



# **WesternU California Campus Annual Security Report & Annual Fire Safety Report for Calendar Year 2022**

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**Clery Compliance Team**

THIS REPORT IS PROVIDED PURSUANT TO 20 UNITED STATES CODE SECTION 1092 (F), THE "JEANNE CLERY AND ANNUAL FIRE REPORT DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS ACT"

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## ANNUAL SECURITY REPORT

Western University of Health Sciences (WesternU) Pomona's Annual Security Report includes statistics for the previous three years concerning reported crimes that occurred on-campus; in certain off-campus buildings or property owned or controlled by WesternU Pomona; and on public property within, or immediately adjacent to and accessible from, the campus (also referred to as Clery geography). The report also includes institutional policies concerning campus security, such as policies concerning sexual assault, and other matters.

This report was prepared in cooperation with the local law enforcement agencies surrounding our main campus, Campus Security, Title IX Office, and University Student Affairs. Each University entity provides updated bi-annual statistical information on their crime stats and their educational efforts and programs to comply with the Clery Act.

Campus crime, arrest and referral statistics include those reported to respective local law enforcement agencies, the Office of Campus Security, and other designated Campus Security Authorities (CSA's) as defined below.

You can obtain a copy of this report by contacting the Office of Campus Security 909-706- 3000, or by accessing [Resources and Reports | Campus Security \(westernu.edu\)](#) and then click on the WesternU California Campus Report.

## LEGISLATIVE HISTORY OF THE CLERY ACT

The Student Right to Know and Campus Security Act (Public Law 101-542) was signed into law by President Bush in 1990 and went into effect on Sept. 1, 1991. Title II of this act is known as the Crime Awareness and Campus Security Act (CACSA) of 1990. This act amends the Higher Education Act of 1965 (HEA) by adding campus crime statistics and reporting provisions for postsecondary institutions. It requires the disclosure of crime statistics for the most recent three years, as well as disclosure of the institution's current security policies. Institutions are also required to issue timely warnings when necessary. All public and private Title IV eligible institutions must comply with the requirements of this act, which is enforced by the U. S. Department of Education (DOE).

This law was amended when Congress enacted the Campus Sexual Assault Victim's Bill of Rights as part of the Higher Education Amendments of 1992 {Public Law 102-325, Section 486(C)}, giving victims of sexual assault on campus certain basic rights. In addition, institutions are required to develop and distribute a policy statement concerning their campus sexual assault programs targeting the prevention of sex offenses. This statement must also address the procedures to be followed if a sex offense occurs.

The most recent version of this law was passed as part of the Higher Education Amendments Act of

1998 {Section 486(e) of Public Law 105-244}. The official title under this act is the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act {20 U.S.C.1092(f)}. On Nov. 1, 1999, DOE issued the final regulations, which went into effect on July 1, 2000. The amendments require DOE to collect, analyze, and report to Congress on the incidences of crime on college campuses. The amendments also expand the requirement of the Student Right to Know and Campus Security Act of 1990 that all institutions of higher education participating in the federal student aid programs must disclose to students, faculty, staff, and, upon request, prospective students, and information regarding the incidence of crimes on campus as part of their campus security report.

The 1998 amendments made several changes to the disclosure requirements. Among these changes were the addition of two crimes (Arson and Negligent Manslaughter) and three locations (non-campus buildings or property not geographically contiguous to the campus, and public property immediately adjacent to a facility that is owned or operated by the institution for education purposes) that schools must include in the reported statistics. Institutions that have a campus security department are required to maintain a daily crime log that is available to the public.

The Clery Act was further amended by the Violence Against Women Reauthorization Act of 2013 (VAWA), to require institutions to compile and report statistics for additional crimes and incidents of dating and domestic violence and stalking reported to campus security authorities or local law enforcement agencies, as well as to adopt policies to address these matters.

## UNIVERSITY'S CLERY GEOGRAPHY

The Clery Act defines the following terms:

On-Campus: "(1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and (2) Any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes." (34 CFR 668.46(a)).

Public property: "All public property, including thoroughfares, streets, sidewalks, and parking facilities, which is within the campus, or immediately adjacent to and accessible from the campus" (34 C.F.R. 668.46(a)). These statistics were provided by the law enforcement agency having jurisdiction where the property is located and Campus Security Authorities, where applicable.

WesternU considers the following as part of our Clery geography for the Pomona California campus:



**MAIN CAMPUS MAP**

**ON CAMPUS STUDENT HOUSING FACILITIES:**

The Clery act defines On-Campus Student Housing Facilities: “A dormitory or other residential facility for students that is located on an institution's campus...” (34 CFR 668.41(a). WesternU Pomona’s campus considers the following as part of our Clery geography:

Daumier Apartments-Graduate Student Housing 615 E Third Street, Pomona, CA 91766

**NON-CAMPUS BUILDINGS OR PROPERTY**

The Clery Act defines non-campus Buildings or Property: “Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution” (34 CFR 668.46(a). WesternU considers the following as part of the WesternU Pomona Campus Clery geography:

Western University of Health Sciences "The Village" 1460 E. Holt, Suites 14, 20, 50, 176 Pomona CA, 91767	WesternU Health, Los Angeles 2080 Century Park East, Suite 800 Los Angeles, CA 90067
We Care Dental Center 71949 Highway 111, Suite 100B Rancho Mirage, CA 92270	Spay/Neuter Center East Valley 14409 Vanowen St. Van Nuys, CA 91405
Palomares Academy of Health Sciences 2211 N. Orange Grove Avenue Pomona, CA 91767	Jeff Seymour Family Center 10900 Mulhall St. El Monte, CA 91731
Parktree Community Health Center 1450 E. Holt Ave. Pomona, CA 91767	Lestonnac Free Clinic 12115 E. Chapman Ave. Orange, CA 92866
Chap Care Community Health Center 455 W. Montana Ave. Pasadena, CA 91103	Chap Care Community Health Center 513 E. Lime Ave. #102 Monrovia, CA 91016

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## SEPARATE CAMPUSES

The Clery act defines a Separate Campus as a site that: (1) is owned or controlled by the University; (2) is not reasonably geographically contiguous with the main campus; (3) has an organized program of study; and (4) has at least one person on site acting in an administrative capacity. WesternU has two (2) separate campus referred to as the WesternU COMP-NW Campus, which is located at 200 Mullins Drive Lebanon Oregon, 97355 and WesternU CHS-NW Campus, which is located at 2665 S. Santiam Hwy, Lebanon, Oregon 97355. The Annual Security Report for this campus can be reviewed at [Resources and Reports | Campus Security \(westernu.edu\)](#) and then click on the WesternU COMP-NW and COMP-CHS Campus Report.

Potential or actual criminal activity or any emergency on the main Pomona campus, including medical emergencies, should be reported directly to Campus Security at 909-706-3000 or by dialing 9-1-1. Any 9-1-1 call from a university phone will go directly to the Pomona Police Department and Campus Security is automatically notified. A 9-1-1 call from a cell phone will automatically be directed to the Pomona Police Department. Upon receipt of the emergency call, Campus Security Officers will be dispatched immediately to the site of the complaint and will simultaneously summon additional emergency resources as needed.

The University encourages students and employees to report all criminal offenses and other emergencies to the Office of Campus Security at 909-706-3000, as soon as possible. At all times, **if you see something, say something.** Call Campus Security right away, if you see someone or something suspicious, use the [LiveSafe](#) app, or you may report in person at the Campus Security

Office. As always, if it is an emergency call 9-1-1.

For the purpose of making timely warning reports and annual statistical disclosure, criminal offenses should be reported to local law enforcement agencies or Campus Security at 909-706- 3000, and/or to any of the other designated Campus Security Authorities (CSAs) who are defined below.

A Campus Security Authority (CSA) is a designated campus official with significant responsibility for campus and student activities. For any off campus building that students attend class at and if it does not have campus security on that site, the instructor at that site is whom the students should report crimes or other emergencies to, as the instructor would be the CSA for that site.

A CSA has responsibilities under Clery to report information for timely warnings and for collection of crime statistics, such as:

- Administrators at Non-Campus WesternU locations
- Campus Security Staff (909-706-3000)
  - Location: USC Building: 401 E Second St., Room 102, Pomona, CA 91766
- Deans
- Faculty or staff mentors/advisors to student organizations
- Members of the University Executive Operations Team (UEOT)
- University Student Affairs (909-469-5605)
- Title IX Coordinator and Deputies Coordinators (909-469-5372)

CSAs are notified annually of their status and reporting obligations and provided training annually to clarify reporting expectations. Other groups who can receive reports under this policy but who are not CSAs:

- Human Resources 909-469-5372
- Risk Management 909-469-5452

Staff in any of the above departments may also be reached by calling 909-623-6116.

**LOCAL POLICE (WESTERNU MAIN CAMPUS)**

Pomona Police Department

Location: 490 W. Mission Blvd, Pomona, CA 91766 Phone: 909-622-1241

If callers report the incident directly to the Police or Fire Departments, it is imperative that a call be made to the Office of Campus Security so we can direct emergency crews to the proper location and so the incident can be documented properly.

The Clery Act defines a hate crime as “a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim,” and requires reporting of hate crimes in the following categories: race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, and disability". In the State of California, a hate crime is defined as any act by force or threat of force, physical intimidation, physical harassment, or physical violence directed against any person, group of persons or property of such person or group of persons in whole or in part because of one or more of the following characteristics of the victim(s): disability, gender, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics.

WesternU expressly prohibits any act or conduct that constitutes a hate crime or any act of hate violence. All suspected incidence of hate crimes or other acts of hate violence should be reported to Campus Security, the Senior Vice President of Shared Services & Chief Operating Officer, other designated CSAs, or the Pomona Police Department.

Potential or actual criminal activity or any emergency, including medical emergencies, on any non-campus locations (*other than the main Pomona campus*), should be reported directly to the local law enforcement agency for that campus by dialing 9-1-1 or as listed below.

For the purpose of making timely warning reports and annual statistical disclosures, criminal offenses should also be reported to the Office of Campus Security on the California campus at (909) 706-3000, and/or to any of the other designated CSA’s.

FOR CRIMES IN-PROGRESS OR OTHER EMERGENCIES:

- 1) Reports of in-progress crimes may be made directly to the Pomona Police Department by dialing 9-1-1.
- 2) Call Campus Security at 909-706-3000 (or at extension 3000).

FOR FIRE OR MEDICAL EMERGENCIES:

- 1) Reports of fire or medical emergencies may be made directly to the Fire Department by dialing 9-1-1.
- 2) Call Campus Security at 909-706-3000 (or at extension 3000).

WesternU has entered a “Memorandum of Understanding,” (MOU), with the Pomona Police Department to establish guidelines and clarify administrative responsibilities dealing with Part I and Clery reportable crimes and operational working relationships for the university campus. The MOU between the University and the respective law enforcement agencies ensure the accurate and prompt reporting of all Part I crimes and Clery reportable crimes as soon as possible or practical. This ensures each agency can satisfy each other’s obligations to respond, investigate and report in a timely manner.

### Non-Campus WesternU Facilities & Enforcement Authority and Jurisdiction

The University has established relationships with local law enforcement agencies for each of its additional campus locations. These agencies help provide proactive safety patrols of the University community and surrounding area.

The Memorandum of Understanding (MOU) between the University and the local law enforcement agencies ensures the accurate and prompt reporting of all Part I crimes and Clery reportable crimes as soon as possible or practical. This ensures each agency can satisfy each other’s obligations to respond, investigate and report in a timely manner. The following table lists non-WesternU Facilities along with Enforcement Authorities and the Jurisdiction.

Facility Name	Access to Facilities	Local Law Enforcement	Enforcement Authority
We Care Dental Rancho Mirage Dental Center	Monday-Thursday 9am to 5pm Friday 8am to 3pm Closed Saturday and Sunday	Rancho Mirage Emergency - 9-1-1 Business (760) 836-1600	No on-site security No MOU in place
WesternU Health, Eye Care Institute Los Angeles	Monday-Friday 8am to 5pm Closed Saturday and Sunday	LAPD Emergency – 9-1-1 Business (310) 444-0701	On site security Allied No MOU in place
Spay/Neuter Center East Valley Van Nuys, CA	Tuesday-Saturday 9am-4pm Closed Sunday and Monday	LAPD Police Emergency - 9-1-1 Business (818) 374-9500	No on-site security No MOU in place
The Village Pomona, CA	Suite 150- Monday-Friday 8am to 5pm Suite 14- Tue-Wed. 8am to 5 pm Suites 20 & 176 By Appt. only	Pomona Police Emergency 9-1-1 Non-Emergency (909) 622-1241	On site security ADA MOU in place
Palomares Academy of Health Sciences	Monday- 8am to 5pm	Pomona Police Emergency- 9-1-1 Non-Emergency (909) 622-1241	On site security Pomona Unified School District MOU in place
Jeff Seymour Family Center	Monday- Tuesday 8am to 4pm	El Monte Police Emergency- 9-1-1 Non-Emergency (626) 580-2100	No on-site security No MOU in place
CHAP Care Community Health Center-Pasadena	Monday- Friday 8 am- 4 pm	Pasadena Police Emergency- 9-1-1	No on-site security No MOU in place
Lestonnac Free Clinic	Monday-Friday 8 am to 4 pm	Orange Police Departmen Emergency- 9-1-1 Non-Emergency 714-744-7444	On-Site Security MOU in place
Parktree Community Health Center	Monday-Friday 8am to 4 pm	Pomona Police Emergency 9-1-1 Non- Emergency 909-622-1241	No on-site security No MOU in place

CHAP Care Community Health Center-Monrovia	Monday-Friday 8 am- 4 pm	Non-Emergency Monrovia Police Emergency- 9-1-1 Non-Emergency 626-256-8000	No on-site security No MOU in place
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## MAIN CAMPUS – CALIFORNIA

The Office of Campus Security is a non-sworn safety department that provides a safe and secure learning and working environment for the Pomona community. The Office of Campus Security enforces University policies, procedures, and the University’s vehicle code.

Campus Security Officers perform routine patrol of on-campus and non-campus buildings and property for the main campus.

Campus Security Officers have private citizen’s powers to arrest. California Penal Code Section 837 specifies the conditions under which officers, as a private person, may make an arrest. A private person may arrest another:

1. For a public offense committed or attempted in his/her presence.
2. When the person arrested has committed a felony, although not in his/her presence.
3. When a felony has been, in fact, committed and there is reasonable cause for believing the person arrested to have committed it.

When engaged in the performance of assigned duties, Campus Security Officers may engage in the following activities:

- Observe and report:
  - Leaks and spills, including those of a hazardous nature
  - Lighting that is not working
  - Slips and fall incidents
  - Fire emergencies
  - Crimes in-progress
  - Suspected crimes or forced entries
  - Bomb threats and
  - Intruders or suspicious persons.
- Campus Security Officers must refrain from the following:
  - Touching or attempting to clean up leaks or spills

- Handling hazardous materials
- Moving or touching a suspicious object or package
- Chasing down and/or restraining persons who violate the access control policy; and
- Using physical force to remove a person from the premises.

When reporting in-progress crimes, fire and other emergencies, the Campus Security Officers will contact the appropriate emergency response agency by dialing 9-1-1. This is to ensure that all appropriate parties have the same information and can work together to ensure proper resolution of the incident.

Imperial Guard Services maintains an Illness and Injury Prevention Program, with a Program Administrator who has the authority and responsibility for implementing the provisions of the program.

The Office of Campus Security prepares this report, in conjunction with administrators from the main and off-campus sites, to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act.

This report was prepared in cooperation with the local law enforcement agencies surrounding our main campus and non-Campus sites, Campus Security, University Student Affairs, and the Title IX Coordinators. The University provides updated bi-annual statistical information on their crime statistics as well as their educational efforts and programs to comply with the Clery Act.

Campus crime, arrest and referral statistics include those reported to local law enforcement agencies, the Office of Campus Security, and other designated CSAs.

All statistical information received from local law enforcement agencies is compiled by the Office of Campus Security as reported by the reporting agencies. A letter or e-mail is sent yearly to all the local law enforcement agencies of all WesternU Pomona campuses requesting crime statistics for designated University-controlled property classified as Clery geography to maintain Clery compliance.

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## THE DAILY CRIME LOG

A copy of the daily crime log is maintained at the Campus Security front desk and in the Imperial Security Incident Tracking System and can be viewed by request at the Campus Security Office at the California campus. Each guard, as they sign on for a shift, reviews the logbook during pass down procedures in addition to receiving a verbal briefing regarding the previous shift from the outgoing guard. Logbook pages are digitally archived for future reference and can be viewed at

the Campus Security Office on the California campus.

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## VOLUNTARY CONFIDENTIAL REPORTING

Optum Health (Optum) provides confidential reporting options to WesternU employees and students including informing them of the options and procedures for reporting crimes to the Office of Campus Security, to local law enforcement agencies, and/or on a voluntary or confidential basis for the purposes of inclusion in the annual disclosure of statistics, when they deem it appropriate and in the best interest of the client. A procedure is in place to anonymously capture crime statistics disclosed confidentially during such a session.

## SECURITY & ACCESS POLICY

During business hours, the University (excluding certain offices and facilities) will be open to students, employees, contractors, and guests. Access to all University facilities is secured either by electronic key cards or by hard key lock after designated business hours, subject to continued use by university groups.

Keys and Electronic key cards are issued by Campus Security. In the case of periods of extended closing, the University will admit only those with prior written approval to all buildings. Campus Community members are instructed to close and secure their respective work areas before they leave the location. The Office of Campus Security will secure any doors that are found open while patrolling the campus.

Over extended breaks, the doors of all buildings will be secured around the clock. Emergencies may necessitate changes or alterations to any posted schedules. Areas that are revealed as problematic are documented by the Office of Campus Security. The concerns are then forwarded to the appropriate administrator or office for review. These incident/maintenance reports document security, safety, and maintenance issues such as landscaping, locks, alarms, lighting, and communications.

The University does not recognize and is not aware of any non-campus locations, including non-campus housing facilities, owned, or controlled, by student organizations officially recognized by the University. There is no agreement or policy by or between the University and local law enforcement agencies to monitor activities of any officially recognized student organizations at non-campus locations.

# EMERGENCY NOTIFICATION, TIMELY WARNINGS, AND EVACUATION

## EMERGENCY NOTIFICATION

In the event of an immediate threat existing on the WesternU California campus, the University's Provost/Chief Academic Officer, the Senior Vice President of Shared Services & Chief Operating Officer, the Director of Campus Security, and other members from the California campus (if applicable), comprise the Emergency Management Committee. The committee will meet in person physically or by electronic means, or by phone and will confirm if a serious incident occurred or is occurring that may present an immediate and/or continuing threat to anyone on the campus. They will also decide who should be notified.

An "immediate" threat as used here includes an imminent or impending threat, such as a large fire burning on or near the campus. The committee will consider the safety of the community in developing the content and issuing an emergency notification. Some examples of significant emergencies or dangerous situations are:

- earthquake
- train derailment
- gas leak
- explosion
- nearby chemical or hazardous materials
- armed intruder
- terrorist incident
- bomb threat
- civil unrest or rioting
- assault

In the event that the Committee is unable to meet timely, WesternU will, without delay and taking into account the safety of the campus community, determine the content of the emergency announcement and initiate the emergency notification system, unless notification will compromise efforts to assist a victim or contain, respond to, or otherwise mitigate the emergency.

## UNIVERSITY'S EMERGENCY NOTIFICATION SYSTEM

Emergency notifications are disseminated by one or more of the following methods: mass emailing, the university's notification system (blackboard connect), university's website, social media platforms, "in person direct notification" or [LiveSafe](#) to the affected campuses.

The University uses “Blackboard Connect” Campus Notification System as a means of notifying students, faculty, and staff of pertinent information for all campuses. The user will receive an email and can pick multiple ways of additional notification: text, phone, and cell phone. The system can be activated from any location that has access to internet coverage. The Blackboard Connect System notifies by email, or other optional methods, all individuals listed in the Banner system or can target designated groups on any of the University’s campuses.

The Blackboard Connect system is an automatic sign up for all Faculty, Students, and Staff in the Banner system based on current information provided by the user. The user must remain in the email notification queue but can opt-out of additional message formats such as text or cell phone notifications. The University uses the University email system for all current students and employees with no opt-out ability. It is the responsibility of the staff or student to keep their emergency contact information updated. To update, go to the [Ban-Web Self-Services Menu/Personal Information Services Menu](#).

## Timely Warnings

The Clery Act requires the University to alert the campus community to certain crimes that occurred on the campus in a manner that is timely and will aid in the prevention of similar crimes. Although the Clery Act does not define “timely,” the intent of a warning regarding a criminal incident(s) is to enable people to protect themselves. This means that a warning should be issued as soon as pertinent information is available. Based on the urgency of the situation, the Director of Campus Security may consult with the Senior Vice President of Shared Services & Chief Operating Officer to determine whether communication with local law enforcement is also needed. The Office of Public Relations and Marketing may also be included in the discussion and would prepare appropriate notifications to be released to the university community.

Timely Warnings are disseminated by one or more of the following methods: mass emailing, the University’s notification system (Blackboard Connect), University’s website, [LiveSafe](#) or “in person direct notification,” and posting of notification as an option when appropriate to the affected campuses.

The Office of Campus Security, in conjunction with the Office of Environmental Health and Safety (EHS), conducts regular emergency evacuation drills every October. The Office of EHS holds regular training drills for all Building Safety Coordinators (BSC) and support staff in evacuation procedures for buildings on main campus, and non-Campus locations.

- Fire alarms or verbal notice will be used to alert people on the evacuation.
- Remain calm, walk quickly but do not run.

- Exit via stairway, DO NOT USE ELEVATORS. (All multi-level buildings are equipped with one or more evacuation chairs for disabled persons who cannot negotiate stairs on their own.)
- Follow instructions of the Building Safety Coordinators and Office of Campus Security, Imperial Guards, or other emergency personnel.
- Seek out and give assistance as needed to any disabled persons in the area.
- If time permits, turn off the power to all electrical equipment and close doors.
- Go to the designated Evacuation Assembly Area for your building. These are located outside away from the building. Keep roadways and walkways clear for emergency vehicles.
- WAIT FOR INSTRUCTIONS from emergency personnel. DO NOT RE-ENTER THE BUILDING until instructed to do so by the Office of Campus Security, Imperial Guards, or other emergency response personnel.

The University's [Fire Prevention Plan - Emergency Action Plan](#) and evacuation procedures can be reviewed to see actions that should be taken in a variety of emergency situations.

The University's Director of Campus Security maintains and keeps documented reports on all drills and evacuations. At least once during the academic year the Office of Campus Security runs a test of the Blackboard Connect Campus emergency notification system. Tests and results are documented and stored within the Blackboard Connect System and reported to the Emergency Management Committee.

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### EARTHQUAKE RESPONSE:

1. Each classroom on campus has a poster showing a schematic of the building floor you are on and the general area, and a recommended evacuation route.
2. Take time to know your primary evacuation route and scope out an alternative route, if for some unforeseen reasons, the primary is unusable.
3. Know where your evacuation gathering site is and proceed there quickly.
4. You may not be returning to the building, so take car keys, purse, cell phone, medication, glasses, flashlight, wallet, etc.
5. Leave the building safely and efficiently.
  - DO NOT USE ELEVATORS
  - Walk, do not run
  - Feel doors for heat. If hot, seek another route
  - Evacuate quietly so you can hear emergency instructions

- Use handrails in stairwells; stay to the right
- Assist people with disabilities
- Watch for falling glass and debris
- Do not return to the building until instructed to do so by authorities

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#### CAMPUS EVACUATION:

1. Drive carefully through campus parking lots.
2. Drive to the nearest exit, even if it may not be your usual exit.
3. Follow the directions of Campus Security or other emergency response personnel.
4. At campus exits, do not attempt to cross traffic on the main roadways. In most cases, you will need to turn right on main roadways to avoid bottlenecks behind you.
5. Carpool if feasible.
6. Do not return to campus unless directed by authorities.

If the campus becomes the target of an attacker, if you cannot get away from the threat, it is important to immediately secure yourself and those with you in an area that better isolates you from the attacker. If discovered and directly threatened, use anything available to you as a weapon to fight off the attacker.

This response is called “Run, Hide, Fight” and is emphasized as a standard in responding to the Active Shooter and other forms of direct attacks upon the campus community members and facilities.

The University works with local law enforcement and fire service agencies to maintain accurate information and resources to assist these first responders as they arrive to stop and apprehend the attacker.

The following video link is provided to illustrate ways in which you can help yourself and others in an emergency situation. To view click the link [Run-Hide-Fight](#).

WesternU has programs designed to prepare, assist, and train the students and staff to confront and prevent serious campus problems.

- **Employee training** - Sexual Assault, Domestic Violence, Dating, and Stalking training for all new employees, and all current employees is completed by Human Resources upon hire date and every two years.

- **Student Training** - all newly matriculated first year students to complete an online training module. This program is offered by [Get Inclusive](#) is called Sexual Assault and Prevention for Graduate Students. All continuing students are required to take “refresher” online training courses on an annual basis. Failure to complete the training results in a notification to their appropriate college Dean and a hold on their student account.

WesternU does not tolerate any form of discrimination, and expressly prohibits any conduct constituting dating violence, domestic violence, sexual assault and stalking as those terms are defined by the Clery Act. The University will promptly investigate all allegations of sexual assault and take appropriate action when necessary.

Any student who individually or in concert with others participates in any of the following is subject to university discipline as well as criminal prosecution.

The definitions of Prohibited Conduct below should be used for alleged misconduct that occurs on or after January 1, 2022. The definitions that should be used for alleged misconduct that occurred prior to January 1, 2022, are those in the policy in place at the time of the alleged misconduct. The following are forms of Prohibited Conduct under this policy:

1. **TITLE IX SEXUAL HARASSMENT** - The following additional definitions apply for purposes of the definition of Title IX Sexual Harassment:

A. *Title IX Quid Pro Quo*: An employee conditioning the provision of an aid, benefit, or service of WesternU on an individual’s participation in unwelcome sexual conduct; or

B. *Title IX Severe, Pervasive and Objectively Offensive*: Unwelcome conduct based upon one’s sex determined by a reasonable person to be so severe, **and** pervasive, **and** objectively offensive that it effectively denies a person equal access to the WesternU's education program or activity; or

C. A Student, Employee, or Third Party who engages in Sexual Assault, Domestic Violence, Dating Violence, or Stalking as defined herein; and

i. The alleged conduct was perpetrated against a person in the United States; and

ii. The conduct took place within WesternU’s programs and activities (See Scope and Jurisdiction section).

Conduct that does not meet this strict definition for Title IX Sexual Harassment is still prohibited by this policy if it otherwise constitutes Prohibited Conduct as further detailed below.

D. *TITLE IX SEXUAL ASSAULT* as defined in 20 U.S.C. 1092(f)(6)(A)(v), means any non-consensual

sexual contact classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, which is defined as rape, fondling, incest, or statutory rape:

i. *Rape* is the penetration, or attempted 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 Affirmative Consent of the Complainant. Rape also includes the attempted 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 Affirmative Consent of the Complainant, with the present ability and the intent to commit Rape.

ii. *Fondling* is the touching of the private body parts of another person for the purpose of sexual gratification, without the Affirmative Consent of the victim, including instances where the Complainant is incapable of giving Affirmative Consent because of their age or because of their temporary or permanent mental incapacity.

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

iv. *Statutory Rape* is sexual intercourse with a person who is under the age of 18 years, the California statutory age of consent.

E. *TITLE IX DATING VIOLENCE* is conduct that constitutes violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship shall be determined based on parties' statements and with consideration of the following as defined in 34 U.S.C. 12291(a)(10), means by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and i. where the existence of such a relationship shall be determined based on a consideration of the following factors:

1. The length of the relationship.
2. The type of relationship.
3. The frequency of interaction between the person's involved in the relationship.

F. *TITLE IX DOMESTIC VIOLENCE*, as defined in 34 U.S.C. 12291(a)(8), means felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an

adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

G. *TITLE IX STALKING*, as defined in 34 U.S.C. 12291(a)(30), means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

- i. fear for his or her safety or the safety of others; or
- ii. suffer substantial emotional distress.

2. **NON-TITLE IX MISCONDUCT** – Non-Title IX Misconduct is Prohibited Conduct that falls within the scope of this policy and the definitions below but that does not fall within the definition of Title IX Sexual Harassment, either due to the nature of the conduct or because it did not reportedly occur within a program or activity of WesternU in the United States. Such conduct is defined for purposes of this policy as:

A. Non-Title IX Sexual and Gender-Based Harassment:

i. *Non-Title IX Sexual Harassment* unwelcome sexual advances, requests for sexual favors, and/or other unwelcome verbal, visual, or physical conduct of a sexual nature, made by someone, when one of the conditions outlined in (a), (b), (c) or (d), below, is present.

ii. *Non-Title IX Gender-Based Harassment*: harassment based on sex (including sex stereotyping), gender, sexual orientation, gender identity (including transgender status), or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve contact of a sexual nature, when one of the conditions outlined in (a), (b), (c) or (d), below, is present.

a. submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status, or progress, or

b. submission to, or reject of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual, or

c. the conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment, or

d. submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or

activities available at or through the educational institution.

B. *Non-Title IX Sexual Assault*: Sexual Assault as defined in the Title IX Sexual Harassment definition above (rape, fondling, incest, statutory rape) that did not reportedly occur in a WesternU education program or activity in the United States.

C. *Non-Title IX Domestic Violence*: Domestic Violence as defined in the Title IX Sexual Harassment definition above that did not reportedly occur in a WesternU education program or activity in the United States.

D. *Non-Title IX Dating Violence*: Dating Violence as defined in the Title IX as defined in the Title IX Sexual Harassment definition above that did not reportedly occur in a WesternU education program or activity in the United States.

E. *Non-Title IX Stalking*: Stalking as defined in the Title IX Sexual Harassment definition above that did not reportedly occur in a WesternU education program or activity in the United States, or that otherwise fits within the definition of stalking but does not fall within the Title IX Stalking definition because the reported conduct is not directed at the alleged victim on the basis of sex.

## Affirmative Consent and Incapacitation

The expectations of our WesternU community can be summarized as follows:

In order for individuals to engage in sexual activity of any type with each other, there must be affirmative, conscious, and voluntary consent prior to and during sexual activity. Consent is sexual permission. Consent can be given by word or action. Consent to some form of sexual activity cannot be automatically taken as consent to any other form of sexual activity. Previous consent does not imply consent to sexual activity in the future. Silence or passivity – without actions demonstrating permission - cannot be assumed to show consent. Consent, once given, can be withdrawn at any time. There must be a clear indication that consent is not being withdrawn. Additionally, there is a difference between seduction and coercion. Coercing someone into sexual activity violates this policy in the same way as physically forcing someone into sex. Coercion happens when someone is pressured unreasonably for sex.

Because alcohol or other drug use can place the capacity to consent in question, sober sex is less likely to raise such questions. When alcohol or other drugs are being used, a person will be considered unable to give valid consent if they cannot fully understand the details of a sexual interaction (who, what, when, where, why, or how) because they lack the capacity to reasonably understand the situation. Individuals who consent to sex must be able to understand what they

are doing. Under this policy, “No” always means “No,” and “Yes” may not always mean “Yes.” Anything but a clear, knowing, and voluntary consent to any sexual activity is equivalent to a “no.”

Under this policy and in accordance with federal and state law, WesternU recognizes that consent means the affirmative act or attitude pursuant to an exercise of free will. WesternU defines effective consent for specific sexual activity as (1) affirmative, (2) conscious, (3) voluntary; and (4) mutually understood.

Essential elements of effective affirmative consent include but are not limited to:

- **Freely and actively given:** Consent cannot be obtained through the use of force, coercion, threats, intimidation, or pressuring, or by taking advantage of the incapacitation of an individual.
- **Mutually Understood:** Communication regarding consent consists of mutually understandable words and/or actions that indicate clear and unambiguous willingness to engage in sexual activity. In the absence of clear communication or outward demonstration, there is no consent. Consent may not be inferred from silence, passivity, lack of resistance or lack of active response. An individual who does not physically resist or verbally refuse sexual activity is not necessarily giving consent.
- **Informed and Reciprocal:** All parties have a clear and mutual understanding of the nature, extent, and scope of the act to which they are consenting and a willingness to do the same thing at the same time in the same way.

The following represent factors which may result in the disqualification of consent or render a determination of ineffective or involuntary consent:

- **Force:** This is the use of physical violence, threat of physical violence or intimidation (implied threats) to overcome an individual’s freedom of will to choose whether or not to participate in a sexual activity. For the use of force to be demonstrated, there is no requirement that a Complainant resist the sexual advance or request; however, resistance by the Complainant will be viewed as a clear demonstration of non-consent.
- **Coercion:** This is the improper use of pressure to compel an individual to initiate or continue sexual activity against his/her will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. A person’s words or conduct are sufficient to constitute coercion if they wrongfully impair another

individual's freedom of will and ability to choose whether or not to engage in sexual activity. Examples of coercion include threatening to "out" someone based on sexual orientation, gender identity or gender expression and threatening to harm oneself if the other party does not engage in sexual activity.

- **Incapacitation:** Consent cannot be given by a person who is incapacitated. A person is incapacitated if s/he lacks the physical and/or mental ability to make informed, rational judgments (i.e., to understand who, what, when, where, why, or how of the sexual interaction). Examples of incapacitation include unconsciousness, sleep, and blackouts. Incapacitation may result from the use of alcohol and/or drugs. Consumption of alcohol and drugs alone are insufficient to establish incapacitation. The impact of drugs and alcohol varies from person to person and the evaluation of incapacitation requires an assessment of how the consumption of alcohol and/or drugs impact an individual's decision-making ability; awareness of consequences; capacity to understand the fact, nature or extent of the sexual situation and their ability to make fully informed judgments. A person with a medical or mental disability may also lack the capacity to give consent.

- **Alcohol and Other Drugs:** Being intoxicated by drugs or alcohol does not diminish a person's responsibility to obtain consent from the other party before engaging in sexual activity. Factors to be considered include whether the person knew, or whether a reasonable person in the Respondent's position should have known, that the Complainant did not give, or revoked, consent; was incapacitated; or was otherwise incapable of giving consent.

### **Definitions of Prohibited Conduct utilized from 2020 until the updated policy in March 2022**

SEXUAL ASSAULT, as defined in 20 U.S.C. 1092(f)(6)(A)(v), means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, which is defined as rape, fondling, incest or statutory rape.

DATING VIOLENCE, defined in 34 U.S.C. 12291(a)(10), means by a person—

i. who is or has been in a social relationship of a romantic or intimate nature with the victim;

and

ii. where the existence of such a relationship shall be determined based on a consideration of the following factors:

1. The length of the relationship.
2. The type of relationship.
3. The frequency of interaction between the person's involved in the relationship.

DOMESTIC VIOLENCE, as defined in 34 U.S.C. 12291(a)(8), means felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

STALKING, as defined in 34 U.S.C. 12291(a)(30), means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

- i. fear for his or her safety or the safety of others; or
- ii. suffer substantial emotional distress.

Definitions of Consent did not change when the policy was revised in March 2022.

If an incident of sexual assault, domestic violence, dating violence, or stalking occurs, it is important to preserve evidence as it may assist in proving that the alleged criminal offense occurred, or may be helpful in obtaining a protection order. A student who is a victim of a sexual assault is encouraged to seek immediate health attention and has the option of seeking treatment at Pomona Valley Hospital Medical Center located at 1798 N Garey Ave, Pomona, CA 91767, 909-865-9500. When possible, a victim should not bathe, douche, use the toilet, or change clothing prior to a medical exam – which is important both to address any health issues that may arise and for evidence collection.

Evidence of violence, such as bruising or other visible injuries, following an incident of domestic or dating violence should be documented by taking a photograph. On campus, this will be handled by the Pomona Police Department. If the event occurred off campus, the local police agency will handle the documentation. Evidence of stalking, including any communication such as written notes, voice mail or other electronic communications, should be saved and not altered in any way. Provide this to the law enforcement officer or Campus Security officer who responds to your call.

Any WesternU community member who believes they have been subjected to Prohibited Conduct is encouraged to immediately report such concerns.

A Complainant can choose to report violations under this policy by:

- I. Contacting the Title IX Coordinator or Deputy Title IX Coordinators.
- II. Contacting Law Enforcement: A Complainant has the right to notify or decline to notify Law Enforcement. A Complainant can report immediately by calling:
  - Emergencies: 911 or 9-911 (on-campus)
  - Local Police:  
Pomona Police Department  
490 West Mission Blvd, Pomona, CA 91766  
(909) 622-1241 or (909) 620-2155

Upon request, Complainants can be assisted with notifying law enforcement. Law enforcement can also assist with obtaining protective orders, including a restraining order.

### ANONYMOUS REPORTING

An individual can exercise the option to file an anonymous complaint; however, doing so may limit WesternU's ability to adequately investigate and resolve the claim. If WesternU determines it cannot proceed with the information provided from the anonymous source, appropriate steps will be taken to the extent possible to respond to the complaint, to limit the effects of the alleged Prohibited Conduct and prevent its recurrence without initiating formal action against the alleged perpetrator or revealing the identity of the complainant, if known.

### CONSIDERATIONS FOR FILING A FORMAL COMPLAINT

A Complainant can simultaneously pursue any or all of the above options. The WesternU processes under this policy are separate and distinct from any criminal or external process. Thus, neither a decision by law enforcement regarding prosecution nor the outcome of any criminal or other external proceeding will be considered determinative of whether a violation of this policy has occurred.

There is no time limit for reporting Prohibited Conduct; however, WesternU's ability to appropriately respond to a possible violation may be diminished over time. If a Respondent is no longer a student or an employee or a third party, WesternU will provide appropriate Supportive Measures to assist the Complainant in identifying external reporting options and take reasonable and appropriate steps to eliminate Prohibited Conduct, prevent future reoccurrences and remedy its effects.

The Complaint may be filed in person, by mail, or by electronic mail. In some instances, a Complaint may be signed by the Title IX Coordinator, which alleges a potential violation of this

Policy and requests that WesternU investigate the allegation or allegations.

Where the Title IX Coordinator signs a Complaint, in order to protect the safety of the campus community, the Title IX Coordinator may decide to proceed with an investigation of Prohibited Conduct (that is, either Title IX Sexual Harassment or Non-Title IX Misconduct) even if a Complainant specifically requests that the matter not be pursued. WesternU may also initiate an investigation of potential violations of this policy even absent a formal complaint or identified Complainant or Respondent and even if a report has been withdrawn. If a Complainant requests that WesternU not investigate the alleged incident, the University may exercise its discretion to gather facts about the alleged incident in a manner that complies with the confidentiality requirements described in this policy. In determining whether to investigate the alleged incident(s), the University may consider factors including but not limited to:

- (1) the seriousness of the alleged incident;
- (2) whether the institution has received other reports of Prohibited Conduct committed by the Respondent(s);
- (3) whether the alleged incident poses a risk of harm to others; and
- (4) any other factors WesternU determines appropriate.

In these instances, a WesternU Official will attempt to contact the Complainant to discuss any concerns with the Complainant and seek to address and remedy barriers to reporting and/or participation based upon concerns about retaliation or other lack of clarity in understanding procedural options and potential outcomes. WesternU will seek resolution consistent with the Complainant's request, to the extent possible. Ultimately, the Title IX Coordinator will make a determination regarding the appropriate manner of resolution under the policy.

Filing a formal complaint to WesternU may result in a threat assessment and/or report of an annual crime statistic with the Complainant's name withheld.

**IMPORTANCE OF PRESERVING EVIDENCE:** The preservation of evidence may strengthen investigations, which may result in a better chance of holding the accused responsible for the crime or obtaining a restraining order. Evidence may include the clothing you were wearing at the time, a record of threatening text messages and emails, or bodily fluids. Although it is best not to shower, if you have showered or changed clothes, you can still file a police report, go to a hospital to get a medical exam, (including a forensic medical exam from a Forensic Nurse Examiner, also known as Sexual Assault Nurse Examiner/SANE) or report the incident to WesternU.

## OPTIONS FOR INVOLVEMENT OF LAW ENFORCEMENT & UNIVERSITY AUTHORITIES

Victims of incidents of sexual assault, domestic violence, dating violence, and stalking are not required to report to law enforcement to receive assistance from or pursue any options with the University. Likewise, such victims are not required to notify University authorities in order to report such matters to law enforcement and/or receive outside resources. The following options are available to such victims:

- Notify local law enforcement agencies
- Notify designated University authorities and allow them to assist with notifying law enforcement
- Notify designated University authorities and decline to involve local law enforcement
- Decline to notify local law enforcement AND University authorities.

The University will comply with a victim's request for assistance in notifying local law enforcement and/or proper University authorities.

Restraining Orders are court orders directing a violent person to stop harassing a victim or the victim's children. They may be obtained without cost and will be enforced by the local Police Department.

You may apply for a Domestic Violence Restraining Order if a person has abused you or threatened to abuse you AND you have one of the following relationships with that person:

- Married, divorced, separated, registered domestic partnership, have a child together, dating or used to date, live together, or used to live together, or
- You are related within the second degree of affinity or consanguinity. This means mother or mother-in-law, father or father-in-law, child or stepchild or legally adopted child, grandparent or grandparent-in-law, grandchild or grandchild-in-law, sister or sister-in-law, brother or brother-in-law, stepparent, daughter-in-law, or son-in-law. The in-law must be through a current marriage.

**IMPORTANT:** You can also ask that other family or household members be protected by the Restraining Order. The person seeking protection is called the protected person. The person you want protection from is called the restrained person.

An order may be obtained to:

- Direct the attacker to leave the household

- Prevent the attacker from entering the residence, school, business, or place of employment of the victim
- Award the victim or other parent custody of, visitation with, a minor child or children
- Restrain the attacker from molesting or interfering with minor children in the custody of the victim
- Direct the party not granted custody to pay support of minor children, if that party has a legal obligation to do so
- Direct the defendant to make specified debit payments coming due while the order is in effect and/or,
- Direct that either or both parties participate in counseling

A Domestic Violence Restraining Order is always free. In many courts, free legal assistance is available, or you can represent yourself.

In order to obtain a temporary or regular restraining order, you must appear at the Pomona Superior Court, 400 Civic Center Plaza, Pomona, CA 91766, 909-620-3023 and file a petition requesting the restraining order. For all other non-campus locations, you must appear at the court that has jurisdiction based on your current place of residence, or the location police reports were taken, if any, involving the party to be restrained.

Restraining orders are enforced by the local law enforcement and courts. While the university will do its best to assist in the compliance with a restraining order, the scope of the restraining order may impact the university's ability to assist.

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## CONFIDENTIALITY, PRIVILEGE, AND PRIVACY

Confidentiality, in accord with the law, protects certain communications from disclosure without consent that occur within certain legally recognized privileged relationships (i.e., Attorney-Client, Physician-Patient, etc.). Therefore, when information is shared with a confidential resource or communication is shared with a professional with the same legal protection, subsequent disclosure is prohibited with any other individual except when applicable court law or court order permits such disclosure. In addition to legally recognized privilege, WesternU has designated resources that possess this protection under "Confidential Resources."

Except as outlined under "Confidential Resources" or in the case of a privilege recognized under the law (examples of which include psychotherapist-patient; attorney-client, sexual assault counselor- victim; and domestic violence counselor-victim), any member of the WesternU community who knows of or has reason to know of Prohibited Conduct or allegations is encouraged to promptly inform the Title IX Coordinator.

WesternU does not require, allow, or otherwise will rely upon any questions or evidence that would seek evidence that is protected under a legally recognized privilege. Parties are encouraged to ensure against any inadvertent disclosures during the Title IX process, as such disclosures can be seen as a waiver of the privilege.

Privacy: Privacy means that information related to a report or formal complaint under this policy will be shared with a limited number of essential individuals who “need to know” any or all of the information to assist in support of the parties, or witnesses in the assessment, investigation, and resolution of the complaint. WesternU will make reasonable and appropriate efforts to preserve the privacy of all individuals involved in a report under this policy. If a Complainant, in making a report to a non-confidential resource, such as a Responsible Employee, requests confidentiality, the Complainant should be notified that it is not possible to guarantee confidentiality and directed to submit the request for confidentiality to the Title IX Coordinator for further review.

When confidentiality requests are made to the Title IX Coordinator, the University will, when appropriate and feasible, seriously consider whether granting such request would preclude a meaningful investigation or potential discipline of the potential respondent, or whether no investigation or disciplinary action be pursued to address alleged Prohibited Conduct. The University will weigh the request along with its responsibility to provide a safe and nondiscriminatory environment for all that are subject to its policies, including for the person making the request in addition to other considerations, including, but not limited to:

- Whether there are multiple or prior reports of sexual misconduct against the alleged respondent.
- Alleged respondent reportedly used a weapon, physical restraints, or engaged in battery.
- The alleged respondent is a faculty or staff member with oversight of students.
- There is a power imbalance between the requestor complainant and alleged respondent.
- The requestor believes they will be less safe if their name is disclosed, or an investigation is conducted.
- Whether the University can conduct a thorough investigation and obtain relevant evidence in the absence of the requestor’s cooperation.

Once the University has determined whether it can honor a confidentiality request, the University shall still take reasonable steps to respond to the requestor, consistent with the request, to limit the effects of the alleged Prohibited Conduct and prevent its recurrence without initiating formal action against the alleged respondent or revealing the identity of the requestor. These steps may include supportive measures or Title IX Interventions, or other steps deemed appropriate. The requestor shall be notified that the steps the institution will take to respond to the complaint will

be limited by the request for confidentiality.

If the University determines that the confidentiality request cannot be honored, the requestor will be notified prior to taking any action, when possible and will take reasonable steps to provide any supportive measures or Title IX Interventions that might be appropriate under the circumstances. In the event the requestor requests that the University inform the alleged Respondent that a request was made not to investigate or seek discipline, the University will honor this request when possible.

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## CONFIDENTIAL REPORTING OPTIONS

The following confidential resources are available for those unsure about whether to report formally or who are interested in seeking counseling in addition to (or without) making a formal report. While discussing allegations with a confidential resource may not result in an identifying report to the Title IX Coordinator, they may have reporting (or other) obligations under the law.

Optum Employee Assistance Program (services are available for students and employees) (800) 234-5465 [www.liveandworkwell.com](http://www.liveandworkwell.com) (access code: westernu)

Services: Counseling, Financial and legal advice, life balance support

### Optum Provider Contact Information:

#### California

Optum On-Site Providers

Services: Counseling, coaching, and critical incident response services

Dr. Ana Couch, (626) 391-8508 | [anna.couch@optum.com](mailto:anna.couch@optum.com)

Dr. Luis Orozco (562) 219-4537 | [luis\\_orozco@optum.com](mailto:luis_orozco@optum.com)

For a complete summary of available confidential resources, please visit our websites:

WesternU Office of Title IX & Equal Opportunity (OTIXEO) at <https://www.westernu.edu/otixeo/>

#### WesternU Employees

<https://www.westernu.edu/hr/hr-benefits/>

#### WesternU Students based in Pomona, CA

<https://www.westernu.edu/students/students-services/students-services-counseling/>

Employees may be legally required to report to other outside agencies (where appropriate) the minimal necessary information obtained during an encounter or counseling visit. Except in these

situations, information communicated to OPTUM cannot be released without permission from the person seeking such services.

### OTHER SUPPORTIVE RESOURCES

There are numerous resources for both students and employees whether as a Complainant or Respondent, for support and guidance in relation to any report of Prohibited Conduct.

Comprehensive information on available resources, including community resources, emergency, student financial aid, and on-going assistance; mental health services; reporting options and other available support are as follows:

- For Emergency Medical and police services: Call 911 or 9-911 (on campus)
- Local Police Assistance:
  - Pomona Police Department, 490 West Mission Blvd, Pomona, CA 91766,
  - (909) 622-1241 or (909) 620-2155
- Local Campus Security Assistance:
  - Pomona: Mon – Sun 7 days a week, 24 hours a day
  - (909) 706-3000/or Ext. 3000 Imperial Guard Services
- Local Medical Treatment:
  - Pomona Valley Hospital Medical Center  
1798 N. Garey Avenue  
Pomona, CA (909) 865-9500
  
  - San Antonio Regional Hospital  
999 San Bernardino Road  
Upland, CA  
(909) 920-4747

### RESPONSIBLE EMPLOYEES/ EMPLOYEES WHO HAVE A DUTY TO REPORT

Responsible Employee means an employee who has the authority to take action to redress Prohibited Conduct or provide supportive measures to students, or who has the duty to report disclosures of suspected Prohibited Conduct to the Title IX Coordinator.

Responsible Employees includes, but is not limited to, those individuals with any of the following positions or substantially similar positions or job duties, regardless of the specific title the institution may attach to the position:

- Title IX Coordinator and Deputy Title IX Coordinators designated to comply with and carry out the institution’s responsibilities to respond to reports of conduct prohibited by this policy.
- Faculty and associate faculty, teachers, instructors, or lecturers receiving payment from the University. Clinical faculty with unpaid appoints are not considered Responsible Employees, however, employees that manage preceptors, clinical faculty, and other faculty with unpaid appoints) are considered Responsible Employees.
- Teaching assistants and fellows, while performing the duties of employment by the institution.
- Laboratory directors, coordinators, or principal investigators.
- Rotations, internship, or externship directors or coordinators.
- Study abroad program directors or coordinators.

Responsible Employee does not include those individuals who are also any of the following:

- A therapist, victim advocate or other position with similar responsibilities, or other individual acting in a professional capacity for which confidentiality is mandated by law.

Individuals who are not deemed Responsible Employees shall inform each student who makes disclosures regarding Prohibited Conduct of the student’s ability to report to a Responsible Employee and direct the student to those specific reporting resources.

Responsible Employees will undergo regular mandatory training regarding their obligation to prohibited conduct under this policy to the Title IX Coordinator. Failure to report disclosures of suspected Prohibited Conduct to the Title IX Coordinator could lead to discipline, up to and including termination.

## INTERIM AND/OR SUPPORTIVE MEASURES

The Title IX Coordinator, upon receipt of a report of alleged Prohibited Conduct, will contact the Complainant to discuss the availability of Supportive Measures and explain the process for filing a Formal Complaint. Supportive Measures, sometimes referred to as interim measures, refers to any non-disciplinary, non-punitive, individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent. They can be temporary or on-going and can be implemented before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient’s educational or employment environment, or deter Prohibited Conduct.

Supportive measures for students may include but are not limited to, the following: temporary “no contact” directive, academic scheduling arrangements and adjustments and referrals to external support organizations (i.e., Center Against Rape and Domestic Violence, CARDV). For employees, supportive measures may include but are not limited to the following temporary “no contact” orders, change in work schedules, or other adjustments to work/academic locations, assignments, living/lodging or transportation arrangements, and referrals to our Employee Assistance Program (EAP).

Even in the absence of a formal complaint or report, in fulfillment of the University’s obligation to ensure equal access to its education programs and activities, the University may implement supportive measures/Title IX Interventions. This includes the consideration and response to requests for assistance relating to prior incidents of Prohibited Conduct that could contribute to a hostile educational environment or otherwise interfere with a student’s access to education where both individuals are, at the time of the request, subject to the University’s policies.

In situations unrelated to a grievance process, the Title IX Coordinator may provide Title IX interventions to prevent or remedy the effects of discrimination, harassment, and sexual violence, including but not limited to dating, domestic violence, stalking, or other sexual misconduct.

Once imposed, the University will take necessary action to enforce the implemented supportive measures/interventions in a confidential manner (to the extent possible). For example, violations of no contact directives will be referred to appropriate student or employee conduct processes for enforcement. The Title IX Coordinator may collaborate with others within University when seeking supportive measures, however, the Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures/interventions. Anyone who becomes aware of an issue with, or has a concern about, the compliance with the imposed measures/interventions, should report this concern to The Title IX Coordinator or other designated contact.

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## WRITTEN NOTIFICATION OF RIGHTS, OPTIONS AND RESOURCES

Upon receipt of a report of sexual assault, domestic violence, dating violence, or stalking, the University will provide written notification to students and employees about their rights, existing counseling, health, mental health, victim advocacy/legal assistance, and other services available for victims both within the institution and in the community.

## BYSTANDER INTERVENTION

WesternU encourages all members of the WesternU community to be Active Bystanders against

sexual violence. Bystanders are those who witness inappropriate behaviors or harmful situations, such as sexual harassment or sexual violence. Bystander Intervention occurs when a bystander makes a choice to speak up or intervene in some way. Bystanders can have a powerful impact on sexual violence prevention.

The following information is based on Bystander Intervention research and can help members of the WesternU community learn to recognize the signs of danger and develop plans to keep each other safe. Commit to being an Active Bystander.

Research indicates that Bystander Intervention may reduce rates of sexual violence on college campuses. Although more research is needed on the efficacy of Bystander intervention as a social strategy, extant research by Salazar (2014) demonstrated that Bystander intervention strategies may:

- o Encourage participants to identify potentially harmful situations and intervene more often
- o engages in less sexual violence perpetration
- o retains greater legal knowledge of sexual assault, effective consent, subscribe to less rape myths
- o express greater empathy for rape victims and less negative date rape attitudes and less hostility toward women and less hyper-gender ideology
- o possess greater intentions to intervene
- o less positive outcome expectancies for nonconsensual sex
- o more positive outcome expectancies for intervening
  - o Decrease comfort with other's inappropriate behaviors

Moreover, Kettrey et al. (2021) reviewed a sample of 19 studies (N = 7920) and found that bystander intervention training provided significant success in empowering participants in identifying situations that warrant intervention. Additionally, Jouriles et al (2018) reviewed 24 studies and found that bystander intervention programming had a slight effect of improved attitudes/beliefs (effect 0.27) and a moderate effect on increased bystander behavior (effect 0.39). They also found that although the effect diminished overtime, the effect was sustained in some instances in as much 3 months following the programming.

*Simple steps to becoming an Active Bystander:*

- **Notice the situation.** Be aware of your surroundings.
- **Interpret it as a problem.** Do I recognize that someone needs help?
- **Feel responsible to act.** See yourself as being part of the solution to help.

- **Know what to do.** Educate yourself on what to do.
- **Intervene safely.** Act but be sure to keep yourself safe.

*Common Bystander Intervention Strategies:*

1. **Direct** - Directly intervene verbally or physically in a situation.
2. **Delegate** – Enlist help from one or more people around you.
3. **Delay** - After the incident is over, check in with the person who was harmed to see if they need assistance.
4. **Distract** – Indirectly take action to divert attention away from the person causing harm to give the person experiencing harm time to move to safety.
5. **Document** – As soon as possible, take steps to document the situation (e.g., preserve notes, photos, video, etc.) in case it is needed for formal action.

*Additional Considerations for How to Intervene Safely:*

When you choose to intervene, always consider options for action that maintain your personal safety. Here are a few options for consideration:

**Intervene Early** – Taking action when the problem is small can prevent a situation growing into a bigger, more harmful issue.

- **Tell another person.** Being with others is a good idea when a situation looks dangerous.
- **Ask a person you are worried about if he/she is okay.** Provide options and a listening ear.
- **Distract or redirect individuals in unsafe situations.**
- **Ask the person if he/she wants to leave.** Make sure that he/she gets home safely.
- **Call the police (911)** or someone else in authority or yell for help.

Remember that effective helping can mean that doing something may be better than doing nothing.

Works Cited

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Kettrey, H.H., Marx, R.A. Effects of bystander sexual assault prevention programs on promoting intervention skills and combatting the bystander effect: a systematic review and meta-analysis. *J Exp Criminal* 17, 343–367 (2021). <https://doi.org/10.1007/s11292-020-09417-y>

Salazar, L. F., Vivolo-Kantor, A., Hardin, J., & Berkowitz, A. (2014). A web-based sexual violence bystander intervention for male college students: Randomized controlled trial. *Journal of medical*

Internet research, 16(9), e203.

## On Campus Resources

If you or someone you know may have experienced any form of sexual assault, domestic violence, dating violence, or stalking, we urge you to seek immediate assistance. Student assistance can be obtained from:

### Counseling and Psychological Services – CONFIDENTIAL REPORTING RESOURCE

- 287 E Third Street, Pomona (Pumerantz Library, Room 402)
- Hours- Tuesday and Thursday- 11am to 6:30pm
- Office phone number: 909-448-4105 [Counseling Services](#)
- After Hours Emergency Crisis phone number: 626-391-8508
- Emergency/Non–Emergency after hours, please contact
- Campus Security
  - Hours: 24 hours / 7 days a week
  - 909-706-3000
  - Location: 401 E Second Street, 1<sup>st</sup> Floor
  - University Services Center (USC) Building, Room 102

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## OFF CAMPUS RESOURCES

Optum Health Counseling- Available 24/7: 800-234-5465, Access Code is westernu Project Sister Family Services

- Project Sister Family Services is the foremost agency dedicated to providing services to the women, children, and men survivors of sexual assault and abuse and their families in the East San Gabriel and Inland Valleys in Southern California.
- 24 Hour Hotline: 909-626-4357
- Phone: 909-623-1619

### House of Ruth

- House of Ruth’s mission is two-fold: (1) to advocate for and assist women and children victimized by domestic violence and children exposed to violence in transforming their lives by providing culturally competent shelter, programs opportunities and education

(2) To contribute to social change through intervention, education, prevention programs and community awareness.

- Toll-free Hotline: 877-988-5559
- Pomona Outreach Office: 909-623-4364

#### Pomona Valley Hospital Medical Center

The emergency room at Pomona Valley Hospital is County designated sexual assault response team (SART) Center. SART is a victim-sensitive program designed to provide a team approach to responding to sexual assaults. Victims/survivors may take a support person with them to the hospital.

- 1798 N. Garey Ave., Pomona, CA
- 909-865-9500

#### City of Pomona Police Department

- 490 W. Mission Blvd, Pomona, CA
- Normal Business: 909-620-2156
- Non-Emergency Crimes: 909-622-1241
- Emergencies: 9-1-1

## Disciplinary Review Procedures

### Investigations of Complaints

Upon notice to the Title IX Coordinator, the grievance process contained herein involves a prompt preliminary review to determine if there is reasonable cause to believe policy has been violated. If so, WesternU will initiate a confidential investigation that is thorough, reliable, impartial, prompt, and fair. The subsequent hearing process determines whether applicable policy has been violated. If so, WesternU will promptly implement effective remedies designed to end the discrimination, prevent its recurrence, and address its effects.

Notwithstanding the above, in compliance with California SB 493, regardless of whether or not a complaint has been filed under this policy, when WesternU becomes aware of possible Prohibited Conduct involving individuals subject to University Policy will conduct a prompt assessment to determine the appropriate response, including but not limited to: a prompt investigation to determine whether the alleged conduct more likely than not occurred, reasonable steps to end the harassment, or other steps to address the hostile environment, if one has been created, in order to prevent its recurrence, and address its effects.

WesternU reserves the right to make changes to this procedure as necessary and once those changes are posted online, they are in effect. As a member of the WesternU community, we encourage you to check online for the updated versions of all policies and procedures. If government regulations change in a way that impacts this procedure, this document will be construed to comply with government regulations in their most recent form.

Following receipt of a report or formal complaint, the Title IX Coordinator will conduct a preliminary review to determine if there is reasonable cause to believe this policy has been violated. This review may include contacting or attempting to contact the Complainant to discuss the need for supportive measures and provide information about the grievance process options. As part of or in addition to the initial contact with the Complainant, the Title IX Coordinator will also gather information about the reported conduct to assess potential This review may also serve to help the Title IX Coordinator to determine appropriate Supportive Measures and assess confidentiality requests, if any (see section titled, Confidentiality, Privilege, and Privacy for more information about Responses to requests for confidentiality). As necessary, WesternU reserves the right to initiate a formal complaint without a formal complaint filed by the Complainant. The preliminary review may take up to 30 business days or more, depending on the scope and/or complexity of the allegations.

#### *Emergency Removal:*

- Student Respondents: WesternU may remove a student Respondent from campus either entirely or partially on an emergency basis, provided that WesternU has conducted an individualized safety and risk analysis and determined that the immediate threat to the physical health or safety of any student or other individual arising from the allegations of Prohibited Conduct justifies removal. An emergency removal is not equivalent to a determination of responsibility or a sanction. Further, the University can remove a Respondent on an emergency basis whether a grievance process is underway or not. When an emergency removal occurs, WesternU will provide the Respondent notice and an opportunity to challenge the decision immediately following the removal in a "Show Cause" meeting.
- Nonstudent Respondents: WesternU may place a non-student Respondent on administrative leave during the pendency of the investigation and/or grievance process.

**Dismissal of Title IX Complaints:** If the conduct alleged in the formal complaint 1) would not constitute Title IX Sexual Harassment as defined in the Prohibited Conduct section, even if proved, 2) did not occur in WesternU's education program or activity, or 3) did not occur against an Eligible Person as defined in Title IX, the Title IX Coordinator must dismiss the formal complaint with regard to that conduct for purposes of Prohibited Conduct under this policy and procedure.

Dismissal of a Title IX complaint does not prohibit the University from assessing whether the complaint may continue under applicable sections of Prohibited Conduct under this policy. Further the Complainant reserves the ability to submit an amended complaint that sets forth conduct that would constitute a Title IX violation. Further, in the event of a dismissed complaint, the University reserves the right to refer the complaint to the appropriate governing process, including but not limited to referring the matter to the respective college for conduct hearing or to Human Resources for review and action.

WesternU may also dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing: a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; the Respondent is no longer enrolled or employed by the recipient; or specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon a dismissal required or permitted pursuant to this section, the Title IX Coordinator must promptly send written notice of the dismissal and reason(s) therefore simultaneously to the parties.

Procedurally, WesternU affords two primary procedural options: Informal Resolution or the Formal Grievance Process.

## INFORMAL RESOLUTION

The goal of informal resolution is to address Prohibited Conduct, prevent recurrence, and remedy effects without completing the entire grievance process. Informal Resolution means an alternative dispute resolution, such as mediation that does not involve a full investigation or hearing, to resolve a Formal Complaint, provided:

- a. Written notice is provided to both Parties disclosing the allegations, requirements of the informal resolution process including the circumstances which preclude the parties from resuming a Formal Complaint arising from the same allegations once resolved.
- b. Provides an opportunity for either party to withdraw from the process, prior to resolution concluding, and resuming the Grievance Process for the Formal Complaint.
- c. Parties voluntarily agree, in writing.
- d. The matter does not involve allegations of an employee engaging in Prohibited Conduct against a student.

**Not all allegations may be appropriate for Informal Resolution, particularly those allegations which involve Assault, Domestic Violence, Dating Violence or Stalking.** The Title IX Coordinator may be utilized to facilitate informal resolutions, as appropriate.

Participation in Informal Resolution is voluntary. WesternU may decline a request for Informal Resolution or terminate an ongoing Informal Resolution at any time. An individual is not required to follow the Informal Resolution process nor does the utilization of the Informal Resolution process preclude the availability of subsequent use of the Formal Resolution process should adequate resolution of the matter not be achieved. Parties may withdraw from Informal Resolution at any time prior to resolution and resume the formal complaint/grievance process

If the Informal process results in a resolution, then the matter will be considered closed. If resolution is not reached and the Title IX Coordinator determines that further action is required, or if the Respondent fails to comply with any of the terms of the agreed resolution, the matter will be referred to Formal Resolution.

#### **FORMAL RESOLUTION & PROCEDURAL TRACKS**

Basic Requirements: Formal Resolution of alleged misconduct is not an adversarial process between the complainant, the respondent, and the witnesses. As such, the complainant does not have the burden to prove, nor does the respondent have the burden to disprove, the underlying allegation or allegations of misconduct. The basic requirements associated with the facilitation of the entire grievance process includes:

- **Equity:** The equitable treatment of both the Complainant and Respondent.
- **Presumption of Innocence:** Presumption that Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
- **Objectivity:** WesternU will conduct trauma-informed and impartial investigation of complaints and utilize an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence.
- **Conflicts of Interests:** Ensure that any individual designated by a recipient as a Title IX Coordinator, Investigator, decision-maker, or any person designated by a recipient to facilitate an informal resolution process, not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.
- **Disability Accommodations:** In the case of documented disabilities for which accommodation in the process is necessary, WesternU will make reasonable accommodations for the parties or witnesses when requested in advance.
- **Errors:** It is the responsibility of the Parties to bring any identified errors in the grievance

process to the attention of WesternU so that we can correct the deficiency. Any failure to bring attention to an error will not be grounds for appeal unless such error was substantial and materially affected the outcome.

- **Timeframes:** WesternU will endeavor to adhere to the following timeframes, barring extenuating circumstances:
  - o An investigation will be concluded within 90 business days.
  - o Thereafter, the hearing of a matter will be concluded within 45 business days.
  - o Appeals once filed, will be resolved within 30 business days.

In the event of a temporary delay in the investigation and fact-finding process that would change the prospective timeframes for the major stages of the complaint process, the parties will be notified in writing and notified of the basis of the delay. An appropriate basis for delay may include considerations such as the absence of a party, a party's Advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

WesternU will strive to provide periodic status updates on the investigation consistent with the timelines referenced above will be provided to the complainant and respondent. Parties may also reach out to the Title IX Coordinator for updates throughout the grievance process. To preserve the integrity of the grievance process, witnesses or other participants in the process may receive limited, if any, communication regarding the status of the case. WesternU will not unreasonably deny a student party's request for an extension of a deadline related to a complaint during periods of examinations or school closures.

**Procedural Tracks:** Formal Resolution is pursued when WesternU receives a Formal Complaint and/or the Title IX Coordinator determines this policy is applicable. Formal Resolution typically includes the following steps in the Grievance Process:

- 1. Investigation**
- 2. Hearing/Determination of Responsibility**
- 3. Appeals**

There are three possible sets of procedures ("Tracks") available for a Complaint. The determination of which procedure applies is decided by the Title IX Coordinator and is not appealable. This determination is based on a variety of factors. Any queries regarding the application of the Track should be directed to the Title IX Coordinator. Once a Track is determined to apply, the corresponding Track will govern the grievance process, even if the allegations include Prohibited Conduct that may fall under other Tracks.

Track 1 applies when the alleged conduct:

1. Meets the definition of Prohibited Conduct defined under Title IX – Sexual Harassment and which has not been dismissed or otherwise resolved, and
2. Occurred in the United States; and
3. It occurred in a WesternU program or activity as defined in Scope and Jurisdiction.

Track 2 applies when the alleged conduct:

1. The Complaint is against a student;
2. Meets the definition of Prohibited Conduct defined under the Non-Title IX Misconduct and which has not otherwise resolved,
3. The credibility of one (or both) of the parties, or any witness is central to the Determination of Responsibility; and
4. The student may be subject to serious disciplinary sanction (dismissal or suspension) if found in violation of university policy.

Track 3 applies to all other Complaints under these procedures that allege a policy Violation. Under Track 3, the Investigator decides the Determination of Responsibility and there is no hearing under this policy. Typically, if a Track 3 matter involves a student Respondent, then upon the conclusion of the investigation, the matter may be referred to the respective College for handling under applicable student conduct policies. Similarly, Track 3 matters involving employee respondents that require corrective measures will be referred to Human Resources and the appropriate supervisor to implement the required sanction(s).

## INVESTIGATION

A. *Issuance of a Notice of Allegation(s)*: Upon receipt of a formal complaint, the Title IX Coordinator will provide the following written notice to the parties who are known, simultaneously:

- a. Information pertaining to the Sexual and Gender-Based Harassment, Interpersonal Violence, and Other Sexual Misconduct Policy and Procedure.
- b. The identity and contact information of the appointed Investigator. If the parties have an objection to the Investigator, they must report their objection in writing to the Title IX Investigator as soon as possible.
- c. Notice of the allegations potentially constituting Prohibited Conduct, including sufficient details known at the time. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Prohibited Conduct, and the date and location of the alleged incident, if known.

- d. Statement that the Respondent is presumed not responsible for the alleged conduct and that Determination regarding Responsibility is made at the conclusion of the Grievance Process, if applicable.
- e. Notify the parties that they may have an Advisor of their choice, who may be, but is not required to be, an attorney.
- f. Notification that the parties will have the opportunity to inspect and review evidence during the investigation and resolution process, as provided in the procedures below.
- g. Inform the parties of the **Statement on Truthfulness**.
- h. Notification that the parties will have an opportunity to identify witnesses and other evidence to assist in determining whether a policy violation has occurred. Any evidence available but not disclosed during the investigation might not be considered at a subsequent hearing. Inform the parties of the importance of preserving evidence and the prohibition against retaliation.
- i. Inform the parties of the applicable Procedural Track governing the complaint.

**Note:** If, during the course of the Investigation, additional allegations have been identified that were not included in the Notice of Allegation but should be investigated, WesternU will provide a notice to the parties, who are known, of the additional allegations.

- B. **Initiation of Investigation:** In addition to the previously articulated expectations, all investigations will be facilitated according to the following (non-exhaustive) guidelines:
  - a. **Trained Investigator:** WesternU will appoint an appropriately trained individual(s) as the Investigator. WesternU reserves the right to utilize an external or internal Investigator.
  - b. **Thorough, reliable, and impartial Investigation:** The Investigator's responsibilities include but is not limited to commencing a thorough, reliable, and impartial investigation.
  - c. **Meeting Details and Updates:** The Investigator will provide the parties with notice of date, time, location, participants and purpose of investigative interviews or meetings with sufficient time to prepare for participation in the investigative interviews or meetings. The Investigator will provide updates on the status of the process.
  - d. **Witnesses:** The Investigator will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory

evidence.

e. **Cross-Questions:** The Investigator shall provide both parties the opportunity to submit questions to ask of the other party(ies) and the witnesses. The Investigator shall pose the questions to the other party(ies) or the witness(es). The Investigator reserves the ability to rephrase or prohibit questions of either party or of any witness that are repetitive, irrelevant, or harassing. Information gathered by the Investigator through these questions are not necessarily shared with the party(ies) but are to be taken into consideration in facilitating the investigation.

f. **Freedom to Present Evidence:** The Investigator will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

g. **Advisors:** The Investigator will provide the parties with the same opportunities to have others present, including the opportunity to be accompanied to any related meeting or proceeding by the Advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of Advisor for either the Complainant or Respondent in any Investigatory meeting, subject to the restrictions defined in the **Advisors Section**.

h. **Evidence:** The Investigator shall provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the Investigator does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

i. **Report of Evidence Review:** For complaints that fall into Track 1 and 2 (See Formal Resolution Section), prior to completion of the Investigative Report, the Investigator will provide each party and the party's Advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy (i.e. Report of Evidence), and the parties must have at least 10 business days to submit a written response, which the Investigator will consider prior to completion of the Investigative Report.

j. **Investigative Report:** For complaints that fall into Track 1 and 2 (See Formal Resolution Section, when deemed appropriate by the Investigator, the Investigator will prepare a final investigative report, which will fairly summarize relevant evidence and include as exhibits evidentiary materials as deemed appropriate by the Investigator. The parties may provide

a written response to the report with 10 business days of issuance of the final investigative report. The Title IX Coordinator reserves the ability to reopen the investigation phase in the event new witnesses or evidence is presented or discovered after the investigative report has been issued. This ability aims to ensure that all relevant information in the case is properly considered by the investigator(s). The investigative report and the parties' written responses, if any, will be provided to the Hearing officer in advance of the hearing.

k. **Parallel Investigations:** WesternU's grievance process will not typically be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced. However, the WesternU may undertake a short delay (several days to weeks) in order to comply with a law enforcement request for cooperation (e.g.: to allow for criminal evidence collection) when criminal charges on the basis of the same behaviors that invoke this process are being investigated. The WesternU will promptly resume its process once notified by law enforcement that the initial evidence collection process is complete.

l. **Track 3 Complaints:** For Complaints that are subject to Track 3, the Investigators will be responsible for the Determination of Responsibility.

1. **TRACK 1 - TITLE IX HEARING – (See *Formal Resolution and Procedural Tracks*)**

- a. **Determination of Responsibility:** Upon the conclusion of an Investigation of a Formal Complaint alleging Title IX Prohibited Conduct, WesternU will provide a live hearing in order to make a Determination of Responsibility. The hearing will be facilitated according to the following:
- i. **Hearing Officer:** WesternU may appoint an appropriately trained individual(s) to serve as the Hearing Officer. The Hearing Officer may be an external individual, who will assist the Decision-Maker(s) in the adjudication of the hearing. The Hearing Officer may also be referred to as the Panel Chair.
  - ii. **Decision-Maker(s):** The Hearing will be heard by a single Decision-Maker or a panel of Decision-Maker(s). Decision-Makers are selected from a pool of trained individuals. Members of the pool are trained in all aspects of the Title IX process. They receive annual training organized by the Title IX Coordinator, including a review of WesternU policies and procedures as well as applicable federal and state laws and regulations so that they are able to appropriately review evidence, understand the allegations, protect safety, and promote accountability. All pool members are required to attend this annual training to be eligible to serve.

- iii. **Notice of Hearing:** WesternU will issue notice to the Parties simultaneously detailing the date, time, location, and purpose of the scheduled hearing(s) and pre-meeting(s). Both parties will be provided access to the evidence, list of witnesses, and Investigative Reports in advance of the hearing. Both parties are entitled to participate equally in the totality of the hearing.
- iv. **Pre-Meeting:** The Hearing Officer may meet with both parties prior to the scheduled hearing to exchange the names of witnesses who will be participating in the hearing and address other pertinent hearing details at least five (5) business days prior to the hearing.
- v. **Witnesses:** Any witness scheduled to participate in the hearing must have been interviewed first by Investigators (or have proffered a written statement) unless a justification exists to show that it was not reasonably available at that time or all parties consent to the participation of that witness in the hearing.
- vi. **Conflicts of Interests:** The parties will be given a list of the names of each of the hearing panel members at least three (3) business days in advance of the hearing. All objections to any panelist must be raised in writing to the Hearing Officer as soon as possible. Hearing panel members will only be unseated if the Hearing Officer concludes that their bias precludes an impartial hearing of the allegation. The panelists will be given a list of the names of each party and witnesses at least three (3) business days in advance of the hearing. Any panelist who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties and all witnesses in advance of the hearing.
- vii. **Physical Testimony- Witnesses:** The Hearing Officer, in consultation with the parties and Investigators, may decide in advance of the hearing that certain witnesses do not need to provide testimony at the hearing if their testimony can be adequately summarized by the Investigator(s) in the investigation report or during the hearing. If available, and if requested by either party, a witness is expected to provide live testimony at the hearing.
- viii. **Participation of the Parties:** All parties have the responsibility and opportunity to, personally, present facts and arguments in full, during the hearing, though formal cross-examination of the other party and witnesses will not be used between the parties. *See Section xii. for further information regarding cross-examination.*
- ix. **Remote Participation:** Either party or any witness may request to answer the questions

by video from a remote location. If alternative attendance or questioning mechanisms are desired, such as the Complainant not wanting to be in the same room as the Respondent for the hearing (screens, Skype, questions directed through the Hearing Officer, etc.), the parties should request them from the Hearing Officer at least three (3) business days prior to the hearing. The request will be approved provided that the Decision-maker(s) and Parties are able to simultaneously see and hear the party or the witness answering questions.

x. **Order of Hearing:** Typically, a hearing will be facilitated in the following order:

1. Investigator Presents the Report; and the Investigator may be Questioned by the Parties and Panel.
2. The Parties Provide Relevant Evidence and Cross-Questioning
3. Witnesses are Presented and Cross-Questioning

xi. **Participation of the Investigator:** The Investigator(s) is expected to attend the first day of the hearing and may be asked to be present during the entire hearing process including deliberations, at the request of the Hearing Officer. The evidence contained in the Investigative Report are not binding on the panel, though any undisputed conclusions of the investigation report will not be revisited, except as necessary to determine sanctions/responsive actions.

xii. **Direct Cross-Examination:** During a Track 1 hearing, each party's Advisor may ask the other party and any witnesses all relevant questions and follow-up questions, including challenging credibility on behalf of the respective party. Such cross-examination at the hearing must be conducted directly, orally, and in real time by the party's Advisor of choice and never by a party personally, subject to the restrictions in the Advisors Section.

xiii. **WesternU Advisor:** If a party does not have an Advisor present at the hearing, WesternU will provide without fee or charge to that party, an Advisor of WesternU's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.

xiv. **Support Persons:** In addition to an Advisor, each party will be authorized to bring one support person for moral support during the hearing, provided that the support person signs a confidentiality acknowledgement form. This individual is strictly prohibited from participating in any manner/fashion during this process. If the individual displays disruptive, disrespectful, or offensive behavior, they will be removed from the proceedings.

xv. **Relevant Evidence:** Formal rules of evidence do not apply but in making determinations of relevance, the decision maker(s) may take guidance from the formal rules of evidence. Any evidence that the panel believes is relevant and credible may be considered. The Hearing Officer will address any evidentiary or relevancy concerns prior to and/or during the hearing, may exclude irrelevant or immaterial evidence and may ask the panel to disregard evidence lacking in credibility or that is improperly prejudicial. This includes requiring the parties to provide their proposed direct cross-examination questions for the other party or witnesses in advance of the hearing to the Hearing Officer for review. Both parties retain the right to object to the introduction of evidence protected by a recognized privilege, such as (but not limited to) the attorney-client privilege or the medical provider-patient privilege. The Hearing Officer will determine all questions of procedure and evidence. Anyone appearing at the hearing to provide information will respond to questions on his/her own behalf. Generally, the parties may not introduce evidence, including witness testimony, at the hearing that the party did not identify during the investigation and that was available at the time of the investigation. However, the decision maker(s) has/have discretion to accept for good cause, or exclude, such new evidence offered at the hearing.

xvi. **Private Proceedings:** There will be no observers at the hearing, aside from the designated Advisors to the Parties or the Panel. The Hearing Officer may allow witnesses who have relevant information to appear at a portion of the hearing, separately, in order to respond to specific questions from the panel or the parties involved, and then be excused. Proceedings are private and confidential. All persons present at any time during the hearing are expected to maintain the privacy and confidentiality of the proceedings in accord with WesternU policy. While the contents of the hearing are private, the parties have discretion to share their own experiences if they so choose and should discuss doing so with their Advisors.

xvii. **Character evidence:** The Panel may decline to hear from character witnesses if deemed irrelevant. In that event, the Panel may accept up to two (2) letters supporting the character of each of the parties.

xviii. **Relevancy:** Only relevant cross-examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. This may occur prior to and/or during the hearing, including requiring the parties to provide their proposed direct cross-examination questions for the other party or witnesses in

advance of the hearing to the Hearing Officer for review.

xix. ***Sexual Disposition or Prior Sexual Behavior:*** Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

xx. ***Failure to Testify:*** If a party or witness does not submit to cross-examination at the hearing, either because they do not attend the hearing, or they attend but refuse to participate in questioning or refuse to answer any question, the decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions. However, the decision-maker(s) may consider or rely on statements otherwise made by parties or witnesses, even if those parties or witnesses do not participate in cross-examination at the live hearing in reaching a determination regarding responsibility.

xxi. ***Audio or Visual Recording:*** Hearings (except for deliberations) are recorded for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted. Panel members, the parties, and appropriate administrative officers of WesternU will be allowed to listen to the recording in a location determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without the permission of the Title IX Coordinator.

xxii. ***Freedom to Present Evidence:*** WesternU will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

xxiii. ***Deliberations:*** The Decision-Maker(s) will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. The Panel will base its determination(s) on a preponderance of the evidence (i.e., whether it is more likely than not that the responding party committed each alleged violation). If the responding party is found responsible, the Panel will recommend appropriate sanctions.

xxiv. ***Impact Statement:*** Prior to the conclusion of the hearing, the parties may submit

an impact statement to the Title IX Coordinator. The impact statement will only be made available to the decision maker(s) during deliberations if a Respondent is found responsible for violating WesternU policy. If the respondent is found not responsible, the statements will not be shared with the Decisions Makers.

b. *Issuance of a Notice of Outcome:* The Hearing Panel, will issue a written notice informing both parties simultaneously of their determination regarding responsibility within ten (10) business days from the conclusion of a Title IX Hearing (inclusive of deliberations), barring extenuating circumstances. The possible outcomes for each alleged violation are as follows: a) Responsible or b) Not Responsible.

To reach this determination, WesternU will apply the Standard of Evidence and include the following:

- i. Identification of the allegations potentially constituting Prohibited Conduct
- ii. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, methods used to gather other evidence, and hearings held.
- iii. Findings of fact supporting the determination.
- iv. Conclusions regarding the application of the WesternU conduct policies, as applicable.
- v. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the recipient imposes on the Respondent, and, if applicable, whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the recipient to the Complainant; and
- vi. The recipient's procedures and permissible bases for the Complainant and Respondent to appeal.

The determination regarding responsibility becomes final either on the date that the recipient provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely. The imposition of sanctions will take effect immediately and will not be stayed pending the resolution of any appeal.

## 2. TRACK 2 – NON-TITLE IX HEARING (*See Formal Resolution and Procedural Tracks*)

a. *Determination of Responsibility*: Upon the conclusion of an Investigation of a Formal Complaint, WesternU will provide a hearing in order to make a Determination of Responsibility. The hearing will be facilitated according to the following:

i. **Hearing Officer**: WesternU may appoint an appropriately trained individual(s) to serve as the Hearing Officer. The Hearing Officer may be an external individual, who will assist the Decision-Maker(s) in the adjudication of the hearing. The Hearing Officer may also be referred to as the Panel Chair.

ii. **Decision-Maker(s)**: The Hearing will be heard by a single Decision-Maker or a panel of Decision-Maker(s). Decision-Makers are selected from a pool of trained individuals. Members of the pool are trained in all aspects of the Title IX process. They receive annual training organized by the Title IX Coordinator, including a review of WesternU policies and procedures as well as applicable federal and state laws and regulations so that they are able to appropriately review evidence, understand the allegations, protect safety, and promote accountability. All pool members are required to attend this annual training to be eligible to serve.

iii. **Notice of Hearing**: WesternU will issue notice to the Parties simultaneously detailing the date, time, location, and purpose of the scheduled hearing(s) and pre-meeting(s). Both parties will be provided access to evidence, a list of witnesses, and Investigative Reports in advance of the hearing. Both parties are entitled to participate equally in the totality of the hearing.

iv. **Pre-Meeting**: The Hearing Officer may meet with both parties prior to the scheduled hearing to exchange the names of witnesses who will be participating in the hearing and address other pertinent hearing details at least five (5) business days prior to the hearing.

v. **Witnesses**: Any witness scheduled to participate in the hearing must have been interviewed first by Investigators (or have proffered a written statement) unless a justification exists to show that it was not reasonably available at that time or all parties consent to the participation of that witness in the hearing.

vi. **Conflicts of Interests**: The parties will be given a list of the names of each of the hearing panel members at least three (3) business days in advance of the

hearing. All objections to any panelist must be raised in writing to the Hearing Officer as soon as possible. Hearing panel members will only be unseated if the Hearing Officer concludes that their bias precludes an impartial hearing of the allegation. The panelists will be given a list of the names of each party and witnesses at least three (3) business days in advance of the hearing. Any panelist who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties and all witnesses in advance of the hearing.

vii. **Physical Testimony- Witnesses:** The Hearing Officer, in consultation with the parties and Investigators, may decide in advance of the hearing that certain witnesses do not need to provide testimony at the hearing if their testimony can be adequately summarized by the Investigator(s) in the investigation report or during the hearing. If available, and if requested by either party, a witness is expected to provide live testimony at the hearing.

viii. **Participation of the Parties:** All parties have the responsibility and opportunity to, personally, present facts and arguments in full, during the hearing, though formal cross-examination of the other party and witnesses will not be used between the parties. *See Section I for further information regarding cross- examination.*

ix. **Remote Participation:** Either party or any witness may request to answer the questions by video from a remote location. If alternative attendance or questioning mechanisms are desired, such as the Complainant not wanting to be in the same room as the Respondent for the hearing (screens, Skype, questions directed through the Hearing Officer, etc.), the parties should request them from the Hearing Officer at least three (3) business days prior to the hearing. The request will be approved provided that the Decision-maker(s) and Parties are able to simultaneously see and hear the party or the witness answering questions.

- x. **Order of Hearing:** Typically, a hearing will be facilitated in the following order:
1. Investigator Presents the Report; and the Investigator may be Questioned by the Parties and Panel.
  2. The Parties Provide Relevant Evidence and Cross-Questioning

### 3. Witnesses are Presented and Cross-Questioning

xi. **Participation of the Investigator:** Unless informed otherwise, the Investigator (s) is expected to attend the first day of the hearing and may be asked to be present during the entire hearing process including deliberations, at the request of the Hearing Officer. The evidence contained in the Investigative Report are not binding on the panel, though any undisputed conclusions of the investigation report will not be revisited, except as necessary to determine sanctions/responsive actions.

xii. **Direct Cross-Examination:** Cross-examination of either party or any witness shall not be conducted directly by a party or a party's advisor but will be facilitated by the Hearing Officer. The decision maker(s) reserves the ability to rephrase or prohibit questions of either party or of any witness that are repetitive, irrelevant, or harassing. The parties shall have the opportunity to submit written questions to the decision maker(s) in advance of the hearing. At the hearing, the other party shall have an opportunity to make an objection to the questions posed. The decision maker(s) reserves the ability to limit such objections to written form, and neither the decision maker(s) nor WesternU are obligated to respond, other than to include any objection in the record.

xiii. **Support Persons:** In addition to an Advisor, each party will be authorized to bring one support person for moral support during the hearing, provided that the support person signs a confidentiality acknowledgement form. This individual is strictly prohibited from participating in any manner/fashion during this process. If the individual displays disruptive, disrespectful, or offensive behavior, they will be removed from the proceedings.

xiv. **Relevant Evidence:** Formal rules of evidence do not apply but in making determinations of relevance, the decision maker(s) may take guidance from the formal rules of evidence. Any evidence that the panel believes is relevant and credible may be considered. The Hearing Officer will address any evidentiary or relevancy concerns prior to and/or during the hearing, may exclude irrelevant or immaterial evidence and may ask the panel to disregard evidence lacking in credibility or that is improperly prejudicial. This includes requiring the parties to provide their proposed direct cross-examination questions for the other party or witnesses in advance of the hearing to the Hearing Officer for review. Both parties retain the right to object to the introduction of evidence protected by a

recognized privilege, such as (but not limited to) the attorney-client privilege or the medical provider-patient privilege. The Hearing Officer will determine all questions of procedure and evidence. Anyone appearing at the hearing to provide information will respond to questions on his/her own behalf. Generally, the parties may not introduce evidence, including witness testimony, at the hearing that the party did not identify during the investigation and that was available at the time of the investigation. However, the decision maker(s) has/have discretion to accept for good cause, or exclude, such new evidence offered at the hearing.

xv. **Private Proceedings:** There will be no observers in the hearing, aside from the designated Advisors to the Parties or the Panel. The Hearing Officer may allow witnesses who have relevant information to appear at a portion of the hearing, separately, in order to respond to specific questions from the panel or the parties involved, and then be excused. Proceedings are private and confidential. All persons present at any time during the hearing are expected to maintain the privacy and confidentiality of the proceedings in accord with WesternU policy. While the contents of the hearing are private, the parties have discretion to share their own experiences if they so choose and should discuss doing so with their Advisors.

xvi. **Character evidence:** The Panel may decline to hear from character witnesses if deemed irrelevant. In that event, the Panel may accept up to two (2) letters supporting the character of each of the parties.

xvii. **Relevancy:** Only relevant cross-examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. This may occur prior to and/or during the hearing, including requiring the parties to provide their proposed direct cross-examination questions for the other party or witnesses in advance of the hearing to the Hearing Officer for review.

xviii. **Sexual Disposition or Prior Sexual Behavior:** Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior

with respect to the Respondent and are offered to prove affirmative consent. Where the investigator or decision maker allows consideration of evidence about a dating relationship or prior or subsequent consensual sexual relations between the Complainant as noted above, the mere fact that the Complainant and Respondent engaged in other consensual sexual relations with one another is never sufficient, by itself, to establish that the conduct in question was consensual. Before allowing the consideration of any evidence proffered pursuant to this evidence section, the investigator or decision makers will provide a written explanation to the parties as to why consideration of the evidence is consistent with this section of the policy and procedure.

xix. ***Failure to Testify***: If a party or witness does not submit to cross-examination at the hearing, either because they do not attend the hearing, or they attend but refuse to participate in questioning or refuse to answer any question, that the decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions. However, the decision-maker(s) may consider or rely on statements otherwise made by parties or witnesses, even if those parties or witnesses do not participate in cross-examination at the live hearing in reaching a determination regarding responsibility.

xx. ***Audio or Visual Recording***: Hearings (except for deliberations) are recorded for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted. Panel members, the parties, and appropriate administrative officers of WesternU will be allowed to listen to the recording in a location determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without the permission of the Title IX Coordinator.

xxi. ***Freedom to Present Evidence***: WesternU will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

xxii. ***Deliberations***: The Decision-Maker(s) will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. The Panel will base its determination(s) on a preponderance of the evidence (i.e., whether it is more likely than not that the responding party committed each alleged violation). If the responding party is

found responsible, the Panel will recommend appropriate sanctions.

xxiii.**Impact Statement:** Prior to the conclusion of the hearing, the parties may submit an impact statement to the Title IX Coordinator. The impact statement will only be made available to the decision maker(s) during deliberations if a Respondent is found responsible for violating WesternU policy. If the respondent is found not responsible, the statements will not be shared with the Decisions Makers.

xxiv.**Note:** WesternU reserves the ability to decide whether or not a hearing is necessary to determine whether any sexual violence more likely than not occurred. In making this decision, WesternU may consider whether the parties elected to participate in the investigation and whether each party had the opportunity to suggest questions to be asked of the other party or witnesses, or both, during the investigation.

- B. *Issuance of a Notice of Outcome:* The Hearing Panel, will issue a written notice informing both parties simultaneously of their determination regarding responsibility within ten (10) business days from the conclusion of a Title IX Hearing (inclusive of deliberations), barring extenuating circumstances. The possible outcomes for each alleged violation are as follows: a) Responsible or b) Not Responsible.

To reach this determination, WesternU will apply the Standard of Evidence and include the following:

- i. Identification of the allegations potentially constituting Prohibited Conduct
- ii.A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, methods used to gather other evidence, and hearings held.
- iii. Findings of fact supporting the determination.
- iv. Conclusions regarding the application of the WesternU conduct policies, as applicable.
- v.A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the recipient

imposes on the Respondent, and, if applicable, whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the recipient to the Complainant; and

- vi. The recipient's procedures and permissible bases for the Complainant and Respondent to appeal.

The determination regarding responsibility becomes final either on the date that the recipient provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely. The imposition of sanctions will take effect immediately and will not be stayed pending the resolution of any appeal.

### **TRACK 3 – NO HEARING –** (See *Formal Resolution and Procedural Tracks*)

**Student Respondents:** Under Track 3, the Investigator decides the Determination of Responsibility and there is no hearing under this policy. Typically, if a Track 3 matter involves a student Respondent, then upon the conclusion of the investigation, the matter may be referred to the respective College for handling under applicable student conduct policies. Similarly, a Track 3 matter involving an employee Respondent, will be referred to Human Resources and their respective supervisor for implementation of corrective action, if needed.

**Employees & Third Parties:** Upon the conclusion of the Investigation, a written notice (Notice of Outcome) will be issued informing both parties simultaneously of the determination regarding responsibility. The possible outcomes for each alleged violation are as follows: a) Responsible or b) Not Responsible.

To reach this determination, WesternU will apply the Standard of Evidence and include the following in the Notice of Outcome:

- i. Identification of the allegations potentially constituting Prohibited Conduct
- ii. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, methods used to gather other evidence, and hearings held.
- iii. Findings of fact supporting the determination.

- iv. Conclusions regarding the application of the WesternU conduct policies, as applicable.
- v. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any recommended disciplinary sanctions, and, if applicable, whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the recipient to the Complainant; and
- vi. Appeal information

The determination regarding responsibility becomes final either on the date that the recipient provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely. Depending on the status of the parties, the imposition of sanctions may occur separately from the issuance of the Notice of Outcome. Once implemented, sanctions may typically take effect immediately and will not be stayed pending the resolution of any appeal.

## SANCTIONING

In determining an appropriate sanction, the decision maker(s) may work collaboratively with the appropriate stakeholders to appropriate sanctions for violations of this policy. Sanctions may be imposed independently or in combination with other sanctions or corrective actions and can be assigned to an individual student(s)/employee(s) or groups of student(s)/employee(s). Other considerations may include, but is not limited to:

- The nature and relative seriousness of the conduct (if a respondent is found responsible for multiple violations, this should be reflected in the sanction).
- Aggravating, mitigating, or compelling information provided during or contemporaneously with the grievance process:
  - Aggravating factors that warrant a more severe sanction may include but are not limited to: failure to cooperate with the investigation, providing false information, wrongful personal conduct during the course of the investigations and adjudicatory process (such as violating no-contact orders), use or threat of use of a weapon, the harm or deprivation of access/benefits/opportunities was abiding, extensive or irreparable, the totality of the behavior was exceptionally severe, persistent, or pervasive. the harassment was threatening, intimidating,

or aggressive, the Respondent refuses to accept any culpability even when provided with overwhelming evidence of responsibility.

- Mitigating factors that warrant a less severe sanction include, but are not limited to: relationship history of the parties, evidence of clearly erroneous or unintentional behavior or that the conduct was committed by mistake, demonstrations of responsibility for the conduct in question, demonstration of genuine contrition or remorse for one's behavior, commitment to reforming behavior in the future, adherence to directives, cooperation with the investigation, and reduced risk of recurrence or harm to the broader community, the impact or deprivation of access/benefits/opportunities was brief, temporary, minimal or trivial
- The impact of the respondent's actions on the individuals personally affected, the WesternU community, and WesternU's principles, namely the value of Humanism.
- A Respondent's previous disciplinary record (a violation of any sort at WesternU or elsewhere, may be taken into account when considering a sanction for the current violation.
- Whether the respondent represents a foreseeable risk of harm to others.
- What is needed to ameliorate any potential threat to the WesternU community.
- Any identified gaps in learning outcomes or professional development deficiencies exposed by the conduct for students/employees.
- Any other factor that is reasonably dictated by the standards of fairness and equity Any other factor needed to reach a just and appropriate resolution in the case.

### **Sample Sanctions:**

The following are the usual active or inactive sanctions that may be imposed upon students:

- *Required assessments, treatment, or educational workshops/training*
- *Probation*

- *Suspension*
- *Dismissal*
- *Other Actions:* In addition to or in place of the above sanctions, WesternU may assign any other sanctions as deemed appropriate.

Responsive actions for an employee who has engaged in Prohibited Conduct include:

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

Third Parties: In accordance with applicable law, WesternU reserves the right to issue, among others, any of the following sanctions in any order in these circumstances depending on the facts:

- No-contact directive
- Restriction of University privileges
- Restrictions/limitations/ban on access to campus property;
- Discontinuation of relationship or association
- Referral for action under (an)other policy/ies

## APPEAL

A. *Request for Appeal:* For Track 1 and Track 2 matters, either party may file an appeal from a determination regarding responsibility, and from WesternU’s dismissal of a formal complaint or any allegations therein, on the following bases within seven (7) business days of receipt of notification of such actions:

- i. Procedural irregularity that affected the outcome of the matter; or
- ii. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or

iii. The Title IX Coordinator, Investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter; or

iv. The determination of responsibility was arbitrary or capricious.

B. *Appeal Review*: Upon review of a received appeal, WesternU must notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties. WesternU must:

i. Ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the Investigator(s), or the Title IX Coordinator;

ii. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;

iii. Issue a written decision describing the result of the appeal and the rationale for the result; and

iv. Provide the decision simultaneously to both parties.

Appeal decisions will be issued within fifteen (15) business days from receipt of the document, barring extenuating circumstances. The Appeal Officer's decision will be the final decision of the University. A student may remain in class or on clinical assignments/rotations pending the outcome of appeals, except in cases of summary suspension. Track 3 matters are not subject to this appeal policy.

## ADVISORS

All parties are entitled to an Advisor of their choosing to guide and accompany them throughout the grievance process. This individual may be a friend, family member, attorney, or any other supporter a party chooses.

Generally, an Advisor assists a party in the grievance process, which could include the review of any received Notices, reviewing relevant policies and procedures, assisting in the gathering of relevant evidence/information, assisting in the identification of relevant witnesses and/or affidavits, drafting of pertinent party/witness questions, accompanying the student to the

Interviews and/or other related meetings/proceedings, reviewing a party's statements. In Track 1 hearings, advisors may conduct cross-examination of the parties and witnesses. An Advisor will be appointed by WesternU if a Track 1 Complainant or Respondent does not have an advisor for the hearing.

The following contains important guidelines governing the use of an Advisor in this process:

- Parties must advise the Investigator or Hearing Officer/Panel Chair of:
  - a. The identity of their selected Advisor at least five (5) business days before the date of their first meeting (if known). The parties must provide subsequent timely notice if they change Advisors at any time. WesternU expects that the parties will wish to share documentation related to the allegations with their Advisors. WesternU provides a consent form that authorizes such sharing, and it must be completed at the time of identification of the proposed Advisor.
  - b. For Track 1 Hearings, if a Party does not select or designate an Advisor, WesternU will provide an Advisor, of our choosing, at no cost to the party. WesternU cannot guarantee equal representation, meaning that if one party selects an Advisor who is an attorney, but the other party does not, or cannot afford an attorney, WesternU is not obligated or required to provide an attorney to the other party but, to provide an Advisor of WesternU's choice.
- People who will be called as witnesses may not serve as Advisors. Additionally, individuals who are substantively and materially involved in or associated with the Investigation/Resolution Process, including Title IX functions, may not serve as an Advisor.
- The parties are entitled to be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake, interviews, meetings, hearing, and appeals.
- Advisors should help their advisees prepare for each meeting, and are expected to advise ethically, with integrity and in good faith.
- All Advisors are subject to the same WesternU rules, whether they are attorneys or not.
- Advisors may not present on behalf of their advisee in an Investigatory interview or meeting. Advisors may confer quietly with their student as necessary, as long as they do

not disrupt the process. If there is a need for more involved discussion, a party may ask for a brief recess, for a reasonable amount of time (subjective to the Decision Makers), to consult with their Advisor. They should request or wait for a break in the proceeding if they wish to interact with WesternU officials.

- Advisors will typically be given a timely opportunity to meet in advance of any interview or hearing with the WesternU official(s) conducting the interview or meeting. This will allow Advisors to clarify any questions they may have and allows WesternU an opportunity to clarify the role the Advisor is expected to take.

- Advisors are expected to refrain from interference with the WesternU investigation and grievance process, with the exception of the Advisors conducting the cross-examination of

the parties and witnesses in the Track 1 Hearing process. Any Advisor who steps out of their role in any meeting under this process will be warned once and only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of their role, the Advisor will be asked to leave the meeting. When an Advisor is removed from a meeting, that meeting will typically continue without the Advisor present. Subsequently, the Title IX Coordinator will determine whether the Advisor may be reinstated, may be replaced by a different Advisor, or whether the party will forfeit the right to an Advisor for the remainder of the process.

- The parties are not otherwise restricted from discussing and sharing information relating to allegations with others who may support them or assist them in preparing and presenting for the grievance process.

- Advisors are expected to maintain the privacy of the records shared with them by WesternU. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by WesternU. WesternU may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the WesternU's privacy expectations.

- WesternU expects an Advisor to adjust their schedule to allow them to attend WesternU meetings when scheduled. WesternU does not typically change scheduled meetings to accommodate an Advisor's inability to attend. WesternU will, however, make provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video and/or virtual meeting technologies as may be convenient and available.

- No audio or video recording of any kind other than as required by institutional procedure is

permitted during meetings with WesternU officials.

## Federal Education Rights and Privacy Act (FERPA) AND TITLE IX

The outcome of an investigation is part of the education record of the Respondent and is protected from release under the Federal Education Rights and Privacy Act, except under certain conditions.

Under Title IX, WesternU is required to tell a complainant whether or not it found that the sexual violence occurred, any individual remedies offered or provided to the complainant, or any sanctions imposed on the perpetrator that directly relate to the complainant, and other steps the school has taken to eliminate the hostile environment and prevent recurrence.

Further, the Department of Education interprets FERPA as not conflicting with the Title IX requirement that the school notify the complainant of the outcome of its investigation.

## Title IX Policy

The WesternU California's full-length policy entitled [Sexual and Gender-Based Harassment, Interpersonal Violence, and Other Sexual Misconduct \(SIM\) Policy and Procedure](#) addresses all forms of sex discrimination, including dating violence, domestic violence, sexual assault, stalking, and other related prohibited conduct. The SIM policy provides:

- Full-length description of the investigative and grievance processes available under the policy.
- Definitions and roles of the Title IX Coordinator as well as those involved in any of the process options (including Investigators, Informal Resolution Officers, as well as Decision Makers).
- Scope and Jurisdiction of the policy.
- Full list of rights and responsibilities of the Complainant and Respondent.
- List of supportive measures and Title IX interventions to include interim and protective measures.
- Confidential and Other Supportive Resources.
- Responsible Employees
- Prohibited Conduct Definitions
- Role of the Advisor

Institutional process for reporting prohibited conduct, filing a formal complaint, the grievance process, preliminary review, informal resolution, investigation, making a determination of responsibility, possible sanctions, as well as appeal procedures. finding, results, and appeal procedures.

\*The above list is not an exhaustive list of policy contents; please access the University's full policy for [Non Discrimination Anti-Harassment and Non Retaliation](#)

## Missing Students Notification Procedures

If a member of the University Community has reason to believe that a student is missing, through collaboration of the Office of Campus Security, University Student Affairs and local law enforcement, every effort will be made to locate the student following the procedures outlined in the [Missing Student Notification](#) Policy.

In accordance with the Higher Education Opportunity Act; Public Law 110-315, regarding new regulations to campus safety requirements and emergency procedures, the Office of University Student Affairs must inform you that each student residing in university on campus housing has the option to designate an individual or individuals to be contacted by the University no later than 24 hours after the time that the Office of Campus Security determines that student to be missing. Each institution of higher education that provides on-campus housing and participates in any program under this title shall establish a missing student notification policy for students who reside in on-campus housing that:

- Informs each student that they have the option to identify a contact person whom the University shall notify as soon as possible and within 24 hours of the determination that the student is missing in accordance with official notification procedures established by WesternU.
- Informs each student who is under 18 years of age, and not an emancipated individual, that the institution is required to notify a custodial parent or guardian no later than 24 hours after the time that the student is determined to be missing, in accordance with such procedures.
- Informs each student who is under 18 years of age, and not an emancipated individual, that the University must notify a custodial parent or guardian as soon as possible and within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student, in accordance with official notification procedures established by WesternU.
- Informs each residing student that the institution will notify the appropriate law enforcement agency no later than 24 hours after the time that the student is determined missing, in accordance with such procedures.
- Requires (if campus security or law enforcement personnel have been notified and decides that a student who is the subject of a missing person report has been missing for more than 24 hours and has not returned to the campus) the institution to initiate the emergency contact procedures in accordance with the student's designation.

- Establishes official notification procedures for a missing student who resides in on campus housing that includes procedures for official notification of appropriate individuals at the institution that such student has been missing for more than 24 hours.
- Requires any official missing person report relating to such student be referred immediately to the institution’s police or campus security department; and if, on investigation of the official report, such department determines that the missing student has been missing for more than 24 hours. If a student is determined to have been missing for 24 hours, WesternU administration will contact local Police, and the student will be determined missing. A University Student Affairs designee will contact the student’s emergency contact person or family/parents immediately to inform them of their student’s missing status. The University requires all missing student reports to be immediately referred to Campus Security for further investigation. Students are responsible for updating their emergency contact(s) through the University Student Affairs Office or via [BanWeb Personal Information Menu](#) to confirm or update your personal information. The emergency contacts will be maintained confidentially; only authorized campus individuals and law enforcement officers, in furtherance of a missing person investigation, may have access to the information.

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### Procedures for Reporting and Notification Regarding Missing Students

Individuals who have reason to believe that a student is missing should immediately report their concern to Campus Security. Any member of the campus community should report a missing student by filing a missing person report with any of the following offices:

1. Campus Security at 909-706-3000
2. University Student Affairs Office at 909-469-5605
3. Pomona Police Department at 909-622-1241 (Emergencies call 9-1-1) For more information go to [Missing Student Notification](#) policy.

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### REGISTERED SEX OFFENDERS

The Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16921) requires convicted sex offenders to register their status with the Pomona Police Department if they are enrolled, residing, attending, carrying on a vocation (i.e., contractor or vendor on campus for more than 30 days in the year), or working with or without compensation for WesternU, Pomona. Campus Security does not maintain a public database of registrants at the University.

Sex offenders can be queried by name, or by their residence zip code, county, city, or address. Additionally, this site has a map lookup to view sex offenders who live within a specified radius of a location, such as within a specific radius around your residence, place of work, or around WesternU, Pomona.

### Megan's Law

[Megan's Law](#) permits law enforcement agencies to advise the public about registered sex offenders from whom they may be at risk. Megan's Law does not make information public about sex offender registration specific to a college or university. For more information regarding Megan's Law, call the 24-hour national Megan's Law Helpline at 888-ASK-PFML.

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### Sexual Offender Registration Information

#### CALIFORNIA PENAL CODE (CPC) SECTION 290.1

(a) (1) Commencing October 28, 2002, every person required to register pursuant to CPC Sections 290 to 290.009, inclusive of the Sex Offender Registration Act who is enrolled as a student at any university, college, community college, or other institution of higher learning, or is, with or without compensation, a full-time or part-time employee of that university, college, community college, or other institution of higher learning, or is carrying on a vocation at the university, college, community college, or other institution of higher learning, for more than 14 days, or for an aggregate period exceeding 30 days in a calendar year, shall, in addition to the registration required by the Sex Offender Registration Act, register with the campus [security] department within five working days of commencing enrollment or employment at that university, college, community college, or other institution of higher learning, on a form as may be required by the Department of Justice. The terms "employed or carries on a vocation" include employment whether or not financially compensated, volunteered, or performed for government or educational benefit. The registrant shall also notify the campus [security] department within five working days of ceasing to be enrolled or employed, or ceasing to carry on a vocation, at the university, college, community college, or other institution of higher learning.

### Weapons, Dangerous Materials, and Chemical Deterrents on Campus Policy

WesternU, Pomona aspires to maintain a safe and healthy environment. As such, the University prohibits firearms, ammunition, certain knives or cutting devices, explosives, incendiary devices or other dangerous objects on university property (owned, operated or leased) or University

sponsored programs/events as outlined in the [Weapons, Dangerous Materials, and Chemical Deterrents on Campus](#) policy.

#### PROHIBITED ITEMS:

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Prohibited weapons/dangerous objects include but are not limited to firearms, martial arts weapons, Nunchakus, airsoft, pellet or bb guns, belt buckle knives, dirk, dagger, cane swords, pen knives, lipstick knives, switchblade knives, butterfly knives, machetes, slingshots, black jacks, sand clubs, billy clubs, and/or metal knuckles. Prohibited knives include those with blades longer than 2.5 inches, or of any size that open automatically, or have a blade with more than one sharp edge.

#### PROHIBITED ACTIVITIES:

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The following conduct is prohibited on all WesternU, Pomona property (owned, operated, or leased) or at university sponsored programs/events:

- Manufacturing, sale, purchase, transportation, possession, concealment, display or use of firearms, ammunition, prohibited knives or cutting devices, explosives, incendiary devices, or other dangerous objects
- Remodeling, sale, purchase, transportation, possession, concealment, display or use usage of any item resembling a firearm, ammunition, prohibited knife or cutting devices, explosives, incendiary devices, or other dangerous objects
- Use of any item outside of its intended use (i.e., metal pipes, razors, etc.) for the purpose of causing harm to self or others is prohibited.

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#### EXCEPTIONS:

University staff or faculty can be authorized to possess a specified weapon/dangerous object for use on campus only within the procedural guidelines of the Weapons and Chemical Deterrent Spray policy and as authorized by the University President or designee.

During orientation week in August, students are informed of services offered by the Office of Campus Security. The Office of Campus Security addresses a variety of safety issues including but are not limited to, Active Shooter Response training, personal safety, protection of property, how Campus Security patrols the campus, and what security systems are available to Campus Security personnel (i.e., cameras, alarms, etc.).

WesternU has several crime prevention programs available for students and staff. The [LiveSafe](#) app technology empowers effective safety-related communication via a campus safety app linked to a cloud-based command dashboard. The goal is for individuals to share information with friends and safety officials about sexual assault, mental health issues, and violence

preventing incidents before they occur.

WesternU, California prides itself upon being dedicated to the community; pride in serving the community that surrounds the campus as well as serving those within the university. If you see any of the following, we want to know about it as soon as possible:

- A hazardous condition or suspicious activity, or
- If you notice a person who is injured or severely ill and may be in need of immediate assistance, or
- You sense anyone is behaving in a socially aggressive or destructive manner toward any other person.

To meet this goal, WesternU, Pomona's Office of Campus Security encourages every member and every guest of our campus to:

- Contact us right away. If you see an emergency, call 9-1-1 or 909-706-3000. As we are all frequently reminded if you see something—say something. Help us get there sooner to provide assistance to someone in need.
- Contact someone else on campus. In some cases, people are not sure if calling Campus Security is the best option. We understand, so we encourage you to notify someone else nearby right away, so they can help make that decision of how to get help best—and fastest.
- You can call us at 909-706-3000, email us at or stop by our office on the ground floor of the University Services Center located at 401 E Second Street, Pomona.
- Want to attach a picture of the problem? Great idea! Send that too, it can really help us solve the problem if we can see the hazard you are describing to us.

For more information, please take a moment to visit our webpage [Campus Security](#)

## Drugs & Alcohol on Campus Policy

WesternU, California complies with the mandates of the Drug-Free Schools and Communities Act of 1989 (34 CRF Part 86) and the drug free campuses regulation. WesternU certifies that it has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees and enforces the underage drinking laws at the local, state, and federal level.

Alcohol and other drugs should not interfere with the University's educational mission. All university students, faculty members, staff members, and administrators are subject to local, state, and federal laws regarding the unlawful possession, distribution, or use of alcohol or illegal drugs.

The unlawful manufacture, distribution, dispensing, possession, or use of illegal drugs on the University campus or at any University-sponsored event, on or off-campus, is prohibited. No one may use illegal substances, or abuse legal substances, including alcohol, in a manner which impairs performance of assigned tasks. A complete description of these regulations is contained in the WesternU [Alcoholic Beverages on Campus](#) policy and the WesternU [Drugs and Alcohol on Campus](#) policy.

WesternU also addresses the use of alcohol and controlled substances, by stating that the following is prohibited.

- Possession or consumption of alcoholic beverages on campus, except at approved events, which follow University guidelines.
- Use, possession, distribution or sale of illegal drugs and marijuana on campus. Possession of drug paraphernalia on campus is also prohibited.

### [Assistance for Alcohol Abuse and/or Drug Use Problems](#)

Western University of Health Sciences is committed to education and counseling as the primary focuses of its Substance Prevention Program and will provide confidential and professional assistance for any student who wants it. Students enrolled at WesternU main campus are urged to seek information and help regarding substance abuse through the OPTUM. The staff will provide information about the effects of drug and alcohol use, will help students examine the extent of any potential problem and will develop a plan of action that might involve counseling, education, and/or referral to other resources as needed.

To protect students' privacy, information obtained regarding a student or employee during participation in any related program is treated as confidential. Students or employees may seek counseling by calling (909) 469-8496 or (626) 932-2575 (Pager) or by visiting the Counseling Services website at [OptumHealth Assistance Program for Students](#) for additional information. To enter the site anonymously, go to [www.liveandworkwell.com](http://www.liveandworkwell.com) and click the "Click here to enter using only an Access Code" button on the right side. A field will appear, and you can enter your Access Code, "westernu."

### [Alcohol \(Prohibited Conduct by Students\)](#)

The Student Assistance Program (SAP) and the Employee Assistance Program (EAP) are designed to respond to a variety of lifestyle issues. Some of the work is designed to provide quality alcohol and drug information to members of the University community.

The listed conduct applies to behavior occurring on university property or University sponsored programs/events:

- The purchase, possession, consumption, manufacturing, transportation, or distribution of any alcoholic beverages (including beer and wine) by any student, except as permitted by law AND as sanctioned by the University, is prohibited.
- Being under the influence of an intoxicating liquor and being unable to care for one’s own safety, interfering with the use of a public way, or interfering with, limiting, or depriving an individual from participating or benefitting from the University’s education or employment programs and/or activities is prohibited.
- Selling, either directly or indirectly, any alcoholic beverages, except under the authority of a California Alcoholic Beverage Control License AND as sanctioned by the University is prohibited. This includes selling glasses, mixes, ice, or tickets for admission.
- Possession of an alcoholic beverage in an open container in a motor vehicle or on a bicycle is prohibited, regardless of who is driving or whether one is intoxicated.
- The manufacturing, use, or possession of a false State Identification Card or Driver’s License on University Property or a University sponsored program/event is prohibited.
- Driving a motor vehicle or bicycle while under the influence of alcohol is prohibited.
- Possessing, collecting, or otherwise displaying empty alcohol containers (i.e., cans, empty bottles) except as sanctioned by the University is prohibited.

## FIRE SAFETY REPORT

### Fire Log

The fire log is maintained with the daily Crime Log as part of the Incident Tracking System and available at the Campus Security Office for the main campus. A record of fire alarm and sprinkler tests can be obtained from Facilities. Routine fire alarm and sprinkler testing is conducted by a contracted vendor.

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### FIRE SAFETY STATISTICS

Year	Location	Injuries	Fire Deaths	Property Value
2020	0	0	0	0
2021	0	0	0	0
2022	0	0	0	0

Records of fire alarm and sprinkler tests can be obtained from Daumier property management staff. A contracted vendor conducts routine fire alarm and sprinkler testing. Because the facility is fully managed by the property management company,

WesternU does not have any written policies related to student housing. WesternU has a lease agreement with the management company.

### Fire Safety Systems in Daumier

Facility	Fire Alarm Monitoring Done On-Site	Partial #1 Sprinkler System	Full #2 Sprinkler System	Number of Drills Each Semester	Evacuation Plans & Placards	Fire Extinguishers Devices	Smoke Detection
Daumier	No	No	Yes	1x per semester	Yes	Yes	Yes

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### FIRE SAFETY TRAINING

The Office of Environmental Health and Safety conducts fire extinguisher training classes with hands-on extinguishment of fires annually. Fire drills are conducted once a semester in coordination with Campus Security.

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### APPLIANCES

- Employees and students shall not bring or maintain any electrical appliances used for heating or preparation of food other than those containing enclosed heating elements. Toasters, toaster ovens and other cooking devices that do not contain open heating elements are permissible only in the kitchenette or kitchen areas. Grills and/or the materials for such grills are prohibited (e.g., propane, natural gas, wood/charcoal).
- All appliances and extension cords must be UL (Underwriters Laboratory) List-approved for the intended use.

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### FIRE SAFETY & HAZARDS

Violation of local, state, federal or campus fire policies is prohibited. This includes but not limited to:

- Arson – any willful or malicious burning or attempt to burn a dwelling house, public building, or personal property of another is prohibited.
- Causing Fire – accidentally or recklessly causing a fire, regardless of whether it damages university or personal property or causes injury, is prohibited.
- Evacuation – All persons are required to evacuate a building immediately upon the sound of an alarm. Interfering with emergency services, procedures, or failing to conform to established safety regulations and/or instruction given by emergency response staff is prohibited.
- Fire Reporting & Equipment – Falsely reporting a fire, tampering with or misuse of any fire or reporting equipment (e.g., fire alarms, smoke detectors, fire sprinkler, fire extinguishers, “EXIT” signs, etc.) is prohibited.
- Egress – Disabling, opening, damaging, or propping exits used exclusively as fire exits is prohibited (unless being used properly as an exit during an emergency). All hallways, exits, stairwells, doorway, or areas that may be deemed an “egress” (i.e., window) need to be free from garbage, bicycles, clutter, furniture, or other items that may have a potential to limit entry/exit (including tripping hazard). All doors and windows must have the ability to be fully opened.

In addition, the following prohibited conduct applies to behavior occurring in on-campus housing areas/buildings (owned or leased) or on-campus housing sponsored programs/events:

- Combustibles – Possessing or storing gasoline, fireworks, combustible chemicals and/or fuel-driven engines/appliances (e.g., motorcycles, mopeds, gas/propane grills, etc.) within residential housing rooms, balconies, buildings and/or on grounds immediately adjacent to the on-campus housing facilities is prohibited.
- Heat Sources – open-coiled electric or heating appliances including, but not limited to space heaters and sun lamps within residential housing rooms, balconies or buildings are prohibited. Curling Irons, glue guns, irons, or any other “heat source” equipment must be attended to all times. Leaving such equipment “on” unattended is a violation of this policy.
- Lamps & Lights – Halogen lamps and neon lights are prohibited. Open top lamps, regardless of lamp/bulb type must have a metal screen fully covering light/heat source.
- Extension Cords & Plug-Ins – Extensions cords and multi-plugs are not permitted under state fire marshal regulations. Power strips/surge protectors with UL rating are permitted. Plugging a power strip onto another power strip (piggybacking) is not permitted.
- Residents interested in barbecuing should use the barbecue pits, located within the housing

area.

Any future improvements in fire safety protocols will be made based on a detailed risk assessment. Any remodeling of existing buildings or new constructions will be built to current building and fire codes.

## Smoking/Vaping

Smoking/Vaping is prohibited in any:

- Buildings owned, leased, or rented by the university, whether on or off campus.
- All university-owned or leased vehicles (including shuttles and carts).
- Smoking/vaping is only permitted in designated areas of university parking lots and public sidewalks immediately adjacent to university parking lots.
- The sale of smoking/vaping materials is prohibited on any university properties.
- [Smoking and Vaping](#) policy is inclusive of e-cigarettes, vapes or other smoking devices
- Smoking and Vaping is not permitted on the property of the “Daumier” resident housing.

## Fire Reporting Procedures

1. Pull emergency alarms and give verbal alarm.
2. Call 9-1-1 from a safe location. Please note you will be asked to identify what is burning, where (i.e., the building, floor, room) and your name.
3. Call Campus Security at 909-706-3000 from a safe location
4. Follow evacuation procedures and vacate the building.



## Disclosure of Crime Statistics POMONA CAMPUS

(By Clery Act geographic locations & by year reported).

### CRIMINAL OFFENSES - ON CAMPUS

	2020	2021	2022
Murder/Non-negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	1	0	0
Aggravated Assault	1	0	0
Burglary	1	1	1
Motor Vehicle Theft	2	1	6
Arson (only those L.E. determined as arson)	0	0	0
Liquor Law Arrests	0	0	0
Drug Law Arrests	0	0	0
Illegal Weapons Possession Arrests	0	1	0

### Criminal Offenses – Non-Campus

	2020	2021	2022
Murder/Non-negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	1

Arson (only those L.E. determined as arson)	0	0	0
Liquor Law Arrests	0	0	0
Drug Law Arrests	0	0	0
Illegal Weapons Possession Arrests	0	0	0

**Criminal Offenses - Public Property**

	2020	2021	2022
Murder/Non-negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	1	0	1
Burglary	0	0	0
Motor Vehicle Theft	3	2	2
Arson (only those L.E. determined as arson)	0	0	0
Liquor Law Arrests	0	0	0
Drug Law Arrests	1	0	0
Illegal Weapons Possession Arrests	0	0	0

**Hate Crimes – On Campus**

	2020	2021	2022
Murder/Non-negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson (only those L.E. determined as arson)	0	0	0
Simple Assault	0	0	0
Larceny-Theft	0	0	0
Intimidation	0	0	0
Destruction/damage/Vandalism of Property	0	0	0

**Hate Crimes – On Campus Student Housing****2020 2021 2022**

	2020	2021	2022
Murder/Non-negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson (only those L.E. determined as arson)	0	0	0
Simple Assault	0	0	0
Larceny-Theft	0	0	0
Intimidation	0	0	0
Destruction/damage/Vandalism of Property	0	0	0

**Hate Crimes – Non-Campus****2020 2021 2022**

	2020	2021	2022
Murder/Non-negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson (only those L.E. determined as arson)	0	0	0
Simple Assault	0	0	0
Larceny-Theft	0	0	0
Intimidation	0	0	0
Destruction/damage/Vandalism of Property	0	0	0

**Hate Crimes – Public Property****2020 2021 2022**

	2020	2021	2022
Murder/Non-negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson (only those L.E. determined as arson)	0	0	0
Simple Assault	0	0	0
Larceny-Theft	0	0	0
Intimidation	0	0	0
Destruction/damage/Vandalism of Property	0	0	0

**VAWA Offenses – On Campus****2020 2021 2022**

	2020	2021	2022
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	1	0	0

**VAWA Offenses – On Campus Student Housing Facilities****2020 2021 2022**

	2020	2021	2022
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	1	0	0

**VAWA Offenses – Non-Campus****2020 2021 2022**

	2020	2021	2022
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0

**VAWA Offenses – Public Property****2020 2021 2022**

	2020	2021	2022
Domestic Violence	1	1	0
Dating Violence	0	0	0
Stalking	0	0	0

**Referrals for Disciplinary Actions - On Campus****2020 2021 2022**

Illegal Weapons Possession	0	0	0
Drug-Law Violations	0	0	0
Liquor Law Violations	0	0	0

**Referrals for Disciplinary Actions – Non-Campus****2020 2021 2022**

Illegal Weapons Possession	0	0	0
Drug-Law Violations	0	0	0
Liquor Law Violations	0	0	0

**Referrals for Disciplinary Actions – Public Property****2020 2021 2022**

Illegal Weapons Possession	0	0	0
Drug-Law Violations	0	0	0
Liquor Law Violations	0	0	0

**Unfounded Crimes****2020 2021 2022**

Total Unfounded Crimes	0	0	0
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