the context of an education program or setting, or had a continuing effect on a University location.

Each University campus has personal safety and sexual misconduct prevention programs in place and follows established procedures for reporting violations of University policy and state/federal law, including contacting local law enforcement personnel and assisting alleged victims. Neither the University nor any officer, faculty member, staff member, or agent of the University shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under Title IX of the Education Amendments of 1972 or the Campus Sexual Violence Elimination (SaVE) Act. The University will take strong responsive action against any retaliation. The University encourages victims to report offenses to campus security and the Title IX Coordinator and to exercise their rights, if desired.

B. JURISDICTION

This policy applies to sexual or gender-based harassment that is committed by students, faculty, staff, University appointees or third parties, whenever the misconduct occurs: 1) On University property; or 2) Off University property, if: a) the conduct was in connection with a University or University-recognized program or activity; or b) the conduct may have the effect of creating a hostile environment for a member of the University community.

If the Title IX Coordinator determines that there is no jurisdiction, the Title IX Coordinator will offer to assist the Complainant and, as appropriate, the Respondent, in finding appropriate campus and off-campus resources for addressing the issue of concern.

C. DEFINITIONS OF TERMS

“Advisor” means any individual who provides the Complainant or the Respondent with support, guidance, or advice. “Complaint” is an allegation of sexual harassment, gender-based harassment or sexual violence made under this policy.

“Complainant” refers to the individual who alleges that she/he has been the subject of sexual harassment, gender-based harassment or sexual violence, and can be a University student, employee (including all full-time and part-time faculty and staff), or visitor. Under this policy, the alleged incident(s) may have been brought to the University’s attention by someone other than the Complainant.

“Consent” is informed, freely given, and mutually understood. Consent requires an affirmative act or statement by each participant. Silence or failure to resist does not, in and of itself, demonstrate consent.

Consent can be withdrawn at any time. Past consent to sexual activity between individuals does not constitute consent to subsequent sexual activity between those individuals, and consent to one form of sexual activity does not necessarily imply consent to other forms of sexual activity. If coercion, intimidation, threats and/or physical force are used, there is no consent. If a person is under the legal age of consent, or mentally or physically incapacitated or impaired so that the person cannot understand the fact, nature or extent of the sexual situation, there is no consent; this includes conditions due to alcohol or drug consumption or being asleep or unconscious. Whether one has taken advantage of a position of influence over another may be a factor in determining consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity or gender expression.

“Dating Violence” means (1) Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence. Any incident meeting this definition is considered a crime. (2) Threatening to use physical, mental, or emotional abuse to control another person who is in a dating relationship with the person. (3) The existence of a dating relationship in 1 or 2 above shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

“Domestic Violence” includes asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, person with whom the victim shares a child in common, person similarly situated to a spouse of the victim under domestic or family violence law, or anyone else against whom an adult or youth victim is protected under domestic or family violence law.

“Fondling” means 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.

“Force” means the use of physical violence and/or otherwise physically imposing on another person to gain sexual access. Also includes threats, intimidation, implied threats, and coercion that overcome resistance or produce consent.

“Gender-based harassment” is unwelcome conduct of a nonsexual nature based on an individual's actual or perceived sex, including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes that is sufficiently serious that it alters the conditions of, or has the effect of substantially interfering with an individual's educational or work experience by creating an intimidating, hostile, or offensive environment (hostile environment). The effect will be evaluated based on the perspective of a reasonable person in the position of the Complainant. An example of gender-based harassment would be persistent mocking or disparagement of a person based on a perceived lack of stereotypical masculinity or femininity.

“Hostile environment” is an unwelcoming and unprofessional environment which is created when a person experiences unwelcome conduct related to that person's sex, pregnancy status, gender identity, gender expression, or sexual orientation, 1) that is sufficiently serious (i.e., severe, pervasive, or persistent) and objectively offensive so as to deny or limit a person's ability to participate in or benefit from the University's programs, services, opportunities, or activities ; or 2) when such conduct has the purpose or effect of unreasonably interfering with an individual's employment.

- A hostile environment can be created by anyone involved in a University program or activity (e.g., administrators, faculty members, students, and even guests). Mere offensiveness is not enough to create a hostile environment. Although repeated incidents increase the likelihood that harassment has created a hostile environment, a serious incident, such as a sexual assault, even if isolated, can be sufficient.
- In determining whether harassment has created a hostile environment, consideration will be made not only as to whether the conduct was unwelcome to the person who feels harassed, but also whether a reasonable person in a similar situation would have perceived the conduct as objectively offensive. Also, the following factors will be considered: 1) the degree to which the conduct affected one or more students' education or individual's employment; 2) the nature, scope, frequency, duration, and location of incident or incidents; 3) the identity, number, and relationships of persons involved; and 4) the nature of higher education.

"Incapacitation" means any physical state when a person lacks capacity to give consent (e.g., when a person is asleep or unconscious, when a person lacks capacity to give consent due to the use of drugs or alcohol, or when an intellectual or other disability prevents the person from having the capacity to give consent).

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

"Intimidation" means to coerce by threat or to make timid or fearful.

"Intoxication" when alcohol is involved, a person can be incapacitated due to intoxication. Some ways in which a person can be incapacitated as a result of alcohol use may include, but are not limited to, lack of control over physical movements, lack of awareness of circumstances or surroundings, or the inability to communicate for any reason. The individual may experience a blackout state in which they appear to be giving consent but does not actually have conscious awareness or the ability to consent. Therefore, individuals who engage in sexual activity of any kind must be aware of the other person's level of intoxication.

"Quid pro quo" behavior involves express or implied demands for sexual favors in exchange for some benefit (a promotion, a raise, a good grade or recommendation) or to avoid some detriment (termination, demotion, a failing grade, denial of a fellowship) in the workplace or in the classroom. By definition, it can only be perpetrated by someone in a position of power over another. One instance of "quid pro quo harassment" violates this policy.

- Quid pro quo harassment may be a direct solicitation ("sleep with me or else...") or take more oblique forms of sexual propositions or dating invitations ("let's discuss your homework over a glass of wine at my house,"). The person in the position of power (supervisor, faculty member, etc.) does not have to make good on his or her demands or insinuations to have engaged in quid pro quo behavior for the purposes of this policy.

"Rape" means 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.

"Respondent" refers to the individual who is alleged to have committed sexual harassment, gender-based harassment or sexual violence against a University student, employee, or visitor.

“Retaliation” is adverse treatment of an individual as a result of that individual’s reporting sexual harassment, gender-based harassment or sexual violence, assisting someone with a report of sexual harassment, gender-based harassment or sexual violence, or participating in any manner in an investigation or resolution of a sexual harassment, gender-based harassment or sexual violence report. Adverse treatment includes threats, intimidation and reprisals by either a Complainant or Respondent or by others such as friends or relatives of either a Complainant or Respondent.

“Sex Discrimination” treating a person differently because of their sex in the terms and conditions of educational programs, activities, and/or employment; Example: A professor requires all male students in a class to do an extra assignment that is not required of female students.

“Sexual Assault” is any form of sexual contact (i.e., any touching of the sexual or other intimate parts of a person for the purpose of gratifying sexual desire of either party) that occurs without consent and/or through the use of force, threat of force, intimidation, or coercion. Any conduct that meets the definition of rape, fondling, incest or statutory rape constitutes a sexual assault.

“Sexual Exploitation” means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.

“Sexual Harassment” is unwelcome, verbal, or physical conduct of a sexual nature (such as sexual advances or requests for sexual favors) sufficiently serious that it unreasonably interferes with or limits a person's ability to participate in or benefit from the university's educational programs, activities, and/or employment. Sexual harassment may be based on a power differential, the creation of a hostile environment (reasonably severe conduct that is sufficiently pervasive to have the purpose or effect of unreasonably interfering with work or educational performance, or creating an intimidating, hostile or offensive working or educational environment) , or retaliation. The two types of sexual harassment are known as **Quid Pro Quo** and **Hostile Environment**. Quid Pro Quo is the Latin term for “this for that” and occurs when there is a demand for a sexual favor in exchange for some employment/academic benefit. Sexual harassment in the form of a hostile work and/or academic environment occurs when the harassing behavior unreasonably interferes with the employee/student work/academic performance and/or creates a hostile, intimidating, or offensive work/academic environment.

In order for the conduct to be considered sexual harassment, the behavior must be:

- Unwanted and/or unwelcome
- Sexual in nature and/or related to the sex or gender of the employee/student
- Sufficiently severe or pervasive enough to alter the conditions of the employee/student employment or academic environment (when describing sexual harassment resulting from a hostile work/academic environment).

Sexual Harassment also includes harassment of a sexual nature directed at gay, lesbian or gender non-conforming persons that is sufficiently serious to limit or deny the ability to participate in or benefit from the University's educational and employment programs. Likewise, sexual harassment can occur where Claimant and Respondent are members of the same sex. Stalking may also be a form of sexual harassment.

“Sexual Penetration” any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth, or anus of another person, or any intrusion, however slight, of any part of the body of

one person or of any animal or object into the sex organ or anus of another person. Includes, but not limited to, cunnilingus, fellatio, or anal penetration.

“Sexual violence” is an umbrella term that includes: sexual assault, dating violence, and domestic partner violence. Stalking, while not necessarily sexual in nature can be a form of sexual violence depending upon the circumstances.

“Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to Fear for the person’s safety or the safety of others; or suffer substantial emotional distress. For purposes of this definition, a course of conduct means two or more acts of stalking behavior. Stalking behavior includes, but is not limited to: following a person; threatening a person; appearing uninvited at a person’s home, work, or school; making unwanted phone calls; sending unwanted emails or text messages; leaving objects for a person; vandalizing a person’s property; injuring a person’s pet; and monitoring or placing a person under surveillance. Stalking behavior may be conducted directly or indirectly, through a third party, and may be conducted by any action, method, or device.

“Statutory Rape” means sexual intercourse with a person who is under the statutory age of consent.

“Unwelcome Conduct” is conduct that an individual did not request or invite and considers the conduct to be undesirable or offensive. Whether conduct is unwelcome is determined based on the totality of the circumstances, including various objective and subjective factors. The following types of information may be helpful in making that determination: statements by any witnesses to the alleged incident; information about the relative credibility of the parties and witnesses; the detail and consistency of each person’s account; the absence of corroborating information where it should logically exist; information that the Respondent has been found to have harassed others; information that the Complainant has been found to have made false allegations against others; information about the Complainant’s reaction or behavior after the alleged incident; and information about any actions the parties took immediately following the incident, including reporting the matter to others.

“Visitor” is an individual who is present at a University campus or unit but is not a student or an employee.

“Voluntary” means consent must be freely given and cannot be the result of force (violence, physical restraint, or the presence of a weapon), threats (indications of intent to harm, whether direct or indirect), intimidation (extortion, menacing behavior, bullying), coercion (undue pressure) or fraud (misrepresentation or material omission about oneself or the situation in order to gain permission for sexual or intimate activity).

D. PROHIBITED CONDUCT

This policy prohibits quid pro quo behavior, sexual harassment that creates a hostile environment, gender-based harassment that creates a hostile environment, sexual exploitation, and sexual violence against any University student, employee or visitor. In determining whether alleged conduct violates this policy, the University will consider the totality of the facts and circumstances involved in the incident, including the nature of the alleged conduct and the context in which it occurred. Any of the prohibited conduct defined in this policy can be committed by individuals of any gender, and it can occur between individuals of the same gender or different genders. It can occur between strangers or acquaintances, as well as people involved in intimate or sexual relationships.

The following examples, while not an exhaustive list, demonstrate conduct that may violate this policy:

- Observing, photographing, videotaping, or making other visual or auditory records of sexual activity or nudity, where the parties have a reasonable expectation of privacy, without the knowledge and consent of all
- Sharing visual or auditory records of sexual activity or nudity without the knowledge and consent of all recorded parties and recipient(s)
- Sexual advances, whether or not they involve physical touching
- Commenting about or inappropriately touching an individual's body
- Requests for sexual favors in exchange for actual or promised job benefits, such as favorable reviews, salary increases, promotions, increased benefits, or continued employment
- Lewd or sexually suggestive comments, jokes, innuendoes, or gestures

E. SEXUAL MISCONDUCT PREVENTION PROGRAMS

The University provides information regarding sexual misconduct, including harassment and discrimination, and consequences regarding the violation of its policies in its University Catalog: <https://www.usuniversity.edu/university-catalogs/2019.2020-usu-catalog.pdf>. Students who violate University policies related to sexual misconduct will be subject to the disciplinary procedures as set forth in the Student Code of Conduct Handbook at <https://www.usuniversity.edu/wp-content/uploads/2018/05/Student-Code-of-Conduct.pdf>. Employees who violate the Sexual Misconduct policy will be disciplined according to the policy set forth in the Aspen Group, Inc., Company Handbook Version 1.0, Policy 8.4. The following information is provided to assist any member of the University who may require assistance in dealing with sexual misconduct:

- RAINN: <https://www.rainn.org>
- National Domestic Violence Hotline: 1-800-799-SAFE (7233)
- National Sexual Assault Hotline: 1-800-656-HOPE (4673)
- National Sexual Violence Resource Center: <https://www.nsvrc.org/>
- U.S. Department of Health & Human Services/ Office of Women's Health: <https://www.womenshealth.gov/relationships-and-safety/help-end-violence>
- The Advocates for Human Rights/Stop Violence Against Women: <http://www.stopvaw.org/>

IX. Title IX Coordinator

A. DUTIES

The Title IX Coordinator is charged with coordinating and overseeing the University's centralized response to ensure compliance with Title IX of the Education Amendments of 1972, which prohibits sex discrimination, including sexual harassment, gender-based harassment and sexual violence, in education programs. The Title IX Coordinator communicates with all members of the University community regarding Title IX, and provides information about how individuals may access their rights. The Title IX Coordinator shall keep all statistics related to Complaints filed under the policy and shall take efforts to analyze the data related to such Complaints.

Title IX Coordinator for United States University

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Where appropriate, the Title IX Coordinator will provide to both parties information about options for obtaining medical and counseling services; information about making a criminal report, information about receiving advocacy services, information about other helpful campus and community resources. The Title IX Coordinator will offer to coordinate with other campus officials, when appropriate, to implement interim remedial measures such as no-contact orders, rearrangement of living arrangements, or academic accommodations.

The Title IX Coordinator will review applicable University policies to ensure institutional compliance with Title IX; monitor the University's administration of its own applicable policies, including record keeping, timeframes, and other procedural requirements; conduct training regarding Title IX, and prohibited conduct defined in this policy; and respond to any Complaint or report regarding conduct that violates this policy. In this capacity, the Title IX Coordinator oversees the investigation and resolution of such alleged misconduct, directs the provision of any remedial measures, and monitors the administration of any related appeal. The Title IX Coordinator may delegate responsibilities under this policy to designated administrators, who will be appropriately trained.

The University Title IX Coordinator shall take prompt and effective steps reasonably calculated to end any sexual harassment, gender-based harassment or sexual violence, including: (i) taking interim measures; (ii) preventing retaliation; (iii) providing the Complainant and the Respondent with periodic status updates of the investigation and notice of outcome of the investigation; (iv) informing the Complainant of her/his right to file a criminal Complaint; (v) coordinating with law enforcement agencies, as appropriate, after consultation with Public Safety; (vi) maintaining all documents of the investigation; and (vii) drafting a President/CEO report of findings, which is to be submitted to the University.

B. RESPONSIBILITY TO INVESTIGATE

In order to protect the safety of the campus community, the Title IX Coordinator may investigate allegations of violations of this policy even absent the filing of a formal Complaint or report, or if a Complaint or report that has been withdrawn. The Title IX Coordinator may need to proceed with an investigation even if a Complainant specifically requests that the matter not be pursued. In such a circumstance, the Title IX Coordinator will take into account the Complainant's articulated concerns, the best interests of the campus community, the age of the Complainant, fairness to all individuals involved, and the University's obligations under Title IX.

Proceedings under this policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. Neither a decision by law enforcement regarding prosecution nor the outcome of any criminal proceeding will be considered determinative of whether a violation of this policy has occurred. Complainants have a right to proceed simultaneously with a criminal investigation and a Title IX investigation, and the institution may defer its investigation for a limited time for fact gathering but then will promptly resume its investigation.

C. ANONYMOUS AND THIRD PARTY REPORTING

The Title IX Coordinator accepts anonymous and third-party reports of conduct alleged to violate this policy and will follow up on such reports. The individual making the report is encouraged to provide as much detailed information as possible to allow the Title IX Coordinator to investigate and respond as appropriate. The Title IX Coordinator may be limited in the ability to investigate an anonymous report unless sufficient information is furnished to enable the Title IX Coordinator to conduct a meaningful and fair investigation.

X. Grievance Procedures

The University will take prompt and appropriate action to: (1) thoroughly, promptly, and impartially investigate Complaints; and (2) prevent, correct and, if necessary, discipline individuals who engage in behavior that violates this policy. The following procedures should be followed whenever a person believes that they have witnessed or been the subject of discrimination, harassment or retaliation on the basis of sex or gender. These procedures also apply to students and employees in our online environment. If an individual feels they have been harassed in any way, the student should immediately contact the Title IX Coordinator. Students and employees should report the offending incident or conduct promptly to the Title IX Coordinator. Timely reporting is vital to the University's ability to investigate Complaints and take appropriate action.

Prompt reporting also discourages further misconduct. Students and employees are encouraged to report offensive conduct even if similar conduct was not reported in the past. The Title IX Coordinator has the discretion to consolidate multiple Complaints or reports into a single investigation if evidence relevant to one incident might be relevant to the others.

In reviewing a Complaint, the Title IX Coordinator determines whether there is a preponderance of the evidence to believe that an individual engaged in a violation of this policy. This means that individuals are presumed not to have engaged in alleged conduct unless a "preponderance of the evidence" supports a finding that the conduct has occurred. This "preponderance of the evidence" standard requires that the evidence supporting each finding be more convincing than the evidence in opposition to it.

The sexual history of the Complainant and/or the Respondent will generally not be used in determining whether a violation of this policy has occurred. However, in certain circumstances, the sexual history between parties may have limited relevance. For example, if consent is at issue, the sexual history between the parties may be relevant to determining whether consent was sought and given during the incident in question, although it must be remembered that even in the context of a relationship, consent to one sexual act does not constitute consent to another sexual act, and consent on one occasion does not constitute consent on a subsequent occasion. In addition, under very limited circumstances, sexual history may be relevant to explain injury, to provide proof of a pattern, or for another specific question raised by an allegation.

XI. University Complaints and Reporting

The University strives to provide a prompt, fair, and impartial process from the initial investigation to the final result. The University encourages members of the campus community to identify potential violations of this policy so we may create the welcoming atmosphere necessary for you to work and learn. The reporting and grievance process shall be conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. The University also provides the Complainant and the Respondent with the same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. The University does, however, reserve the right to establish restrictions (applicable to both the Complainant and the Respondent) regarding the extent to which the advisor may participate in the proceedings. Nonetheless, the University will not limit the choice of advisor or presence for either the Complainant or the Respondent.

Complaints and third-party reports of discrimination should be made to the Title IX Coordinator. The Title IX Coordinator is trained to help you find the resources you might need, to explain all reporting options, and to

respond appropriately to conduct of concern. All instances of retaliation should be reported and will be addressed in the same manner. The Title IX Coordinator coordinates and tracks all Complaints and reports under this procedure.

A person wishing to file a Complaint should submit a written statement to the Title IX Coordinator. The Complaint should specify: 1) the name of the individual(s) against whom the Complaint is made; 2) the nature of the alleged offense; 3) the specifics of the offending incident(s) with precise details (what happened, who was present, when, where, any reasons why they believe the action was taken); 4) the names of any witnesses to the events; and the date and signature of the person making the Complaint. It is recommended that as much information as possible be provided regarding the offending incident or conduct.

A. CRIMINAL REPORTING

Please remember that if someone is in immediate danger or needs immediate medical attention, the first place to report is 911. Some forms of discrimination and harassment may also be crimes and criminal reports should be made to law enforcement, even if it is uncertain whether the particular conduct is a crime. Calling local law enforcement can help you: obtain emergency and nonemergency medical care; get immediate law enforcement response for your protection; understand how to provide assistance in a situation that may escalate to more severe criminal behavior; arrange a meeting with victim advocate services; find counseling and support; initiate a criminal investigation; and answer questions about the criminal process.

B. UNIVERSITY REPORTING

The University encourages individuals who have experienced sexual harassment, gender-based harassment or sexual violence (referred to in this policy as “Complainants”) to report the incident(s) to campus authorities, even if they have reported the incident to outside law enforcement, and regardless of whether the incident took place on or off-campus. Such reporting will enable Complainants to get the support they need, and provide the University with the information it needs to take appropriate action. Individuals should be aware that there are employees at their University whom they can speak with on a strictly confidential basis before determining whether to make a report to local law authorities. All information in connection with the Complaint, including the identities of the Complainant and the Respondent, will be kept as confidential as possible and will only be shared with those who have a legitimate need for the information.

C. CONFLICTS

If there is a Complaint about the Title IX Coordinator or any staff member that is part of the Title IX process, or if the Title IX Coordinator has a Complaint, that Complaint should be filed with the President of the University. If the President agrees, the President will appoint another trained individual to take the place of the Title IX Coordinator for purposes of the Complaint. If the President is the Respondent, the investigation will be handled by the University Title IX Coordinator or her/his designee.

XII. Initial Assessment of Complaints

The investigative process is initiated when the Title IX Coordinator receives a Complaint or report of a violation of this policy. The Title IX Coordinator will conduct an initial assessment. Following the initial assessment, the Title IX Coordinator may take any of the following actions:

- If the Title IX Coordinator determines that the Complaint, even if substantiated, would not rise to the level of a policy violation, the Title IX Coordinator may dismiss the Complaint.

- If the Title IX Coordinator determines that the Complaint is outside the scope of this policy, the Title IX Coordinator may refer the Complaint to another office for review.
- If the Title IX Coordinator determines that the Complaint or report would, if substantiated, constitute a violation of this policy, the Title IX Coordinator will determine appropriate interim measures and initiate an investigation.

XIII. Interim/Protective Measures

Upon receipt of a Complaint or report of a violation of this policy, the University will provide reasonable and appropriate interim/protective measures designed to preserve the Complainant’s educational experience, the safety of all parties and the broader University community, maintain the integrity of the investigative and/or resolution process, and deter retaliation. The University may provide interim/protective measures regardless of whether the Complainant seeks formal disciplinary action. Interim/protective measures may include:

- Access to counseling services and assistance in arranging an initial appointment;
- Rescheduling of exams and assignments;
- Change in class schedule, including the ability to transfer course sections or withdraw from a course;
- Change in work schedule or job assignment;
- Providing medical services;
- Imposition of an on-campus “no contact order,” an administrative remedy designed to curtail contact and communications between two or more individuals;
- Barring individuals from coming on campus for a period to time; and/or
- Any other remedy that can be used to achieve the goals of this policy.

Any interim measures will not disproportionately impact the Complainant. Requests for interim measures may be made by or on behalf of the Complainant to any University official, including the Title IX Coordinator. The Title IX Coordinator is responsible for ensuring the implementation of interim measures and coordinating the University’s response with the appropriate offices on campus. All individuals are encouraged to report concerns about the failure of another to abide by any restrictions imposed by an interim measure. The University will take immediate action to enforce a previously implemented measure and disciplinary penalties can be imposed for failing to abide by a University-imposed measure.

XIV. Resolution

If a Complainant chooses to file a Complaint, the Respondent shall, absent concerns about confidentiality (as discussed in Section XVIII) be notified that a Complaint has been filed and of the allegations in the Complaint. The Title IX Coordinator must interview the Respondent and receive any statements and evidence (including a list of potential witnesses) the Respondent wishes to offer. Note, both the Complainant and Respondent may have an adviser present with them during any meetings with the Title IX Coordinator.

There are two avenues for resolution of an alleged policy violation: 1) informal resolution and 2) formal resolution. The Complainant has the option to proceed informally, when permissible. **In cases involving allegations of sexual assault or sexual exploitation, informal resolution is not appropriate, even if both the Complainant and Respondent indicate a preference for informal resolution.** The Title IX Coordinator is available to explain the informal and formal resolution procedures.

A. INFORMAL PROCESS AND RESOLUTION

If the Complainant, the Respondent, and the Title IX Coordinator all agree that an informal resolution should be pursued, the Title IX Coordinator (or her/his designee) shall attempt to facilitate a resolution of the conflict that is agreeable to all parties. Under the informal process, the Title IX Coordinator shall be required only to

conduct such fact-finding as is useful to resolve the conflict and as is necessary to protect the interests of the parties, the University and the community. The official to whom the request is directed must determine whether informal resolution is appropriate in light of the severity of the alleged harassment and the potential risk of a hostile environment for others in the community.

Typically, an informal investigation will be completed within twenty (20) days of receipt of the Complaint. If it becomes necessary to extend the process, both parties will be notified of a revised expected resolution timeframe.

A Complainant or Respondent always has the option to request a formal investigation. The Title IX Coordinator also always has the discretion to initiate a formal investigation. If at any point during the informal process, the Complainant, the Respondent, or the Title IX Coordinator wishes to cease the informal process and to proceed through formal grievance procedures, the formal process outlined below will be invoked.

The informal resolution must adequately address the concerns of the Complainant, as well as the rights of the Respondent and the overall intent of the University to stop, remedy and prevent violations of this policy. (Informal actions might include, but are not limited to: providing training to a work unit; having an informal discussion with an individual whose conduct, if not stopped, could rise to the level of discrimination, or create a hostile environment; or having a confidential conversation with a supervisor or instructor). The informal resolution process will not, however, be used in cases of sexual exploitation or sexual violence.

B. FORMAL INVESTIGATION AND RESOLUTION

Individuals are encouraged to report any alleged violation of this policy directly to the Title IX Coordinator. In order to do so, individuals may use the Complaint procedures as specified in Section VII or schedule an appointment with the Title IX Coordinator.

1. INVESTIGATION, DISCIPLINARY, AND APPEAL PROCEDURES

Investigation and Adjudication

When the Title IX Coordinator receives a Complaint or report alleging that a student violated this policy, the Title IX Coordinator will appoint a three-person investigative panel of administrators and/or outside investigators. The investigative panel will conduct an inquiry and determine, by a preponderance of the evidence, whether this policy was violated. All panelists will have training in investigating and evaluating conduct prohibited under the policy. The panelists will also be impartial and unbiased.

The Title IX Coordinator will provide to the panel the Complaint, any statements of the Complainant and the Respondent, and any evidence or witness lists provided by the parties. The panel will interview the parties to the Complaint separately. Each party may select an adviser of their choice who may accompany them to any meeting or related proceeding, but the adviser may not participate in the interview process. All three members of the panel will participate in interviews with the Complainant and the Respondent. The panel will interview witnesses as necessary and may, at its discretion, delegate witness interviews to one or two of the panelists. Witnesses may not bring advisers. In all meetings, at least one member of the panel will serve as note taker. At the conclusion of each interview, the panelists will review the notes with the interviewee. The panel will prepare a case file of all interview summaries, witness statements, and other documents. The file, redacted of personally identifiable information as necessary, will be shared with the Complainant and the Respondent. The panel will describe in writing for the parties the charges that will be adjudicated.

After reviewing the file, each party will have an opportunity: (1) to meet again with the panel, (2) to respond in writing to the panel, and (3) to request the collection of other information by the panel, including the interviewing of additional witnesses. If any additional information is gathered, it will be shared with both parties and each will have the opportunity for further response. The panel will designate reasonably prompt time frames to ensure a timely completion of the process but also an adequate opportunity for both sides to respond thoroughly to the information gathered in the investigation.

Following the investigation, the panel will meet to determine, by a majority decision, whether the Respondent, based on the preponderance of evidence standard, violated University policy. The panel will prepare a report, which will include findings of fact, findings of responsibility, and the panel's rationale. All members of the panel must endorse the report as a record of their deliberations and rationale.

Penalties

If a student is found responsible for violating University policy, the entire case file will be forwarded to the Provost and Chief Academic Officer, who will determine the penalty. Penalties will be determined based on the seriousness of the misconduct and the student's previous disciplinary history (if any). Remedial measures will be determined based on the need to afford the parties an educational environment free from discrimination under Title IX. The findings regarding fact and responsibility, as well as the decision regarding the penalty in cases where violations of University policy have occurred, will be conveyed to the parties at the same time in writing. The notification will include the parties' appeal rights.

If a student is found responsible for violating University policy, the Office of the Provost and Chief Academic Officer will record the penalty and retain records in accordance with protocols for all other disciplinary cases. In all cases, the case file will also be archived by the Title IX Coordinator.

Rights of Appeal

Both parties, the Complainant and the Respondent, have equal rights to an impartial appeal. All appeals and appeal responses should be filed with the Title IX Coordinator. All appeals will be referred to appellate body composed of three of the following persons: President, the Provost, and the Dean of the college in which the student is enrolled. All members of the appellate body will have training regarding Title IX and prohibited conduct defined under this policy. The members of the appellate body will be impartial and unbiased. If any member of the appellate body cannot maintain impartiality, or is involved in the Complaint, that person shall be recused from the matter and the remaining members shall appoint an appropriately trained replacement.

A Complainant or Respondent may file a written appeal on the grounds that: (1) there is substantial relevant information that was not presented, and reasonably could not have been presented during the investigation; (2) the imposed penalty does not fall within the range of penalties imposed for similar misconduct, or (3) there was procedural unfairness during the disciplinary process.

The purpose of an appeal is not to initiate a review of substantive issues of fact or a new determination of whether a violation of University rules has occurred. The appellate body may decide to uphold the original decision of the panel and/or the deans; to alter the imposed penalty; or to return the case to the panel for additional proceedings or other action.

The deadline for filing an appeal is one week from the date the parties are notified of the decision. If either party files an appeal, the University will notify the other party in writing, provide that party with the appeal, and permit that party three (3) days to file a response. The University will also provide to the appealing party a copy of any response. The University will notify both parties will be notified simultaneously, and in writing, of the outcome of the appeal. Although the timing for final determinations on appeals may vary, it is expected that a decision on a typical appeal should take thirty (30) days from the date the Title IX Coordinator receives the response to the appeal (or the time for filing such response has lapsed).

Student Enrollment

Pending action by the panel on the charges or pending an appeal, the Respondent may be permitted to attend classes, and make use of some or all University facilities, except for circumstances relating to the physical or emotional safety or well-being of a member (or members) of the University community, or the ability of the University to carry out its essential functions. Certain restrictions may be imposed by the deans on the Respondent in order to provide the Complainant with an educational environment free from discrimination under Title IX.

The Respondent should understand that if the decision of the panel proves adverse, and if an appeal proves unsuccessful, the penalty will normally be considered effective as of the date of the original decision.

For students, in cases adjudicated prior to the last day of classes, if the final decision is a separation from the University (i.e., suspension, suspension with conditions, or expulsion), the Respondent will normally not earn credit for the semester in which the infraction occurred. If the Respondent has successfully completed course requirements while awaiting the final disposition of the matter, obtaining credit for the semester will be at the discretion of the Provost. Pending an investigation and adjudication or the Respondent's decision about whether to appeal a separation from the University or the withholding of the degree, and/or while an appeal is in process, an administrative hold will be placed on the Respondent's University transcript. Should the Respondent decide not to appeal a separation or the withholding of the degree, or should an appeal not result in an alteration of the Provost's decision to dismiss the Respondent or withhold the degree, the Registrar will record the fact of the penalty on the Respondent's transcript.

2. DISCIPLINARY PROCEDURES WHERE ONE PARTY IS A MEMBER OF THE UNIVERSITY COMMUNITY AND THE OTHER PARTY IS A NON-MEMBER OF THE UNIVERSITY COMMUNITY

When a third party, (i.e., a non-member of our University community) is involved as a Complainant or a Respondent, the University will use disciplinary procedures that are generally consistent with the disciplinary procedures stated in sections X(A) through X(B), appropriately modified based on the particular circumstances involved and taking into account privacy requirements and the like. In no case will a member of our community (i.e., current student, faculty member or staff member) be afforded lesser rights or lesser opportunities to participate in the disciplinary proceeding than the non-member of the University community.

3. OTHER INVESTIGATION AND RESOLUTION PROCEDURES

If a Complaint or report of conduct prohibited by this policy is made against multiple individuals, an office, or the University in general, the Title IX Coordinator will review the matter and take appropriate action, in accordance with this policy. The Title IX Coordinator may conduct an investigation, using

investigative and disciplinary procedures that are generally consistent with those stated in this policy, appropriately modified based on the particular circumstances involved.

XV. Range of Penalties under This Policy and Disciplinary Procedures

Members of the University community may be subject to disciplinary penalties for violating this policy.

A. ADDITIONAL ACCOMMODATIONS

If a Respondent is found responsible for violating this policy, the Complainant may request accommodations not already in place, such as a one-way no contact order. The University will promptly implement the accommodation as appropriate. In no circumstance will the burden of the accommodation be placed on the Complainant. The accommodation shall be effective even if the Respondent files an appeal or if such an appeal is pending.

B. PENALTIES APPLICABLE TO STUDENTS

1. For violations of this policy by students, in general the penalties, in ascending order of severity, are:

- **Warning:** A formal admonition that does not become part of an individual's permanent record, but that may be taken into account in judging the seriousness of any future violation.
- **Disciplinary Probation:** A more serious admonition assigned for a definite amount of time. It implies that any future violation, of whatever kind, during that time, may be grounds for suspension, suspension with conditions, or in especially serious cases, expulsion from the University. Disciplinary probation will be taken into account in judging the seriousness of any subsequent infraction even if the probationary period has expired.
Disciplinary probation appears on an individual's permanent record at the University (but not on the transcript) and may be disclosed by the Office of the Provost and Chief Academic Officer in response to requests for which the student has given permission or as otherwise legally required.
- **Withholding of Degree:** In cases involving students in their final semester, the University may withhold a student's degree for a specified period of time. This penalty is imposed instead of suspension at the end of the final year of study when all other degree requirements have been met. A withheld degree is recorded on a student's transcript. Relevant information remains on the student's permanent record at the University and may be disclosed by the Office of the Provost and Chief Academic Officer in response to requests for which the student has given permission or as otherwise legally required.
- **Suspension:** Removal from membership in the University for a specified period of time. A suspension is recorded on a student's transcript. Relevant information remains on the student's permanent record at the University and may be disclosed by the Office of the Provost and Chief Academic Officer in response to requests for which the student has given permission or as otherwise legally required.
- **Suspension with Conditions:** Removal from membership in the University for at least the period of time specified by the suspension, with the suspension to continue until certain conditions, stipulated by the appropriate body applying this penalty, have been fulfilled. These conditions

may include, but are not limited to, restitution of damages, formal apology, or counseling. A suspension with conditions is recorded on a student's transcript. Relevant information remains on the student's permanent record at the University and may be disclosed by the Office of the Provost in response to requests for which the student has given permission or as otherwise legally required.

- **Expulsion:** Permanent removal from membership in the University, without any opportunity for readmission to the community. Expulsion is recorded on a student's transcript. Relevant information remains on the student's permanent record at the University and may be disclosed by the Office of Provost and Chief Academic Officer in response to requests for which the student has given permission or as otherwise legally required.
- **Censure:** University censure can be added to any of the penalties listed above, except warning. Censure indicates the University's desire to underscore the seriousness of the violation and the absence of mitigating circumstances and to convey that seriousness in response to future authorized inquiries about the given individual's conduct.

2. The following may accompany the preceding penalties, as appropriate:

- **Restriction of Access to Space, Resources, and Activities:** When appropriate in cases involving behavioral misconduct between members of the community, restrictions may be placed on access to space and/or resources or on participation in activities so as to limit opportunities for contact among the parties.
- **Educational Refresher Programs:** In addition to any of the penalties listed above, a student may be required to participate in educational refresher programs appropriate to the infraction.

C. PENALTIES APPLICABLE TO FACULTY AND STAFF MEMBERS

For violations of this policy by faculty or staff members, disciplinary penalties may include (in accordance with the employment policies governing the employee in question) counseling or training, written warning, financial penalty, unpaid leave of absence, suspension, demotion or termination in accordance with the employment policies governing the specific employee.

D. ACTION AGAINST VISITORS

In cases where the person accused of sexual harassment, gender-based harassment or sexual violence is neither a University student nor a University employee, the University's ability to take action against the accused is extremely limited. However, the University shall take all appropriate actions within its control, such as restricting the visitor's access to campus. In addition, the matter shall be referred to local law enforcement for legal action where appropriate.

XVI. No Disciplinary Action

In cases where a determination is made not to bring disciplinary action, the Title IX Coordinator shall inform the Complainant and the Respondent of that decision contemporaneously, in writing, and shall offer counseling or other support services to both the Complainant and the Respondent.

XVII. Mediation

While mediation is not permitted in cases where sexual violence is alleged, it may be appropriate where sexual harassment or gender-based harassment allegations have been made by a student or employee but there is no allegation of sexual violence. Mediation is a process whereby the parties can participate in a

search for fair and workable solutions. Mediation requires the consent of both the Complainant and the Respondent, but does not require the Complainant and Respondent to meet face-to-face. Either party, however, has the right to end the mediation at any time and proceed with the investigation process. A Respondent who is covered by a collective bargaining agreement may consult with and have a union representative present at any mediation session.

XVIII. Timing

The University shall make every reasonable effort to ensure that the investigation and resolution of a Complaint are carried out as timely and efficiently as possible. The Title IX Coordinator or designee may extend this timeframe for good cause, including but not limited to, law enforcement involvement, number of witnesses to be interviewed, and University breaks. University will take all reasonable efforts to apprise the parties of the progress of the investigation. While some Complaints may require extensive investigation, whenever possible, the investigation of Complaints should be completed within sixty (60) calendar days of the receipt of the Complaint. If there is a delay in completing the investigation, the Title IX Coordinator shall notify the Complainant and the Respondent in writing.

Although cooperation with law enforcement may require the University to temporarily suspend the fact-finding aspect of a Title IX investigation, the University will promptly resume its Title IX investigation as soon as it is notified by the law enforcement agency that the agency has completed the evidence gathering process. The University will not, however, wait for the conclusion of a criminal proceeding to begin its own investigation and, if needed, will take immediate steps to provide interim measures for the Complainant.

The University procedures set out reasonably prompt timeframes for proceedings thereunder, including a description of factors that may extend the timeframes, such as the complexity of the investigation, and/or the severity and extent of the alleged conduct. All steps under these procedures shall take place with reasonable promptness, taking into account the complexity of any case and the severity and extent of alleged conduct. Timeframes for all phases of the disciplinary process, including the investigation, any related disciplinary proceedings, and any related appeal, apply equally to both Complainant and Respondent.

XIX. Fallacious and Malicious Allegations

Members of the University community who make false and malicious complaints of sexual harassment, gender-based harassment, sexual exploitation or sexual violence, as opposed to complaints which, even if erroneous, are made in good faith, may be subject to disciplinary action.

XX. External Complaints

If you filed a Complaint with the Title IX Coordinator and believe the University's response was inadequate, or you otherwise believe you have been discriminated against by the University on the basis of race, color, national origin, sex, including sexual harassment, disability age, or retaliation, you may file a Complaint with the Office for Civil Rights (OCR) of the U.S. Department of Education or the Educational Opportunities Section Title IX Coordinator of the Civil Rights Division of the U.S. Justice Department of Justice, or a Complaint based on religion with the Title IX Coordinator of the U.S. Justice Department.

The University may coordinate with outside law enforcement authorities in order to avoid interfering with their activities and, where possible, to obtain information regarding their investigation. Neither a law

enforcement determination whether to prosecute a Respondent, nor the outcome of any criminal prosecution, is dispositive of whether the Respondent has committed a violation of this policy.

Filing External Complaints Complainants have the right at any time to file complaints with the Office for Civil Rights (“OCR”) of the U.S. Department of Education, alleging violations of Title IX, and to file Complaints with other appropriate agencies alleging violations of other federal, state or local laws.

XXI. University Obligations under this Policy

In addition to addressing possible violations of this policy, the University has the following obligations: 1) Dissemination of Policies, Procedures and Notices. The Title IX Coordinator, in coordination with the other appropriate offices, is responsible for the wide dissemination of the following: this Policy; (ii) the University’s Notice of Non- Discrimination; (iii) the Title IX Coordinator’s name, phone number, office location, and email address; and (iv) contact information for the campus Public Safety Office. Such dissemination shall include posting the documents and information on the University website and including it in any student or faculty handbooks.

A. CONFIDENTIAL EMPLOYEES

Although there is no one directly employed by the University to whom University employees can speak on a confidential basis regarding sexual harassment, gender-based harassment or sexual violence, confidential community counseling resources are available in the City of San Diego and the State of California.

B. “RESPONSIBLE” EMPLOYEES

“Responsible” employees have a duty to report incidents of sexual harassment, gender based harassment or sexual violence, including all relevant details, to the Title IX Coordinator. Such employees are not permitted under any circumstances to maintain a Complainant’s confidentiality. To the extent possible, information reported to responsible employees will be shared only with the Title IX Coordinator, the “responsible” employee’s supervisor, and other people responsible for handling the University’s response to the report. Before a Complainant reveals any information to a responsible employee, the employee shall advise the Complainant of the employee’s reporting obligations and if the Complainant wants to maintain confidentiality, direct the Complainant to confidential resources.

The University has designated the following individuals as “responsible” employees: (i) Title IX and Deputy Title IX Coordinators, (ii) President, (iii) Provost, (iv) Associate Provost, (vi) Dean, and (vii) Registrar. Once a responsible employee (that is not the Title IX Coordinator) receives such information, that employee will inform the Title IX Coordinator of the report.

XXII. Confidentiality, Requests Not to Conduct Investigations, or Not to Report to Outside Law Enforcement

If Complainant requests that an investigation not be conducted, the Title IX Coordinator will consider the reasons for the request, including concerns about the age and continued safety of the person reportedly harmed and members of the campus community. The Title IX Coordinator must also balance considerations about the continued health and safety of members of the community against a reporter’s or Complainant’s desire not to have the report investigated. In cases when a reporter or Complainant does not want to have a

report investigated, but the Title IX Coordinator has concerns that not taking formal or informal action might endanger the health or safety of members of the campus community, the Title IX Coordinator will initiate confidential consultation with appropriate individuals to analyze the situation and assist in determining appropriate measures to take. The Title IX Coordinator will make the ultimate decision about whether to conduct a formal investigation or respond to the report in another manner, including taking informal actions, such as those described above.

Parties in these processes, including the Complainant, Respondent, and witnesses, have privacy rights and reasonable expectations of confidentiality in the investigation of matters subject to this procedure.

In addition, the integrity of the process depends on ensuring reasonable expectations of confidentiality. The Title IX Coordinator will keep confidential the Complaint, report, witness statements, and any other information provided by the Complainant, Respondent, or witnesses and will disclose this information only to the Complainant, Respondent, or witnesses, as necessary to give fair notice of the allegations and to conduct the investigation; to law enforcement consistent with state and federal law; to other University officials as necessary for coordinating interim measures or for health, welfare, and safety reasons, and to government agencies who review the University's compliance with federal law. Information about Complaints and reports, absent personally identifiable information, may be reported to University officials, and external entities for statistical and analysis purposes pursuant to federal and state law and University policy.

After a report of an alleged incident of sexual harassment, gender-based harassment, sexual exploitation, or sexual violence has been made to the Title IX Coordinator, a Complainant may request that the matter be investigated without her/ is identity or any details regarding the incident being divulged further. Alternatively, a Complainant may request that no investigation into a particular incident be conducted or that an incident not be reported to outside law enforcement.

In all such cases, the Title IX Coordinator will weigh the Complainant's requests against the University's obligation to provide a safe, non-discriminatory environment for all students, employees and visitors, including the Complainant. A decision to maintain confidentiality does not mean that confidentiality can be absolutely guaranteed in all circumstances, but only that all efforts will be undertaken to keep information confidential consistent with law.

If the Title IX Coordinator determines that she/he will maintain confidentiality as requested by the Complainant, the University will take all reasonable steps to investigate the incident consistent with the request for confidentiality. However, a University's ability to meaningfully investigate the incident and pursue disciplinary action may be limited by such a request. In any event, the University is required to abide by any laws mandating disclosure, such as the Clery Act. However, disclosures under the Jeanne Clery Act is done without divulging the Complaint's identity. If the Title IX Coordinator determines that the University must report the incident to outside law enforcement, the University will cooperate with any criminal investigation, which may include providing the outside law enforcement agency with any evidence in its possession relating to the incident.

An individual who speaks to a University employee about sexual harassment, gender-based harassment, sexual exploitation or sexual violence should be aware that employees fall into three categories: (1) "confidential" employees, who have an obligation to maintain a Complainant's confidentiality regarding the incident(s); (2) "responsible" employees, who are required to report the incident(s) to the Title IX Coordinator; and (3) all other employees, who are strongly encouraged but not required to report the incident(s).

XXIII. Faculty-Student Relations

No University faculty member shall have romantic or sexual relations with a student who is enrolled in a course taught by that faculty member, or who is otherwise subject to the faculty member’s academic supervision. A student is considered enrolled in a faculty member’s course until such time as a final grade for the course has been submitted to the Registrar; other forms of academic supervision conclude upon the submission of a final grade to the Registrar (where applicable) or upon the student’s completion of all supervised work. The Provost may grant an exception to this policy in extraordinary cases.

XXIV. Retaliation

This policy prohibits retaliation, including threats, intimidation, coercion, or discrimination (including harassment), against any person who reports sexual harassment, gender-based harassment, sexual exploitation or sexual violence. This policy further prohibits retaliation against any person who assists someone making a report of sexual harassment, gender-based harassment or sexual violence, or participates in any manner in an investigation or resolution of a sexual harassment, gender-based harassment or sexual violence Complaint. Any allegations of retaliation for making a report under this policy should be reported to the Title IX Coordinator and her/his staff, or the President if the Title IX Coordinator is alleged to have engaged in the retaliation.

XXV. Sex Offender Registration

In accordance to the Campus Sex Crimes Prevention Act of 2000, which amends the Jacob Wetterling Crimes against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act, and the Family Educational Rights and Privacy Act of 1974, the University is providing the link to the U.S. Department of Justice National Sex Offender Public Website: <https://www.nsopw.gov/>.

XXVI. Annual Disclosure of Crime Statistics

This Annual Security Report is required by federal law and contains policy statements and crime statistics for the school. The policy statements address the school’s policies, procedures and programs concerning safety and security. This report is available online at <https://www.usuniversity.edu/current-students/consumer-information/>.

UNITED STATES UNIVERSITY (San Diego, CA)	Year	On Campus^^	Public Property*	Total
Robbery	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Aggravated Assault	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Burglary	2016	0	1	0

	2017	0	0	0
	2018	0	0	0
Motor Vehicle Theft	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Arson	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Criminal Homicide: Murder/Non-Negligent Manslaughter	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Criminal Homicide: Negligent Manslaughter	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Rape	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Fondling	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Incest	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Statutory Rape	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Violence Against Women Act (VAWA) Offenses	Year	On Campus^{^^}	Public Property*	Total
Domestic Violence	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Dating Violence	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Stalking	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Hate Crimes [^]	Year	On Campus^{^^}	Public Property*	Total
Robbery	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Aggravated Assault	2016	0	0	0
	2017	0	0	0
	2018	0	0	0

Burglary	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Motor Vehicle Theft	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Arson	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Larceny/Theft	2016	0	0	0
	2017	0	0	0
	2018	1	0	1
Simple Assault	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Destruction, Damage, or Vandalism of Property	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Any Other Crime Involving Bodily Injury	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Intimidation	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Criminal Homicide: Murder/Non-Negligent Manslaughter	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Rape	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Fondling	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Incest	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Statutory Rape	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Arrest/Persons Referred for Campus Disciplinary Action	Year	On Campus^^	Public Property*	Total
Liquor Law Violations: Arrests	2016	0	0	0
	2017	0	0	0

	2018	0	1 ¹	1
Liquor Law Violations: Disciplinary Action	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Drug Law Violations: Arrests	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Drug Law Violations: Disciplinary Action	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Illegal Weapons Possessions: Arrests	2016	0	0	0
	2017	0	0	0
	2018	0	0	0
Illegal Weapons Possessions: Disciplinary Action	2016	0	0	0
	2017	0	0	0
	2018	0	0	0

*Public Property includes all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus.

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

^^United States University does not have any residential housing. The above statistics are representative of the San Diego campus.

¹ This incident occurred after the building was closed in an adjacent parking lot. It did not involve University personnel or students.

XXVII. Appendix A

TELEPHONE BOMB THREAT CHECKLIST

INSTRUCTIONS: BE CALM, BE COURTEOUS. LISTEN. DO NOT INTERRUPT THE CALLER.

YOUR NAME: _____ TIME: _____ DATE: _____
 CALLER'S IDENTITY SEX: Male _____ Female _____ Adult _____ Juvenile _____ APPROXIMATE AGE: _____
 ORIGIN OF CALL: Local _____ Long Distance _____ Telephone Booth _____

VOICE CHARACTERISTICS		SPEECH		LANGUAGE	
<input type="checkbox"/> Loud	<input type="checkbox"/> Soft	<input type="checkbox"/> Fast	<input type="checkbox"/> Slow	<input type="checkbox"/> Excellent	<input type="checkbox"/> Good
<input type="checkbox"/> High Pitch	<input type="checkbox"/> Deep	<input type="checkbox"/> Distinct	<input type="checkbox"/> Distorted	<input type="checkbox"/> Fair	<input type="checkbox"/> Poor
<input type="checkbox"/> Raspy	<input type="checkbox"/> Pleasant	<input type="checkbox"/> Stutter	<input type="checkbox"/> Nasal	<input type="checkbox"/> Foul	<input type="checkbox"/> Other
<input type="checkbox"/> Intoxicated	<input type="checkbox"/> Other	<input type="checkbox"/> Slurred	<input type="checkbox"/> Other		
ACCENT		MANNER		BACKGROUND NOISES	
<input type="checkbox"/> Local	<input type="checkbox"/> Not Local	<input type="checkbox"/> Calm	<input type="checkbox"/> Angry	<input type="checkbox"/> Factory	<input type="checkbox"/> Trains
<input type="checkbox"/> Foreign	<input type="checkbox"/> Region	<input type="checkbox"/> Rational	<input type="checkbox"/> Irrational	<input type="checkbox"/> Machines	<input type="checkbox"/> Animals
<input type="checkbox"/> Race		<input type="checkbox"/> Coherent	<input type="checkbox"/> Incoherent	<input type="checkbox"/> Music	<input type="checkbox"/> Quiet
		<input type="checkbox"/> Deliberate	<input type="checkbox"/> Emotional	<input type="checkbox"/> Office	<input type="checkbox"/> Voices
		<input type="checkbox"/> Righteous	<input type="checkbox"/> Laughing	<input type="checkbox"/> Machines	<input type="checkbox"/> Airplanes
				<input type="checkbox"/> Street	<input type="checkbox"/> Party
				<input type="checkbox"/> Traffic	<input type="checkbox"/> Atmosphere

BOMB FACTS

PRETEND DIFFICULTY HEARING - KEEP CALLER TALKING - IF CALLER SEEMS AGREEABLE TO FURTHER CONVERSATION, ASK QUESTIONS LIKE:

When will it go off? Certain Hour _____ Time Remaining _____

Where is it located? Building _____ Area _____

What kind of bomb? _____

What kind of package? _____

How do you know so much about the bomb? _____

What is your name and address? _____

If building is occupied, inform caller that detonation could cause injury or death.

Activate malicious call trace: Hang up phone and do not answer another line. Choose same line and dial *57 (if your phone system has this capability). Listen for the confirmation announcement and hang up.

Call Security at _____ and relay information about call.

Did the caller appear familiar with plant or building (by his/her description of the bomb location)?

Write out the message in its entirety and any other comments on a separate sheet of paper and attach to this checklist.

Notify your supervisor immediately.