



# VANGUARD UNIVERSITY ANNUAL SECURITY REPORT 2018

## Vanguard University Campus Public Safety Department

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# **THE UNIVERSITY**

# **THE UNIVERSITY**

## **VANGUARD UNIVERSITY OF SOUTHERN CALIFORNIA**

Is a private Christian, co-educational liberal arts university which is fully accredited by WASC Senior Colleges and Universities Commission (WSCUC) and endorsed by the Alliance for Assemblies of God Higher Education. As stated in the organization's Articles of Incorporation, Vanguard University is incorporated with the State of California as a *Religious Corporation* and is not organized for the private gain of any person; and is organized under the Nonprofit Religious Corporation Law exclusively for religious purposes.

The specific purpose of the corporation is to operate a university that is affiliated with the Southern California District Council of the Assemblies of God, a California Nonprofit Religious corporation; and is forever bound to give Christ the preeminence in all things and is bound to the Statement of Fundamental Truths as set forth in the Constitution and Bylaws of The General Council of the Assemblies of God, a Missouri benevolent corporation.

### **University Mission and Identity Statement**

The mission of Vanguard University is to pursue knowledge, cultivate character, deepen faith, and equip each student for Spirit-empowered life of Christ-centered leadership and service. Affiliated with the Assemblies of God of Southern California, the University

embraces the Assemblies of God doctrinal statement and its Pentecostal heritage of Spirit-empowered life and thought.

Faculty, staff, and students display considerable diversity in denominational affiliation, cultural expression, and academic pursuits. Together they affirm the authority of Scripture, the Lordship of Jesus Christ and belief that human nature, though marred by sin, enjoys nevertheless the potential of personal redemption through God's salvation in Jesus Christ. From this Evangelical and Pentecostal perspective, the Vanguard Community commits itself to global Christian witness and to faithfully serving our communities, our nation, and our world in Christ's name, embracing the values of Truth, Virtue, and, Service.

The University believes that scholarship illuminated by Christian truth fosters the intellectual development, moral maturity, and spiritual vitality of students. A Vanguard education, therefore, promotes the integration of faith, learning, and living.

The University is committed to providing professor-mentors that live in dynamic community with students. A hallmark of a Vanguard education is the emphasis on the relational and collaborative nature of learning. Caring and supportive relationships among students, faculty, and staff provide opportunities for persons to share their faith journeys, to explore their hopes, and nourish their souls. The community provides a safe and exciting place where we believe the Holy Spirit inspires and empowers scholarship, creative, expression, witness, service, and exploration of God's world.

## History

During the Summer of 1920, Harold K. Needham, D.W. Kerr, and W.C. Pierce opened a school to prepare Christian workers for the various ministries of the church. The new institute, Southern California Bible School, moved from Los Angeles to Pasadena in 1927. In 1939 it was chartered by the State of California as a college eligible to grant degrees. And it became Southern California Bible College, the first four-year institution of the Assemblies of God. In 1943 the college received recognition by the government for the training of military chaplains. It moved to the present campus in 1950. The name was changed to Southern California College nine years later when majors in the liberal arts were added to curriculum. On July 1, 1999, university status was achieved, and Southern California College registered with the Secretary of State's Office as Vanguard University of Southern California.

## **CAMPUS PUBLIC SAFETY DEPARTMENT MISSION**

The Campus Safety Department is dedicated to ensuring the safety, and security for all Vanguard students, personnel, visitors, and property. Services provided by the department.

- ❖ Access Control of all Campus Property
- ❖ Security/Surveillance Patrols
- ❖ Incident/Crime Reporting
- ❖ Issuance of Immediate Notifications & Timely Warnings
- ❖ Environmental Safety and Security Inspections
- ❖ Emergency Preparedness
- ❖ Campus Parking Management



- ❖ Traffic and Parking Enforcement
- ❖ University Telephone Operator Service
- ❖ Safety Escorts

### **Campus Public Safety Personnel**

Campus Public Safety personnel are on duty 24 hours a day, seven days a week. The power of arrest is outlined in the State Penal Code as private persons' arrest as specified in the California State Penal Code. Campus Public Safety transfers all criminal matters to the Costa Mesa Police Department.

### **Building Monitoring**

Campus buildings are monitored by a mixture of automatic locks, hard key system, and fire alarms. Access to buildings is limited to students, escorted guests, and employees of Vanguard University. The campus is maintained by Facility Services and patrolled by Campus Public Safety. The officers routinely monitor the lighting of the campus, fire systems, and landscaping, to ensure proper operation of these systems and prevent unsafe conditions on campus, deficiencies are promptly reported for repairs.

### **Crime Warnings**

Campus Public Safety posts warnings of crimes committed on and off campus that may impact the safety of students and employees. These warnings are for helping students and employees to be aware of their surroundings and personal safety. These warnings are posted through the university email system, on bulletin boards, and the university electronic bulletin board.

# INTRODUCTION

# **INTRODUCTION**

## **CLERY ACT/ CRIME LOG**

### **Background**

In 1990, Congress enacted the Student Right-to-know and Campus Security Act as part of its annual Higher Education Reauthorization Act. This law has been changed a number of times and is now known as the Clery Act. The Clery Act requires colleges and universities to report the number of certain crimes of the prior three calendar years by the first of October. Also, the police or security department must maintain a “Police Log” of all crimes reported to Campus Public Safety Department.

This report is prepared in accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crimes Statistics mealy the (Campus Security Act of 1990). The Act requires colleges and universities to annually distribute information, Campus Public Safety procedures and crime statistics to the Department of Education, as well as to the institution's and prospective students, parents, and employees.

### **Report Access**

This report is available to university personnel and students via the university’s intranet. Information on how to request a copy of the report is also available to the public via the university’s website.

## Collaborations

This report was prepared by the Security Operations Supervisor of Vanguard Campus Safety Department with the collaboration of the Title IX Coordinator, Resident Life Director, and Sr. Director Human Resources. The Information contained in this report was gathered from various sources to include; Employee Handbook, Student Handbook, Title IX Policy, and Campus Safety Policy and Procedure Manual, Emergency Operations Plan, crime, and fire statistics from Costa Mesa and other law enforcement agencies.



# **REPORTING PROCEDURES**



# **REPORTING PROCEDURES**

## **REPORTS**

### **Report to Campus Public Safety**

Campus Public Safety Department aggressively pursues appropriate action against any person who attempts to commit a crime or other inappropriate action on the campus. To this end, university students and personnel are strongly encouraged to promptly report all suspicious, and criminal activity to Campus Public Safety or Costa Mesa Police Department. When a victim of a crime elects to, or is unable to, make a report, Campus Public Safety may assist the victim in the reporting process.

### **Contacting Campus Public Safety and Emergency assistance**

Campus Public Safety may be reached by dialing ext. 6799 from a campus phone or (714) 966-6799. In the event of an emergency, or active crime in progress university students and personnel should call 911 (first dial 9 for outside line), and then call Campus Public Safety for assistance. Contact can be made with Campus Public Safety from off campus by dialing (714) 966-6799. Costa Mesa and Fire Department can be reached by dialing 911.

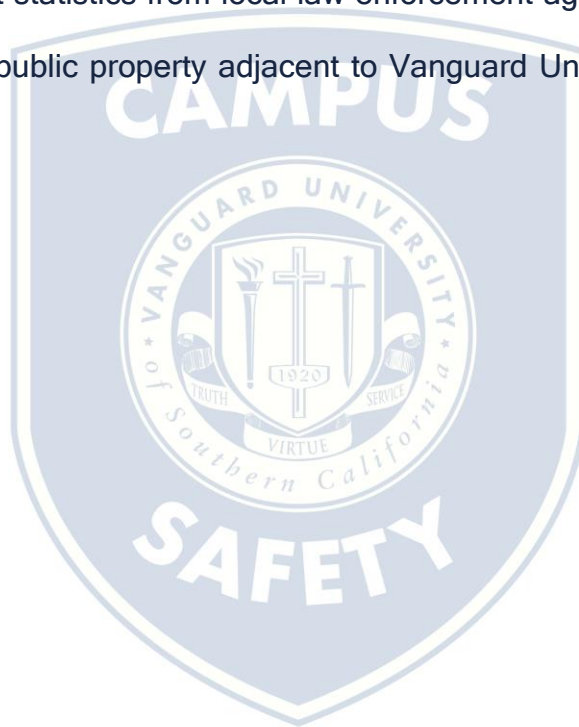
### **Reporting to Staff/Faculty**

If preferred, university students and personnel may report crimes on a voluntary, confidential basis by contacting any Student Life Staff member or university administrator. In addition, the university encourages university personnel serving in a pastoral or

professional counseling role to inform the person being counseled of the procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

### **Collecting Information**

To comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, we collect statistics from local law enforcement agencies for reportable crimes which occur on public property adjacent to Vanguard University property and off-site class locations.



# **VANGUARD UNIVERSITY**

## **GEOGRAPHY**

# VANGUARD UNIVERSITY

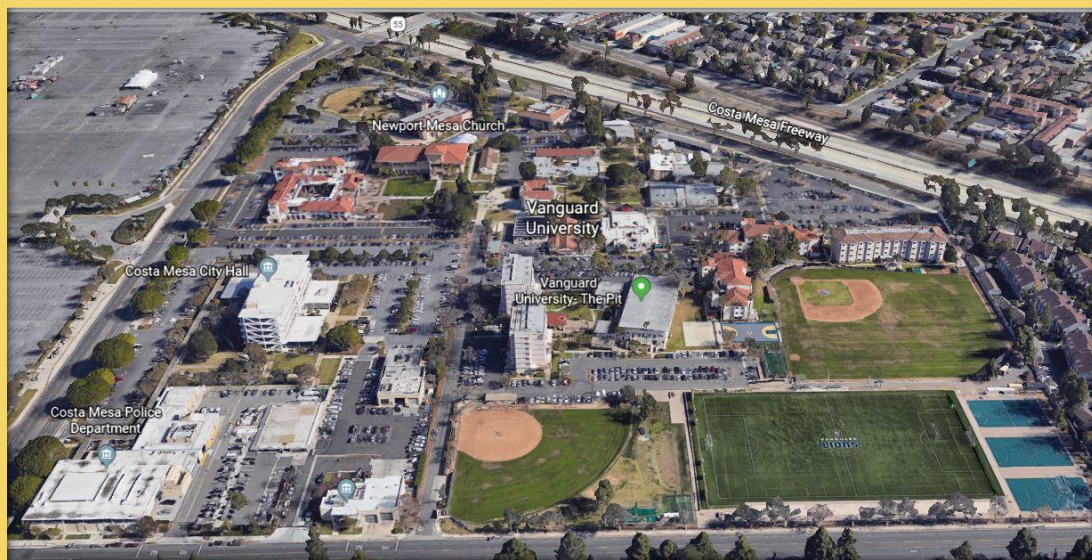
## GEOGRAPHY

### CAMPUS LOCATIONS

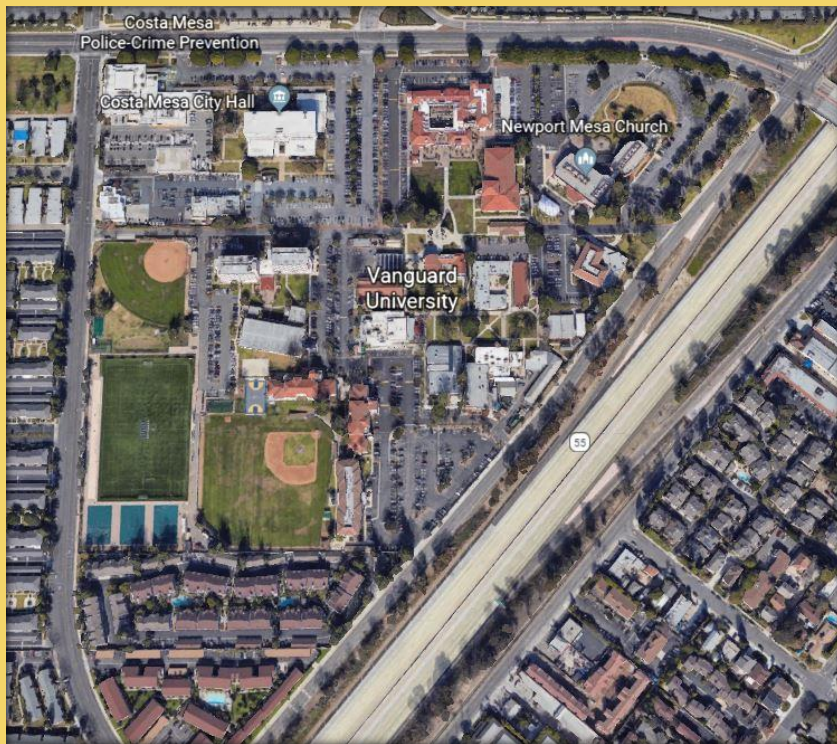
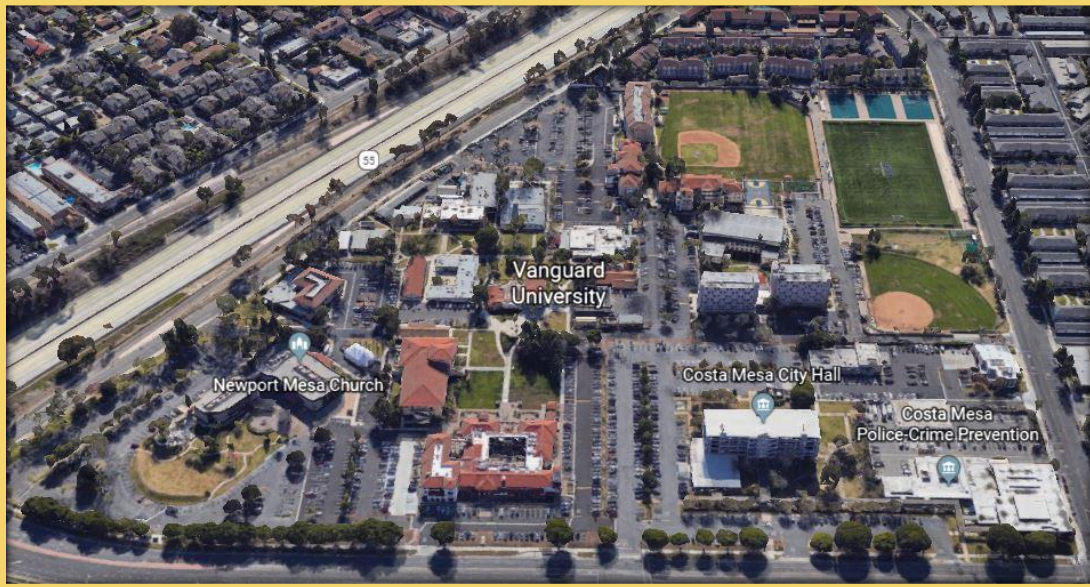
#### Vanguard University Main Campus:

Vanguard University Main campus is located at 55 Fair Dr. Costa Mesa CA, 92626.

Vanguard University has five residence halls within the main campus geography (Laguna Hall, Huntington Hall, Newport Hall, Balboa hall, and Catalina Hall). The main campus is served by Campus Public Safety Department and Costa Mesa Police Department. All crimes reported on this property should be made to Campus Public Safety Department which can be reached at (714)966-6799. Costa Mesa Police Department can be reached in an emergency by dialing 911 or dialing (714)754-5280 for non-emergencies.









## Vanguard University Off-Campus Housing:

Vanguard University does have off-campus housing which is referred as Vanguard Center. This off-campus housing is located at 2374 Newport Boulevard Costa Mesa CA, 92627 and is served by Campus Public Safety Department and Costa Mesa Police Department. All crimes reported on this property should be made to Campus Public Safety Department which can be reached at (714)966-6799. Costa Mesa Police Department can be reached in an emergency by dialing 911 or dialing (714)754-5280 for non-emergencies.





## CAMPUS



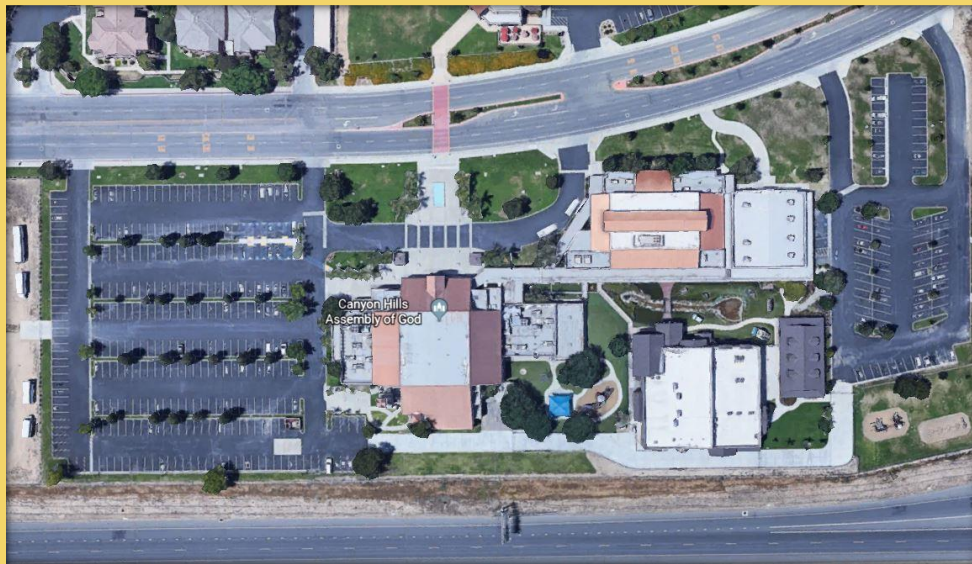


## OFF-CAMPUS SITES

Vanguard university has several off-campus sites in which are being used for institutional purposes.

### Bakersfield

The Bakersfield site located at Canyon Hills Church at 7001 Auburn St. Bakersfield, CA,93306. Vanguard has a Memorandum of Understanding with Canyon Hills Church and is allowed to use space for academic purposes. This location is served by the Bakersfield Police Department which can be reached in case of emergencies by dialing 911 or dialing (661)327-7111 for non-emergencies.





## Fullerton

Vanguard University provides an offsite MSN program at St. Jude Medical Center with an agreement for usage of two classrooms at location 101 E. Valencia Mesa Drive, Fullerton, CA 92835 and is served by Ally Universal Security and Fullerton Police Department. All crimes reported on this property should be made to Ally Universal Security which can be reached at (714)992-3003 or ext. 3003. Fullerton Police Department can be reached in an emergency by dialing 911 or dialing (714)738-6800 for non-emergencies.

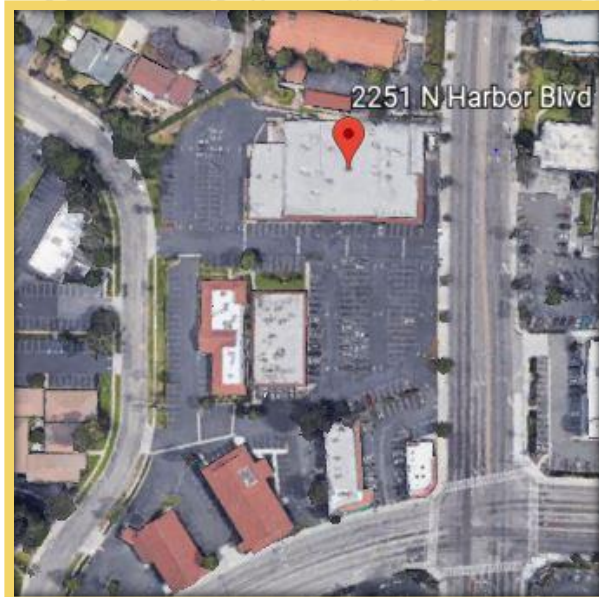






Vanguard University provides an offsite MSN program at St. Jude Medical Center with an agreement for usage at location St. Jude Urgent Care located at 2251 N. Harbor Fullerton CA, 92835 and is served by Ally Universal Security and Fullerton Police Department. All crimes reported on this property should be made to Ally Universal Security which can be reached at (714)992-3003 or ext. 2550. Fullerton Police Department can be reached in an emergency by dialing 911 or dialing (714)738-6800 for non-emergencies



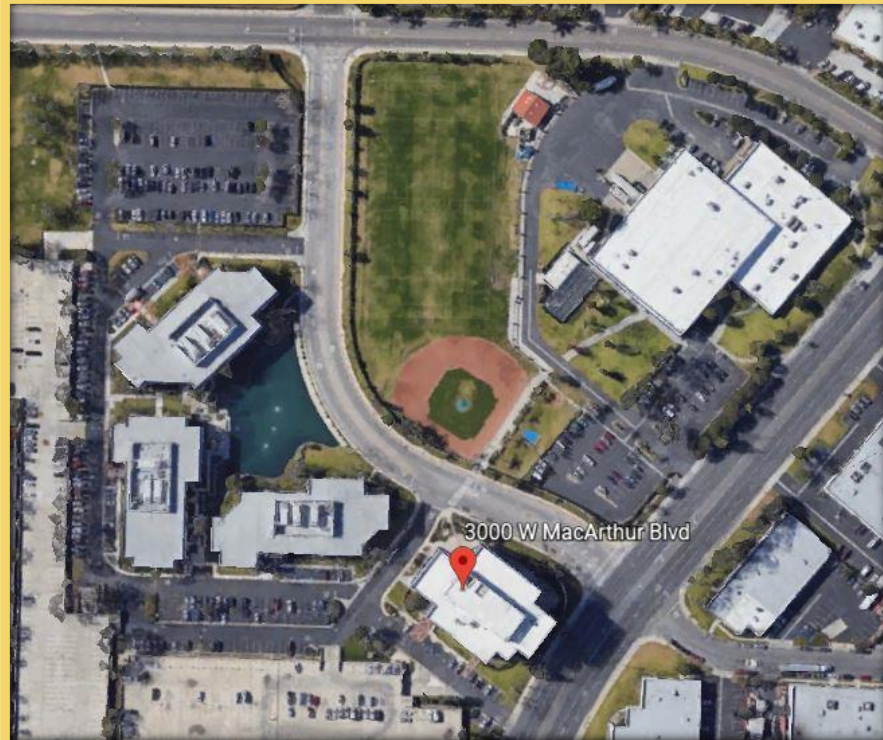


## Santa Ana

3000 W. MacArthur Blvd., Santa Ana, CA 92835, which is occupied by two Graduate programs, Clinical Psychology and Organizational Psychology programs. Vanguard is leasing space in the 1<sup>st</sup> Floor and 2<sup>nd</sup> Floor of building for administration and academic use. This property is serviced by Calvary Chapel Costa Mesa Security Department which can be contacted by calling (714)788-3293 and office is located at 3800 S. Fairview St. Santa Ana, CA. Campus is also served by the Santa Ana Police Department which can be reached in case of emergencies by dialing 911 or (714) 245-8665.







### Off-Campus Athletic Sites

- Huntington State Beach at Magnolia and PCH at 21775 Pacific Coast Highway  
Huntington Beach, CA 92646
- Miles Square Park 16801 Euclid St. Fountain Valley, CA 92708
- Tewinkle Park at 970 Arlington Dr. Costa Mesa, CA 92626

# **CRIME STATISTICS**

# CRIME STATISTICS

## Compliance with Clery Act

The information below provides context for the crime statistics reported as part of Compliance with Clery Act. The statistics in this report are published with the standards and guidelines used by the FBI Uniform Crime Reporting Handbook and relevant federal law. The Department of Campus Safety submits the annual crime statistics published in this report to the Department of Education (ED). The statistical information gathered by the ED is available to the public through their website. The procedures for the preparing the Annual Security Report and its associated crime statistics were collected from the following sources: Department of Campus Safety, Campus Security Authorities, Costa Mesa Police Department, and several other police agencies having jurisdiction over separate non-campus facilities.

Written request for statistical information is made on an annual basis to all police, non-police officials including campus security authorities (CSA). For the purpose of this report designated CSA have been identified as University officials that have a significant responsibility for student and campus activities to include: Campus Public Safety Officers, non-professional counselors, athletic directors, faculty advisors, team coaches, residence-life personnel, and other student affairs staff. Any incident related to Clery reportable crimes that have been received by any designated CSA's are included in this report.

The purpose of this report is to provide information to the Vanguard University Community and public. The report is distributed via email to all university students, and personnel, and link is created on the university's website to aid prospective students, parents, and employees to view a current report. The following pages contain a list of crimes and disciplinary referrals that have been committed on or near the campus as reported to university officials for the past three years.

### DAILY CRIME LOG

The Daily Crime Log or Police Log is located in the Patrol Officers workstation and it is updated daily by the Patrol Officer on duty during shifts. When a report of a crime is received the officer will update the log upon completion of incident report. The Daily Crime Log and is printed out on a weekly basis, or when a crime is reported on the following.

### CLERY ACT CRIME DEFINITIONS

The Clery Act requires the publication of certain crimes defined according to the FBI Uniform Crime Reporting / National Incident-Based Reporting System. These crimes and definition are as follows:

1. **Murder and Non-Negligent Manslaughter:** The willful (nonnegligent) killing of one human being by another.
2. **Negligent Manslaughter:** The killing of another person through gross negligence.
3. **Robbery:** The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and / or by putting the victim in fear.



4. **Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)
5. **Burglary:** The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.
6. **Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned, including joyriding.)
7. **Arson:** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.
8. **Arrest for Weapon Law Violations:** The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: Manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.
9. **Arrests for Drug Abuse Violations:** Violations of State and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic

drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous nonnarcotic drugs (barbiturates, Benzedrine).

**10. Arrests for Liquor law Violations:** The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are no included in this definition.)

**11. Disciplinary Referrals for Weapon Law Violations:** The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.

**12. Disciplinary Referrals for Drug Abuse Violations:** Violations of State and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous nonnarcotic drugs (barbiturates, Benzedrine).

**13. Disciplinary Referrals for Liquor Law Violations:** The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal

transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are no included in this definition.)

14. **Sexual Assault (Sex Offenses):** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
15. **Rape:** The penetration, no matter how slight, of vagina or anus with any body part or object, or oral penetration by sex organ of another person, without the consent of the victim.
16. **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because his/her temporary or permanent mental or physical incapacity.
17. **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
18. **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.


The University collects and publishes crimes statistics in accordance with the requirements of the Jeanne Clery Act. The collection of statistics includes university personnel who have significant responsibility for student and campus activities including non-professional counselors, athletic directors, faculty advisors, team coaches, residence-life personnel, and other student affairs staff. The report is distributed via email to all university students and personnel, and a link is created on the university's website to aid prospective students, parents, and employees to request a copy.

## DATA

The following pages contain a list of crimes and disciplinary referrals that have been committed on or near the campus as reported to university officials for the past three years.

## CRIME DATA

### ON-CAMPUS



LOCATION	55 Fair Dr. Costa Mesa, 92626 (Main Campus)			55 Fair Dr. Costa Mesa, 92626 (on-Campus Housing)			55 Fair Dr. Costa Mesa CA, 92626 (Public Property)		
YEAR	2017	2016	2015	2017	2016	2015	2017	2016	2015
Homicides	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	1	0	0	0	0	0	0	0	0
Burglary	3	5	3	0	4	2	0	1	0
Auto Theft	4	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Hate Crimes	0	0	0	0	0	0	0	0	0

LOCATION	2374 Newport Blvd. Costa Mesa, 92627 (Off-Campus Housing)			2374 Newport Blvd. Costa Mesa, 92627 (Public Property)		
YEAR	2017	2016	2015	2017	2016	2015
Homicides	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Robbery	1	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Auto Theft	0	0	0	0	0	0
Stalking	0	0	0	0	0	0
Rape	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0
Fondling	0	0	0	0	0	0
Incest	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0
Hate Crimes	0	0	0	0	0	0

### **NON-CAMPUS**

LOCATION	101 E. Valencia Mesa Drive, Fullerton, CA 92835 (non-campus)			101 E. Valencia Mesa Drive, Fullerton, CA 92835 (Public Property)		
YEAR	2017	2016	2015	2017	2016	2015
Homicides	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Robbery	1	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Auto Theft	0	0	0	0	0	0
Stalking	0	0	0	0	0	0
Rape	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0
Fondling	0	0	0	0	0	0
Incest	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0
Hate Crimes	0	0	0	0	0	0



## WEAPONS, DRUG, LIQUOR, LAW VIOLATION POSSESSION ARREST

ARREST CHARGE	55 Fair Dr. Costa Mesa, 92626		
YEAR	2017	2016	2015
Weapons Law Violation	0	0	0
Drug Law Violation	0	0	1
Liquor Law Violation	0	0	0

ARREST CHARGE	2374 Newport Blvd. Costa Mesa, 92627		
YEAR	2017	2016	2015
Weapons Law Violation	0	0	0
Drug Law Violation	1	0	0
Liquor Law Violation	0	0	0

ARREST CHARGE	101 E. Valencia Mesa Drive, Fullerton, CA 92835		
YEAR	2017	2016	2015
Weapons Law Violation	0	0	0
Drug Law Violation	1	0	0
Liquor Law Violation	0	0	0

## WEAPONS, DRUG, LIQUOR, LAW VIOLATION POSSESSION DISCIPLINARY REFFERALS

DISCIPLINARY REFFERALS	55 Fair Dr. Costa Mesa, 92626		
YEAR	2017	2016	2015
Weapons Law Violation	0	2	0
Drug Law Violation	13	5	0
Liquor Law Violation	12	34	42

DISCIPLINARY REFFERALS	2374 Newport Blvd. Costa Mesa, 92627		
YEAR	2017	2016	2015
Weapons Law Violation	0	0	0
Drug Law Violation	0	1	0
Liquor Law Violation	0	0	0

DISCIPLINARY REFFERALS	101 E. Valencia Mesa Drive, Fullerton, CA 92835		
YEAR	2017	2016	2015
Weapons Law Violation	0	0	0
Drug Law Violation	1	0	0
Liquor Law Violation	0	0	0

# **SECURITY & ACCESS**

# SECURITY & ACCESS

Vanguard University main campus is located at 55 Fair Dr. Costa Mesa, CA. The University is a welcoming community and for this reason it has maintained an open campus environment. There are several points of entry throughout campus parking lots. Access control to Vanguard University property is a shared responsibility by various departments such as; Campus Public Safety, Utilities, Maintenance, and Residence Life, and other university departments.

## Access Control / Authorization

Campus Public Safety does monitor Campus buildings by conducting patrols of all Vanguard property and conducting parking enforcement. Buildings on campus are monitored by a mixture of automatic locks, hard key system, and fire alarms. Access to Vanguard facilities including buildings, athletic fields and parking lots are restricted to students, faculty, staff, and approved guest. All non-affiliated groups, organizations and individuals must receive authorization from Event Relations and Conferencing Department, or the corresponding visiting department. The campus is open to the general public during designated times, days, and during special events.

The Campus Public Safety Officers open doors daily of all administrative and academic buildings. During the evening, officers conduct nightly security checks of buildings and doors. As well as, conduct the locking of all campus administrative, and academic buildings. When building is closed to general use, Campus Safety Officers grant access



to authorized personnel.

By University policy, access to residential hall and dorm rooms are restricted to resident students, their guest and to university personnel. Campus Safety Officers will only grant room access to locked-out occupants upon verification of occupant's residency. Resident students must comply with University policies regarding guest, visiting, and quiet hours outlined in the Student Handbook, which is located in the University's website. Department of Campus Safety Officers patrol the residence halls on a regular basis to enforce security measures and University policies.

### **Campus Maintenance**

The main campus is maintained by Facility Services and patrolled by Campus Public Safety. Facilities and landscaping at Vanguard Main Campus are maintained in a manner that reduces hazardous and unsafe conditions. The officers routinely monitor the lighting of the campus, fire systems, and landscaping, to ensure proper operation of these systems and prevent unsafe conditions on campus, deficiencies are promptly reported for repairs. All members of the Vanguard Community are encouraged to promptly report any safety or hazardous issues to the Department of Campus Safety.

# **LAW ENFORCEMENT & JURISDICTION**

# **LAW ENFORCEMENT & JURISDICTION**

Patrol Officers are authorized to perform their duties on any and all property owned, leased, or operated by Vanguard University. Officers are authorized to patrol the property in marked or unmarked vehicles (with prior approval from the Director) in standard Vanguard Campus public Safety Officer uniform or in plain clothes but shall at all times while on duty carry proper identification to verify their position as a Campus Public Safety Officer. The Department of Campus Public Safety is authorized to handle all criminal activity control functions of the campus in the name of Vanguard University.

- ❖ **Authority to release information to alert Vanguard University to criminal or suspected criminal activity on campus will be approved by the Director of Campus Public Safety.**
- ❖ **Authority to investigate and report on all campus criminal and suspected criminal activity.**
- ❖ **Authority to design and implement programs for the prevention of crime on campus and apprehension of suspected criminals under the authority of a Private Persons Arrest as applicable.**
- ❖ **Authority to question individuals on the private property owned, leased, or operated by Vanguard University in order to identify and determine validity of reasons for being on university property or to investigate a potential crime.**

- ❖ Authority to properly and lawfully perform a Private Persons Arrest of individuals suspected of committing crimes on property owned, leased, and/or operated by Vanguard University.
- ❖ Authority to use any lawful means available to protect and save from harm any member of the Vanguard Community.
- ❖ Authority to train and carry necessary tools and equipment to ensure the Officer's ability to protect and save from harm any member of the Vanguard Community. The specific authorized tools are: flashlight, pepper spray, handcuffs, utility knife, and ASP Baton.
- ❖ Decisions to search/seize a student's room or possessions will be made with concurrence by the office of the Director of Residence Life when immediate danger is not an issue. In those cases, a representative from the office of Student Life will always be present at any search and seizure activity involving a student of this institution.

Although the Department of Campus Public Safety shares a positive and collaborative relationship with Costa Mesa Police Department, there is no current Memorandum of Understanding between Vanguard University and said police department.



# **EMERGENCY RESPONSE & EVACUATION PROCEDURES**

# **EMERGENCY RESPONSE & EVACUATION PROCEDURES**

Vanguard University's response to any event, man-made or natural is based on existing emergency management organizational systems: the Federal Response Plan. Incident Command System and the Standardized Emergency Management System. These systems are solidified thorough the principles of Unified Command and Mutual Aid.

## **Emergency Declaration**

An emergency should be declared if the following criteria are met:

- ❖ Significantly disrupts normal operations
- ❖ Requires the mobilization of resources
- ❖ Has the potential for growth

## **Personnel Designated to Declare Emergency and Activate EOP**

Any member of the President's Cabinet, Campus Public Safety Director or Campus Public Safety Officer on duty can declare emergency and activate the Emergency Operational Plan (EOP).

## **Emergency Communications and Notification**

In an effort to disseminate appropriate and reliable information Vanguard University will provide communication using all means available. Communication will come from the

EOC Director down and the established organizational structure will be used to disseminate. The Public Information Officer is responsible for disseminating the information. Various means of communication exist for the university which includes:

- ❖ Vanguard University Website
- ❖ E-mails: Staff, Faculty, Students, Parents
- ❖ Handouts
- ❖ Briefings
- ❖ Signage
- ❖ Press Releases
- ❖ Building Alarm Systems
- ❖ Phone Systems/ Text Messages

The Campus Public Safety department has developed emergency response guides available to all members of the university on the Campus Public Safety **Emergency Preparedness** webpage. Staff can access the emergency response guides on the shared drive, under community folder, in the emergency preparedness file [\(S:\Community\Emergency Preparedness\Emergency Response Guides\)](#)

### **Building Evacuation Procedures:**

The following building evacuation procedures when an alarm is sounded, or campus officials give an evacuation order.

- ❖ Be aware of all the marked exits from your building and refer to the emergency evacuation procedures posted near the entrance/exits and elevators.
- ❖ The evacuation alarm is a loud horn and is the only audible alarm system used on this campus. Every alarm should be treated as an emergency.

- ❖ To activate the building alarm system, break or remove the protective cover on one of the red fire alarm boxes located in the hallway, and pull the handle.
- ❖ When the building evacuation alarm is sounded or when you are ordered to leave, take your belongings and walk quickly to the nearest marked exit and calmly ask others to do the same.

Assist the disabled with exiting the building and remember that elevators are reserved for their use. If elevators are not operating, assist the disabled to the nearest stairway and use the **MED SLED**. If the disabled person is in a wheelchair and the elevator is not available, an able-bodied person should stay with the wheelchair user in the platform area of the stairwell while a second person notifies emergency personnel of the exact location of the wheelchair user.

**Resident Assistants and/or campus officials will assist in evacuation of all building occupants.**

### Outside Evacuation Procedures:

The following are outside evacuation procedures when an alarm is sounded, or campus officials give an evacuation order.

- ❖ Proceed to a clear area that is at least 150 feet away from the affected building.
- ❖ Keep walkways clear for emergency personnel and vehicles.
- ❖ Proceed to your building's evacuee staging area so that officials can verify all occupants are safe.
- ❖ Do not return to a building until Campus Public Safety tell you to do so even if the



alarm has ceased.

## **MISSING STUDENT NOTIFICATION**

When a member of the faculty, staff or students realizes that a student is missing they should follow the following procedure:

1. Contact Campus Public Safety and report that the student might be missing.
2. Campus Public Safety will then:
  - ❖ Initiate an investigation to determine the validity of the missing person report.
  - ❖ Contact the Director of Resident Life for on campus students to decide as to the status of the missing student.
3. If the student is determined to be missing, Campus Public Safety will:
  - ❖ Notify the individual identified by the missing student as their emergency contact within 24 hours of making the determination.
  - ❖ If the missing student is under the age of 18 years of age, notify the parent(s)/guardian as contained in the records of the university within 24 hours of making the determination.
4. Notify the Costa Mesa Police Department within 24 hours of making the determination.
5. Notify the Vice President of Student Affairs who will initiate whatever action they deem appropriate under the circumstances in the best interest of the missing student.

# **FIRE SAFETY**

# FIRE SAFETY

Vanguard University has instated policies and rules to prevent fires that may include but are not limited to electrical appliances, smoking and open flames. Each department will have access to the red emergency procedure binders which have instructions on what to do in the event of an emergency, emergency contact numbers, campus map, building map and other emergency information.

Policies and rules can also be found in:

- ❖ Student Handbook 2017-2018
- ❖ Fire Prevention Program

## Fire Safety Systems

Laguna Hall:

- ❖ Smoke Detector System Automatic Fire Suppression System

Huntington Hall:

- ❖ Smoke Detector and Automatic Fire Suppression System

Balboa Hall:

- ❖ Smoke Detector and Automatic Fire Suppression System

Newport Hall:

- ❖ Smoke Detector and Automatic Fire Suppression System

Catalina Hall:

- ❖ Smoke Detector and Automatic Fire Suppression System

### Vanguard Center:

- ❖ Buildings- A, B and D Smoke Detector System
- ❖ Building C- Smoke Detector and Automatic Fire Suppression System

### Fire Drills:

Each student housing facility conducted two fire drills in 2017. The university schedules a fire drill for each building at the beginning of the Fall Semester and the Spring Semester.

A list of the titles of each person or organization to which individuals should report that a fire has occurred:

- ❖ Campus Public Safety (714) 966-6799
- ❖ Facility Services (714) 966-5431

### FIRE STATISTICS

ON-CAMPUS HOUSING		55 Fair Dr. Costa Mesa CA, 92626		
YEAR	2017	2016	2015	
Huntington Hall	0	0	0	
Laguna Hall	0	0	0	
Newport Hall	0	0	0	
Balboa Hall	0	0	0	
Catalina Hall	0	0	0	

OFF-CAMPUS HOUSING		2374 Newport Blvd. Costa Mesa, 92627		
YEAR	2017	2016	2015	
Vanguard Center	0	0	0	



# **IMMEDIATE & TIMELY WARNINGS**

# IMMEDIATE & TIMELY WARNINGS

Students, faculty staff and visitors are encouraged to report all crimes and public safety related incidents to the Department of Campus Safety in a timely manner to assist in providing accurate Immediate Notifications or Timely Warnings to the University community when appropriate. If a situation arises, either on campus or off campus, that in the judgment of the Director of Campus Public Safety constitutes a continuing threat to the community, a campus wide “Immediate Notification” or “Timely Warning” will be issued to all students and personnel.

The warning will be issued through the university email to students, faculty, and staff, posted on bulletin boards and at all resident hall’s entrances if deemed necessary. Notification can also be sent thru the universities mass notification system known as RAVE. Names of victims will be withheld to ensure confidentiality. Timely Warnings are usually issued for all “Clery” reportable crimes including the following of the Uniform Crime Reporting Program classifications:

- ❖ major incidents of arson
- ❖ murder/non-negligent manslaughter and robbery.

If the Director of Campus Public Safety is not available the on-duty officer may issue the warning in a timely manner under the direction of the Vice President for Student Affairs.

Depending on the nature of the crime for which the Timely Warning is issued, the notice

may be posted on the campus web page at <https://www.vanguard.edu> with a link to Campus Public Safety. The electronic bulletin board is immediately accessible by computer by all faculty, staff, and students. Anyone with information warranting the issue of a timely warning should report the circumstances to the Campus Public Safety personnel at the Campus Public Safety office located in the Needham Chapel complex by calling duty phone at **714-860-8346**.

Complainants of sexual misconduct should be aware that University administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. The University will make every effort to ensure that a complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions considering the potential danger. Institutions must provide timely warnings in a manner likely to reach all members of the campus community. Timely warnings are limited to those crimes an institution is required to report and include in its Annual Security Report (ASR).

### **Immediate Notifications**

Immediate Notifications will be issued upon the confirmation of a significant emergency or dangerous situation involving the immediate threat to the health or safety of the University community, The Department of Campus Safety will post updates during critical incident utilizing the distributions systems and methods mentioned above.

Timely warnings will be issued to inform the entire campus community of crimes or situations that may represent a serious or continuing threat.

## **Confidential Reporting**

If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with on campus counselors working in the university's counseling center, the Dean of Spiritual Formation, the Employee Assistance Program (for employees), off-campus local rape crisis counselors, domestic violence resources, local or state assistance agencies who will maintain confidentiality except in extreme cases of immediacy of threat or danger or abuse of a minor. On campus resources are available free of charge and can be seen on an emergency basis during normal business hours. These individuals will submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client, patient or parishioner.

## **Private Reporting**

Those seeking to report misconduct may seek advice from the Title IX Coordinator, Deputies or the Sr. Director of Human Resources to determine the appropriate response. If a reporting party is unsure of someone's duties and ability to maintain privacy, ask them before talking to them. They will be able to explain and help a reporting party to make decisions about who is in the best position to help. If personally identifiable information is shared, it will be shared with as few people as possible and all efforts will be made to protect privacy to the greatest possible extent.

## **Formal Reporting**

Parties bringing a grievance are encouraged to speak to University officials, such as the Title IX Coordinator, Vice President for Student Affairs, or Campus Public Safety, to make

formal reports of incidents of sexual misconduct. Parties bringing a grievance have the right, and can expect, to have grievances taken seriously by the University when formally reported, and to have those incidents investigated and properly resolved through these procedures. Formal reporting still affords privacy to the reporter, and only a small group of officials who need to know will be told. Information will be shared as necessary with investigators, witnesses and the responding party. The circle of people with this knowledge will be kept as tight as possible to preserve a party bringing a grievance's rights and privacy.

Additionally, safe and anonymous reports, which may or may not trigger an investigation based upon the information provided, can be made by victims and/or third parties either by phone or online, using the Lighthouse Services:

- ❖ toll free number (855-636-0005)
- ❖ website access (<https://www.vanguard.edu/resources/reporting-hotline/>).

Confidential reporting is available 24 hours a day, 7 days a week for use by staff, faculty, and students.



# **POLICY & PROCEDURES**

# POLICY AND PROCEDURES

## EQUAL OPPORTUNITY, HARASSMENT AND NONDISCRIMINATION

Vanguard University affirms its commitment to promote the goals of fairness and equity in all aspects of the educational enterprise. All policies below are subject to resolution using the University's Equity Grievance Process, as detailed below. The Equity Grievance Process is applicable regardless of the status of the parties involved, who may be members or nonmembers of the campus community, students, student organizations, faculty, administrators and/or staff. The University reserves the right to act on incidents occurring on-campus or off-campus, when the off-campus conduct could have an on-campus impact or impact on the educational mission of the University.

The Title IX/Equity/AA Coordinator/504 Grievance Coordinator and oversees implementation of the University's Affirmative Action and Equal Opportunity plan and the University/College's policy on equal opportunity, harassment and nondiscrimination. Reports of discrimination, harassment and/or retaliation should be made to the Title IX/Equity/AA Coordinator or Deputies promptly, but there is no time limitation on the filing of grievances.

All reports are acted upon promptly while every effort is made by the University to preserve the privacy of reports. Additionally, safe and anonymous reports, can be made by victims and/or third parties either by phone or online, using the Lighthouse Services:

- ❖ toll free number (855-636-0005)
- ❖ website access (<https://www.vanguard.edu/resources/reporting-hotline/>).

Confidential reporting is available 24 hours a day, 7 days a week for use by staff, faculty, and students. Reports of discrimination by the Title IX Coordinator should be reported to the University President at [OfficeofthePresident@vanguard.edu](mailto:OfficeofthePresident@vanguard.edu).

### Policy Application

This policy applies to behaviors that take place on the campus, at university-sponsored events and may also apply off campus and to actions online when the Title IX Coordinator determines that the off-campus conduct affects a substantial University interest. A substantial University interest is defined to include:

- ❖ Any action that constitutes criminal offense as defined by federal or California state law. This includes, but is not limited to, single or repeat violations of any local, state or federal law committed in the municipality where the University is located;
- ❖ Any situation where it appears that the accused individual may present a danger or threat to the health or safety of self or others.
- ❖ Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or
- ❖ Any situation that is detrimental to the educational interests of the University.
- ❖ Off-campus discriminatory or harassing speech by employees may be regulated by the University only when such speech is made in an employee's official or work-related capacity.

## Internal Inquiries:

### **Elizabeth Banks**

Title IX Coordinator

55 Fair Drive, Costa Mesa, CA 92626

(714) 662-5271

Email: [VUtitleIX@vanguard.edu](mailto:VUtitleIX@vanguard.edu)

## External Inquiries:

- ❖ Office for Civil Rights (OCR) U.S. Department of Education  
400 Maryland Avenue, SW Washington, DC 20202-1100
- ❖ Customer Service Hotline #: [\(800\) 421-3481](tel:8004213481)
- ❖ Facsimile: [\(202\) 453-6012](tel:2024536012)
- ❖ TDD#: [\(877\) 521-2172](tel:8775212172)
- ❖ Email: [OCR@ed.gov](mailto:OCR@ed.gov)
- ❖ Web: <http://www.ed.gov/ocr>
- ❖ Equal Employment Opportunity Commission (EEOC)  
Contact: <http://www.eeoc.gov/contact/>

## University Policy on Nondiscrimination

Vanguard University adheres to all federal and state civil rights laws banning discrimination in private institutions of higher education. Vanguard will not discriminate against any employee, applicant for employment, student or applicant for admission on the basis of race, hearing status, personal appearance, color, sex, pregnancy, political affiliation, source of income, place of business, residence, , ethnicity, national origin (including ancestry), citizenship status, physical or mental disability, age, family

responsibilities, gender, veteran or military status (including special disabled veteran, Vietnam-era veteran, or recently separated veteran), predisposing genetic characteristics, domestic violence victim status or any other protected category under applicable local, state or federal law, including protections for those opposing discrimination or participating in any grievance process on campus or within the Equal Employment Opportunity Commission or other human rights agencies.

Regarding employment and related matters, on a Federal level, Title VII of the Civil Rights Act of 1964 allows churches and religious organizations to prefer co-religionists in their employment decisions. In other words, the portions of Title VII that apply to hiring, promotion and separation do not apply to "... a religious corporation, association, educational institution, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities."

This preference exception also allows Vanguard to maintain and enforce community standards tied to our Religious affiliation for purposes of discontinuing employment of faculty and staff who have expressly violated those standards. In addition, California's Fair Employment and Housing Act (FEHA) contains an exemption for non-profit religious associations or corporations under Government Code Sections 12926(d) and 12940(j)(4)(B) whereby Vanguard is not subject to laws relative to aforementioned employment matters. Furthermore, under the Free Exercise Clause of the First Amendment to the Constitution of the United States and various relevant statutes, Vanguard University may lawfully discriminate based on religious and confessional



criteria in employment and educational practices, including admission to the University.

This policy covers nondiscrimination in employment and in access to educational opportunities. Therefore, any member of the campus community, guest or visitor who acts to deny, deprive or limit the educational, employment, residential and/or social access, benefits and/or opportunities of any member of the campus community based on their actual or perceived membership in the protected classes listed above is in violation of the University policy on nondiscrimination. When brought to the attention of the University, any such discrimination will be appropriately remedied by the University, per the procedures outlined below.

### **Accommodation of Disabilities**

Vanguard University is committed to full compliance with the Americans With Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws pertaining to individuals with disabilities. Under the ADA and its amendments, a person has a disability if he or she has a physical or mental impairment that substantially limits a major life activity. The ADA also protects individuals who have a record of a substantially limiting impairment or who are regarded as disabled by the institution whether qualified or not. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking or caring for oneself. The Title IX Coordinator has been designated as the ADA/504 Coordinator responsible for coordinating efforts to comply with these disability laws, including investigation of any grievance alleging noncompliance.

## **Students with Disabilities**

Vanguard University is committed to providing qualified students with disabilities with reasonable accommodations and support needed to ensure equal access to the academic programs and activities of the University. All accommodations are made on a case-by-case basis. A student requesting any accommodation should first contact the coordinator or Director of Disability Services who coordinates services for students with disabilities. The coordinator reviews documentation provided by the student and, in consultation with the student, determines which accommodations are appropriate to the student's needs and academic programs.

### **Director of Disability Services**

- ❖ Phone: (714) 619-6483
- ❖ Email: [DisabilityServices@vanguard.edu](mailto:DisabilityServices@vanguard.edu)

### **504 Grievance Coordinator**

- ❖ Phone: (714) 662-5271
- ❖ Email: [VUtitleIX@vanguard.edu](mailto:VUtitleIX@vanguard.edu)

## **Employees with Disabilities**

Pursuant to the ADA, Vanguard University will provide reasonable accommodation(s) to all qualified employees with known disabilities, where their disability affects the performance of their essential job functions, except where doing so would be unduly disruptive or would result in undue hardship. An employee with a disability is responsible for requesting an accommodation in writing to the Sr. Director of Human Resources and

provide appropriate documentation. The director will work with the employee's supervisor to identify which essential functions of the position are affected by the employee's disability and what reasonable accommodations could enable the employee to perform those duties.

### **Discriminatory Harassment**

Students, staff, administrators, and faculty are entitled to a working environment and educational environment free of discriminatory harassment. Vanguard University's harassment policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial or sensitive subject matters protected by academic freedom. The sections below describe the specific forms of legally prohibited harassment that are also prohibited under University policy.

### **Discriminatory and Bias-Related Harassment**

Harassment constitutes a form of discrimination that is prohibited by law. Vanguard University will remedy all forms of harassment when reported, whether or not the harassment rises to the level of creating a hostile environment. When harassment rises to the level of creating a hostile environment, the University may also impose sanctions on the harasser. The University's harassment policy explicitly prohibits any form of harassment, defined as unwelcome conduct based on actual or perceived membership in a protected class, by any member or group of the community.

A hostile environment may be created by oral, written, graphic, or physical conduct that

is sufficiently severe, persistent, pervasive and objectively offensive that it interferes with, limits or denies the ability of an individual to participate in or benefit from educational programs or activities or employment access, benefits or opportunities.

Offensive conduct and/or harassment that does not rise to the level of discrimination or that is of a generic nature not based on a protected status may not result in the imposition of discipline under University policy, but will be addressed through civil confrontation, remedial actions, education and/or effective conflict resolution mechanisms. Vanguard condemns and will not tolerate discriminatory harassment against any employee, student, visitor or guest based on any status protected by university policy or law.

For assistance with conflict resolution techniques, employees should contact the Sr. Director of Human Resources and students should contact the Director of Residence Life.

### **Sexual Harassment**

Both the Equal Employment Opportunity Commission and the State of California regard sexual harassment as a form of sex/gender discrimination and, therefore, as an unlawful discriminatory practice. The University has adopted the following definition of sexual harassment, to address the special environment of an academic community, which consists not only of employer and employees, but of students as well. Sexual harassment is:

- ❖ Unwelcome, sexual or gender-based verbal, written, online and/or physical conduct.

Anyone experiencing sexual harassment in any University program is encouraged to report it immediately to the University's Title IX Coordinator or to one of the Deputies.

Sexual harassment creates a hostile environment, and may be disciplined when it is:

- ❖ sufficiently severe
- ❖ persistent/pervasive
- ❖ objectively offensive that it has the effect of unreasonably interfering with, denying or limiting employment opportunities
- ❖ or the ability to participate in or benefit from the university's educational, social and/or residential program,
- ❖ and is based on power differentials (*quid pro quo*), the creation of a hostile environment or retaliation.

### Policy Expectations with Respect to Consensual Relationships

All Vanguard University faculty, staff, and volunteers are expected to perform their responsibilities in a manner that is consistent with the mission and values of the University. Consensual romantic relationships can lead to conflicts of interest and become potentially exploitive when they involve colleagues in the workplace and those teaching or in mentoring relationships. Therefore, romantic relationships are not permitted between University faculty/staff and students, or between supervisors and non-supervisory staff or faculty members.



Romantic relationships may include, but are not limited to, a pattern of exclusivity between two individuals, physical touching that implies romantic intention or desire, actual physical intimacy, or written communication or other action that implies or directly shows a sign of romantic interest.

## **SEXUAL MISCONDUCT**

State law defines various violent and/or non-consensual sexual acts as crimes. Additionally, Vanguard University has defined categories of sexual misconduct, as stated below, for which action under this policy may be imposed. Generally speaking, Vanguard considers Non-Consensual Sexual Intercourse violations to be the most serious, and therefore typically imposes the most severe sanctions, including suspension or expulsion for students and termination for employees. However, the University reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any act of sexual misconduct or other gender-based offenses, including intimate partner or relationship (dating and/or domestic) violence, non-consensual sexual contact and stalking based on the facts and circumstances of the particular grievance.

**Acts of sexual misconduct may be committed by any person upon any other person, regardless of the sex, gender, sexual orientation and/or gender identity of those involved**

**Violations include:**

1. Sexual Harassment as defined previously
2. Non-Consensual Sexual Intercourse defined as:

- ❖ Any sexual penetration or intercourse (anal, oral or vaginal)
- ❖ However slight
- ❖ With any object
- ❖ By a person upon another person
- ❖ That is without consent and/or by force

Sexual intercourse includes vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation (mouth to genital contact or genital to mouth contact).

3. Non-Consensual Sexual Contact defined as:

- ❖ any intentional sexual touching
- ❖ however, slight
- ❖ with any object
- ❖ by a person upon another person
- ❖ that is without consent and/or by force

Sexual touching includes any bodily contact with the breasts, groin, genitals, mouth or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

4. Sexual Exploitation

Sexual Exploitation refers to a situation in which a person takes non-consensual or abusive sexual advantage of another, and situations in which the conduct does not fall within the definitions of Sexual Harassment, Non-Consensual Sexual Intercourse or Non-Consensual Sexual Contact.

Examples of sexual exploitation include, but are not limited to:

- ❖ Sexual voyeurism (such as watching a person undressing, using the bathroom or engaged in sexual acts without the consent of the person observed)

- ❖ Taking pictures or video or audio recording another in a sexual act, or in any other private activity without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent)
- ❖ Prostitution
- ❖ Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) and without informing the other person of the infection
- ❖ Administering alcohol or drugs (such as "date rape" drugs) to another person without his or her knowledge or consent
- ❖ Exposing one's genitals in non-consensual circumstances.
- ❖ Sexually- based stalking and/or bullying may also be forms of sexual exploitation.

## Consent

Vanguard University seeks to provide a safe and caring environment which is set apart by the mission and values of the University. Each person who has chosen to engage in Vanguard University's community has affirmed that he or she is willing to uphold the community standards. These standards may be found in the Student Handbook (<https://www.vanguard.edu/studentlife/>), Staff Handbook, and Faculty Handbook. This policy does not serve to nullify the community standards, rather it is intended to protect and guide those affected by sexual misconduct and discrimination.

Consent is knowing, voluntary and clear permission by word or action, to engage in mutually agreed upon sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity. For consent to be valid there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct.

A person cannot consent if he or she is unable to understand what is happening or is disoriented, helpless, asleep or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has violated this policy.

It is not an excuse that the individual responding party of sexual misconduct was intoxicated and, therefore, did not realize the incapacity of the other. Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction). This policy also covers a person whose incapacity results from mental disability, involuntary physical restraint and/or from the taking of incapacitating drugs.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous dating

relationship is not sufficient to constitute consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced. Silence or the absence of resistance alone is not consent. A person can withdraw consent at any time during sexual activity by expressing in words or actions that he or she no longer wants the act to continue, and, if that happens, the other person must stop immediately.

In California, a minor (meaning a person under the age of 18 years) cannot consent to sexual activity. This means that sexual contact by an adult with a person younger than 18 years old is a crime, as well as a violation of this policy, even if the minor wanted to engage in the act.

### PROTECTED CLASS

Threatening or causing physical harm, extreme verbal abuse or other conduct which threatens or endangers the health or safety of any person on the basis of their actual or perceived membership in a protected class:

1. **Discrimination:** defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of their actual or perceived membership in a protected class.
2. **Intimidation:** defined as implied threats or acts that cause an unreasonable fear of harm in another on the basis of actual or perceived membership in a protected class.
3. **Hazing:** defined as acts likely to cause physical or psychological harm or social ostracism to any person within the University community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as



defined further in the hazing policy) based on actual or perceived membership in a protected class; hazing is also illegal under California State law and prohibited by University policy.

4. **Bullying:** defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally based on actual or perceived membership in a protected class.
5. **Intimate Partner Violence:** between those in an intimate relationship to each other based on actual or perceived membership in a protected class (this includes romantic relationships, dating, domestic and/or relationship violence).
6. **Stalking:** defined as a course of conduct directed at a specific person based on actual or perceived membership in a protected class that is unwelcome and would cause a reasonable person to feel fear.
7. **Threats:** Threatening or causing physical harm, extreme verbal abuse or other conduct which threatens or endangers the health or safety of any person.

Any other University rules, when a violation is motivated by the actual or perceived membership of the victim based on sex or gender or in a protected class, may be pursued using this policy and process. Sanctions for the above-listed “Other Civil Rights Behaviors” behaviors range from reprimand up through and including expulsion (students) or termination of employment.

### **Retaliation**

Retaliation is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity. Retaliation against an individual for alleging harassment, supporting a party bringing a grievance or

for assisting in providing information relevant to a claim of harassment is a serious violation of University policy and will be treated as another possible instance of harassment or discrimination. Acts of alleged retaliation should be reported immediately to the Title IX Coordinator or to a member of the Equity Grievance Panel and will be promptly investigated. Vanguard is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

### **Remedial Action**

Vanguard University will implement initial remedial and responsive and/or protective actions upon notice of alleged harassment, retaliation and/or discrimination. Such actions could include but are not limited to: no contact order, providing counseling and/or medial services, academic support, living arrangement adjustments, providing a campus escort, academic or work schedule and assignment accommodations, safety planning, referral to campus and community support resources.

Vanguard will take additional prompt remedial and/or disciplinary action with respect to any member of the community, guest or visitor who has been found to engage in harassing or discriminatory behavior or retaliation. Procedures for handling reported incidents are fully described below. Deliberately false and/or malicious accusations of harassment, as opposed to grievances which, even if erroneous, are made in good faith, are just as serious an offense as harassment and will be subject to appropriate disciplinary action.

## CONFIDENTIALITY & REPORTING OF OFFENSES

Vanguard has decided to adopt a policy that defines all employees as mandatory reporters. If you learn about sexual harassment, discrimination or sexual assault, you are expected to promptly contact the campus Title IX Coordinator, Deputies or the Sr. Director of Human Resources. The Title IX Coordinator will take responsibility for informing appropriate university officials and activating the process. Other serious crimes covered by the Clery Act must be reported to the Department of Campus Public Safety.

The Clery Act requires that Campus Security Authorities (CSA) report all Clery Act crimes to the Campus Public Safety office. The definition of “Campus Security Authority”, according the federal law, is as follows: “An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings.” Examples of significant responsibility are listed as follows:

- ❖ A dean of students who oversees student housing, a student center, or student extra-curricular activities, has significant responsibility for student and campus activities. Similarly, a director of athletics, team coach, and faculty advisor to a student group also have significant responsibility for student and campus activities.
- ❖ A single teaching faculty member is unlikely to have significant responsibility for student and campus activities, except when serving as an advisor to a student group.
- ❖ A physician in a campus health center or a counselor in a counseling center whose only responsibility is to provide care to students are unlikely to have significant

responsibility for student and campus activities. Also, clerical staff is unlikely to have significant responsibility for student and campus activities.

When reporting sexual harassment or discrimination or sexual assault, the reporter may initially be able to omit personally identifiable information (the name of the complainant the name of the respondent and other identifying details about witnesses, location, etc.). The Title IX Coordinator, Deputies or Sr. Director of Human Resources will guide the reporter with regards to how much detail is needed in an initial report.

Subsequent to an initial report, the Title IX Coordinator, Deputies or Sr. Director of Human Resources may need additional information in order to fulfill the university's obligations under Title IX. In taking these subsequent actions, the university will always be guided by the goals of empowering the complainant and allowing the complainant to retain as much control over the process as possible, but no employee (other than counselors and health care providers) can or should promise confidentiality.

Licensed counselors providing counseling services, health service providers and the Dean of Spiritual Formation are voluntary reporters, not mandated by law, but university policy creates an expectation to report non-personally identifiable information unless the reporter believes doing so would cause harm to the complainant. The following describes the three reporting options at Vanguard:

### **Confidential Reporting**

If a reporting party would like the details of an incident to be kept confidential, the

reporting party may speak with on campus counselors working in the university's counseling center, the Dean of Spiritual Formation, the Employee Assistance Program (for employees), off-campus local rape crisis counselors, domestic violence resources, local or state assistance agencies who will maintain confidentiality except in extreme cases of immediacy of threat or danger or abuse of a minor. On campus resources are available free of charge and can be seen on an emergency basis during normal business hours. These individuals will submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client, patient or parishioner.

### **Private Reporting**

Those seeking to report misconduct may seek advice from the Title IX Coordinator, Deputies or the Sr. Director of Human Resources to determine the appropriate response. If a reporting party is unsure of someone's duties and ability to maintain privacy, ask them before talking to them. They will be able to explain and help a reporting party to make decisions about who is in the best position to help. If personally identifiable information is shared, it will be shared with as few people as possible and all efforts will be made to protect privacy to the greatest possible extent

### **Formal Reporting Options**

Parties bringing a grievance are encouraged to speak to University officials, such as the Title IX Coordinator, Vice President for Student Affairs, or Campus Public Safety, to make formal reports of incidents of sexual misconduct. Parties bringing a grievance have the right, and can expect, to have grievances taken seriously by the University when formally reported, and to have those incidents investigated and properly resolved through these



procedures. Formal reporting still affords privacy to the reporter, and only a small group of officials who need to know will be told. Information will be shared as necessary with investigators, witnesses and the responding party. The circle of people with this knowledge will be kept as tight as possible to preserve a party bringing a grievance's rights and privacy.

All reports are acted upon promptly while every effort is made by the University to preserve the privacy of reports. Additionally, safe and anonymous reports, can be made by victims and/or third parties either by phone or online, using the Lighthouse Services:

- ❖ toll free number (855-636-0005)
- ❖ website access (<https://www.vanguard.edu/resources/reporting-hotline/>).

Confidential reporting is available 24 hours a day, 7 days a week for use by staff, faculty, and students. Reports of discrimination by the Title IX Coordinator should be reported to the University President at [OfficeofthePresident@vanguard.edu](mailto:OfficeofthePresident@vanguard.edu).

## **DRUG & ALCOHOL POLICY**

### **Notice of a Drug-free Campus**

In accordance with the intent of the Drug-Free Workplace Act of 1988, Vanguard University hereby advises all employees and students that the unlawful manufacture, distribution, dispensing, possession or use of controlled substances on Vanguard University property or within its work places is a specific violation of federal laws and institutional rules.

The Vanguard University Health and Wellness Center has available resources to assist in drug counseling and drug rehabilitation assistance. These services are not limited to students but are available to all Vanguard University students, employees and their immediate families. Any employee or student found violating these federal regulations will be dismissed from the institution; unless the student or employee successfully participates in a Drug-Abuse Assistance or Rehabilitation Program under the auspices of Student Affairs.

Be advised that under the Drug-Free Workplace Act (1988), the institution is required to notify the appropriate Federal Funding Agency within the ten days after receiving voluntary notice from an employee, or otherwise receiving actual notice of a conviction or violation of substance abuse under these regulations.

### **Drug and Alcohol-Free Campus**

Vanguard University has a vital interest in maintaining safe, healthful and productive working conditions for its students, staff and faculty. A student, staff or faculty under the influence of a drug or alcohol on campus can be a serious safety risk to himself or herself, to other students, staff, faculty, and in some instances, to the general public. This also can cause damage to the University and its reputation with suppliers, customers and the communities where the University operates.

The possession, use, or sale of alcohol or an illegal drug on campus is unacceptable. Accordingly, the University has established the following policy with respect to the

possession, use or sale of alcohol or drugs while at work or on University property or on University business.

The goal of this policy is to maximize safety and productivity on campus while preserving the privacy and dignity of its students, staff and faculty. This policy applies uniformly to all Employees and students and also applies to prospective Employees and students after they receive an offer.

### **Alcohol:**

Possession or being under the influence of alcohol by a student, staff and faculty while at work or on University property or on University business is prohibited.

### **Illegal drugs:**

Possession, use, sale, purchase, or being under the influence of an illegal drug while at work or on university property or university business is prohibited. Students, staff and faculty who are convicted for off-the-job drug activity may be considered to be in violation of this policy. In deciding what action to take, management will take into consideration the nature of the charges, the students, staff or faculty present job assignment, the students, staff or faculty record with the university, and other factors relative to the impact of the students, staff or faculty conviction upon the conduct of University business.

### **Legal Drugs:**

In some circumstances, a students, staff or faculty use of illegal drug can pose a

significant risk to the safety of the students, staff, faculty or others. The use of, or being under the influence of, any legally obtained drug, or do to misuse of a legally obtained drug, while at work or on University property or on University business is prohibited if such use or influence may affect the safety of other employees or other members of the public. A student, staff and faculty who has reason to believe that the use of a legal drug may present a safety risk to others must report such drug use to the University either to their supervisor to determine the best manner in which to address the issue. The University may require to the student, staff or faculty to take a leave of absent or comply with other appropriate remedies determined by management, including reasonable accommodation if appropriate.

## **DRUG AND ALCOHOL TESTING**

### **Post-accident/reasonable suspicion testing**

The University may require a drug test or alcohol screening of an employee or student who has been involved in an accident while on University property or University business or in other circumstances where the University has a reasonable suspicion that the employee or student may have been under the influence or otherwise in violation of this policy. A students, staff or faculty consent to submit to such a test is a condition of employment or education and the students, staff or faculty refusal to consent will result in termination, even for a first refusal.

### **Consequences of positive test results**

In the case of positive test result, an employee or student is subject to termination. The

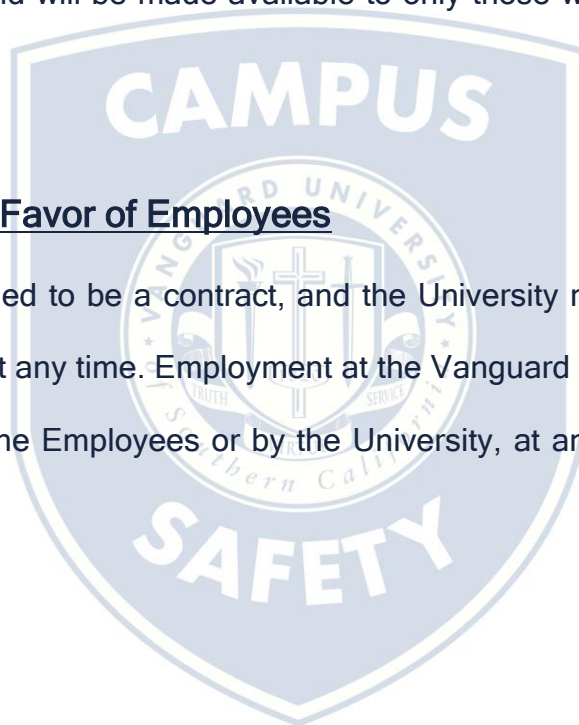
University will refuse to hire or accept a prospective employee or student who receives a positive drug test result.

### **Confidentiality**

Information regarding tests conducted under this policy will be kept in the strictest confidence unless otherwise directed by law. Testing records will be kept separate from regular personal files and will be made available to only those with a need to know the results.

### **No contract rights in Favor of Employees**

This policy is not intended to be a contract, and the University may amend, change or discontinue this policy at any time. Employment at the Vanguard University is at-will and may be terminated by the Employees or by the University, at any time, with or without cause.



# **EQUITY GRIEVANCE PROCESS**



# **EQUITY GRIEVANCE PROCESS**

## **RESOLVING GRIEVANCES OF HARASSMENT, SEXUAL MISCONDUCT AND OTHER FORMS OF DISCRIMINATION**

Vanguard University will act on any formal or informal grievance or notice of violation of the policy on Equal Opportunity, Harassment and Nondiscrimination, that is received by the Title IX Coordinator, a member of the Equity Grievance Panel, or a member of the administration. The procedures described below will apply to all grievances involving students, staff or faculty members. Redress and requests for responsive actions for grievances brought involving non-members of the community are also covered by these procedures.

### **Equity Grievance Panel (EGP)**

Members of the EGP are announced in an annual distribution of this policy to campus, prospective students, their parents and prospective employees. The list of members and a description of the panel can be found at [www.vanguard.edu/EGP](http://www.vanguard.edu/EGP). Members of the EGP are trained in all aspects of the grievance process, and can serve in any of the following roles, at the direction of the Title IX Coordinator:

- ❖ To provide sensitive intake and initial counseling of grievances
- ❖ To serve in a mediation role in conflict resolution
- ❖ To investigate grievances

- ❖ To act as advisors to those involved in grievances
- ❖ To serve on hearing panels for grievances
- ❖ To serve on appeal panels for grievances

EGP members also recommend proactive policies and serve in an educative role for the community. The President, in consultation with the Title IX Coordinator, appoints the panel, which reports to the Title IX Coordinator. EGP members receive annual training organized by the Title IX Coordinator including a review of University policies and procedures, so that they can provide accurate information to members of the community. All EGP members are required to attend this annual training.

#### The Equity Grievance Panel includes:

- ❖ One Chair
- ❖ One Administrative Hearing Officer who is an *ex officio* member and serves as Chair of grievance panel hearings for grievances involving student responding parties [Vice President for Student Affairs or designee]
- ❖ At least 1 member of the academic administration
- ❖ At least 3 members of the faculty
- ❖ At least 6 members of the staff
- ❖ At least 1 representative from Athletics

Panel members are usually appointed to three-year terms. Appointments to the EGP should be made with attention to representation of groups protected by the harassment and non-discrimination policy. Individuals who are interested in serving on the EGP are encouraged to contact the Title IX Coordinator.

## **Filing a Grievance**

Any member of the community, guest or visitor who believes that the policy on Equal Opportunity, Harassment and Nondiscrimination has been violated should contact the Title IX Coordinator or a member of the EGP. It is also possible for employees to notify a supervisor, or for students to notify an administrative advisor or faculty member, or any member of the community may contact Campus Public Safety. These individuals will in turn notify the Title IX Coordinator. The University website also includes a reporting form at <http://www.vanguard.edu/titleIX> which may serve to initiate a grievance.

All employees receiving reports of a potential violation of University policy are expected to promptly contact the Title IX Coordinator, within 24 hours of becoming aware of a report or incident. All initial contacts will be treated with the maximum possible privacy: specific information on any grievances received by any party will be reported to the Title IX Coordinator, but, subject to the University's obligation to redress violations, every effort will be made to maintain the privacy of those initiating a report of a grievance. In all cases, Vanguard will consider the party bringing a grievance with respect to how the grievance is pursued, but reserves the right, when necessary to protect the community, to investigate and pursue a resolution when an alleged victim chooses not to initiate or participate in a formal grievance.

## **Grievance Intake**

Following receipt of notice or a grievance, the Title IX Coordinator will communicate the process to the complainant. Normally, within two (2) business days, an initial determination is made whether a policy violation may have occurred and/or whether

conflict resolution might be appropriate. If the grievance does not appear to allege a policy violation or if conflict resolution is desired by the party bringing a grievance and appears appropriate given the nature of the alleged behavior, then the grievance does not proceed to investigation.

A full investigation will necessarily be pursued if there is evidence of a pattern of misconduct or a perceived threat of further harm to the community or any of its members. The University aims to complete all investigations within a sixty (60) calendar day period, which can be extended as necessary for appropriate cause by the Title IX Coordinator with notice to the parties.

### **Investigation**

If a party bringing a grievance wishes to pursue a formal grievance or if the University based on the alleged policy violation, wishes to pursue a formal grievance, then the Title IX Coordinator appoints EGP members to conduct the investigation, usually within two (2) business days of determining that a grievance should proceed. Investigation of grievances brought directly by those alleging harms should be completed expeditiously, normally within ten (10) business days of notice to the Title IX Coordinator. Investigation may take longer when initial grievances fail to provide direct firsthand information. The University may undertake a short delay (3-10 business days, to allow evidence collection) when criminal charges based on the same behaviors that invoke this process are being investigated.

University action will not 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. All investigations will be thorough, reliable and impartial, and will entail interviews with all relevant parties and witnesses, obtaining available evidence and identifying sources of expert information, if necessary.

### **Interim Remedies**

If, in the judgment of the Title IX Coordinator, the safety or well-being of any member(s) of the campus community may be jeopardized by the presence on-campus of the accused individual or the ongoing activity of a student organization whose behavior is in question, the Title IX Coordinator (or designee) may provide interim remedies intended to address the short-term effects of harassment, discrimination and/or retaliation, i.e., to redress harm to the alleged victim and the community and to prevent further violations. These remedies may include referral to counseling and health services or to the Employee Assistance Program, education to the community, altering the housing situation of an accused student or resident employee (or the complainant, if desired), altering work arrangements for employees, providing campus escorts, implementing contact limitations between the parties, offering adjustments to academic deadlines, course schedules, etc.

The University may interim suspend a student, employee or organization pending the completion of EGP investigation and procedures. In all cases in which an interim suspension is imposed, the student, employee or student organization will be given the opportunity to meet with the Title IX Coordinator prior to such suspension being imposed, or as soon thereafter as reasonably possible, to show cause why the suspension should

not be implemented. The Title IX Coordinator has sole discretion to implement or stay an interim suspension under the policy on Equal Opportunity, Harassment and Nondiscrimination, and to determine its conditions and duration. Violation of an interim suspension under this policy will be grounds for expulsion or termination.

During an interim suspension or administrative leave, a student or employee may be denied access to University housing and/or the University campus/facilities/events. As determined by the Title IX Coordinator or designee, this restriction includes classes and/or all other University activities or privileges for which the student might otherwise be eligible. At the discretion of the Title IX Coordinator or designee, alternative coursework options may be pursued to ensure as minimal an impact as possible on the accused student.

### **Grievance Resolution**

During or upon the completion of investigation, the investigators will meet with the Title IX Coordinator. Based on that meeting, the Title IX Coordinator will decide on whether there is reasonable cause to proceed with the grievance. If the Title IX Coordinator decides that no policy violation has occurred or that the preponderance of evidence (i.e., whether it is more likely than not that the respondent committed each alleged violation) does not support a finding of a policy violation, then the process will end unless the party bringing a grievance requests that the Title IX Coordinator makes an extraordinary determination to re-open the investigation or to forward the matter for a hearing. This decision lies in the sole discretion of the Title IX Coordinator. If there is reasonable cause, the Title IX Coordinator will direct the investigation to continue, or if there is a



preponderance of evidence of a violation, then the Title IX Coordinator may recommend conflict resolution, a resolution without a hearing or a formal hearing, based on the below criteria.

### **Conflict Resolution**

Conflict resolution is often used for less serious, yet inappropriate, behaviors and is encouraged as an alternative to the formal hearing process to resolve conflicts. The Title IX Coordinator will determine if conflict resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue and the susceptibility of the conduct to conflict resolution. In a conflict resolution meeting, an EGP member will facilitate a dialogue with the parties to an effective resolution, if possible. Sanctions are not possible as the result of a conflict resolution process, though the parties may agree to appropriate remedies. The Title IX Coordinator will keep records of any resolution that is reached, and failure to abide by the accord can result in appropriate responsive actions.

### **Resolution Without a Hearing**

Resolution without a hearing can be pursued for any behavior that falls within the policy on Equal Opportunity, Harassment and Nondiscrimination, at any time during the process. The Title IX Coordinator will provide written notification of a grievance to any member of the University community who is accused of an offense of harassment, discrimination, or retaliation. The Title IX Coordinator [together with the investigator(s)] will meet with the responding individual to explain the finding(s) of the investigation.

Once informed, the responding party may choose to admit responsibility for all or part of the alleged policy violations at any point in the process. If so, the Title IX Coordinator will render a finding that the individual is in violation of University policy for the admitted conduct and will normally proceed to convene a formal hearing on any remaining disputed violations. For admitted violations, the Chair of the EGP will recommend an appropriate sanction or responsive action. If the sanction/responsive action is accepted by both the party bringing a grievance and responding party, the Title IX Coordinator will implement it, and act promptly and effectively to remedy the effects of the admitted conduct upon the victim and the community. If either party rejects the sanction/responsive action, an EGP hearing will be held on the sanction/responsive action only, per the EGP procedures below, (except in the case of at-will employees for whom findings and responsive actions will be determined by the Sr. Director of Human Resources based on the results of the investigation).

### **Formal Hearing**

For any grievances that are not appropriate for conflict resolution and which are not resolved without a hearing, the Title IX Coordinator will initiate a formal hearing or for employees for whom no hearing process is available, will refer his/her findings to the Sr. Director of Human Resources for implementation.

### **Formal EGP Procedure-Hearing Panels**

The Title IX Coordinator will appoint a non-voting panel Chair (either one of the EGP co-chairs or the Administrative Hearing Officer, depending on whether the responding party is a faculty member, other employee, or student and three members of the EGP to the

hearing panel, none of whom have been previously involved with the grievance. EGP members who served as investigators will be witnesses in the hearing of the grievance and therefore may not serve as hearing panel members. Hearing panels may include both faculty and non-faculty employees. The panel will meet at times determined by the Chair.

### **Notification of Charges**

At least seven business days prior to the hearing, or as far in advance as is reasonably possible if an accelerated hearing is scheduled with the consent of the parties; the EGP Co-chair will send a letter to the parties with the following information. Once mailed, emailed and/or received in-person, notice will be presumptively delivered. The letter will contain:

- ❖ A description of the alleged violation(s), a description of the applicable procedures and a statement of the potential sanctions/responsive actions that could result.
- ❖ The time, date and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities. If any party does not appear at the scheduled hearing, the hearing will be held in their absence. For compelling reasons, the Co-chair may reschedule the hearing.
- ❖ The parties may have the assistance of an EGP panel member, or other advisor at the hearing. Typically, advisors are members of the campus community, but the Title IX Coordinator may grant permission for an outside advisor upon request. The advisor may be a practicing attorney only if they are acting in the capacity of advisor and not legal counsel. The parties may have only one advisor

present in the hearing room. The parties to the hearing are expected to ask and respond to questions on their own behalf, without representation by their advisor.

The advisor may consult with the advisee quietly or in writing, or outside the hearing during breaks, but may not speak on behalf of the advisee to the panel.

- ❖ Hearings for possible violations that occur near or after the end of an academic term will be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by the University and remain within the sixty (60) day goal for resolution.

### Hearing Procedures

EGP Hearings will be convened, usually within one to two weeks of the completion of the investigation and will be conducted in private. The EGP has the authority to hear all collateral misconduct, meaning that it hears all allegations of discrimination, harassment and retaliation, but also may hear any additional alleged policy violations that have occurred in concert with the discrimination, harassment or retaliation, even though those collateral allegations may not specifically fall within EGP jurisdiction. Accordingly, investigations should be conducted with as wide a scope as necessary.

Participants will include the non-voting Chair, the three members of the panel, the investigator(s) who conducted the investigation on the grievance, the party bringing a grievance and responding party(ies) (or three organizational representatives in a case where an organization is charged), advisors to the parties and any called witnesses. The Chair will exchange the names of witnesses the University intends to call, all pertinent documentary evidence and any written findings from the investigators between the

parties at least two business days prior to the hearing. In addition, the parties will be given a list of the names of each of the EGP panel members at least two business days in advance of the hearing. Should either (any) party object to any panelist, he/she must raise all objections, in writing, to the Chair immediately. Panel members will only be unseated if the Chair concludes that their bias precludes an impartial hearing of the grievance. Additionally, any panelist or Chair who feels he/she cannot make an objective determination must recuse himself or herself from the proceedings when notified of the identity of the parties and all witnesses in advance of the hearing.

The Chair, in consultation with the parties and investigators, may decide in advance of the hearing that certain witnesses do not need to be physically present if their testimony can be adequately summarized by the investigator(s) during the hearing. All parties will have ample opportunity to present facts and arguments in full and question all present witnesses during the hearing, though formal cross-examination is not used between the parties. If alternative questioning mechanisms are desired (screens, Skype, questions directed through the Chair, etc.), the parties should request them from the Chair at least two (2) business days prior to the hearing.

Once the procedures are explained and the participants are introduced, the investigator will present the report of the investigation first and be subject to questioning by the parties and the EGP. The investigator(s) will be present during the entire hearing process but will only be present during deliberations at the request of the Chair. The findings of the investigation 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. Once the investigator(s) is/are questioned, the EGP will permit questioning of and by the parties, and of any present witness. Questions may be directed through the panel at the discretion of the Chair.

Formal rules of evidence will not apply. Any evidence that the panel believes is relevant and credible may be considered, including history and pattern evidence. The Chair will address any evidentiary 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. The Chair 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.

Unless the Chair determines it is appropriate, no one will present information or raise questions concerning: (1) incidents not directly related to the possible violation, unless they show a pattern, or (2) the sexual history of or the character of the complainant/party bringing a grievance.

There will be no observers in the hearing. The Chair may allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the panel or the parties involved. The panel does not hear from character witnesses but will accept up to two letters supporting the character of the individuals involved.

In hearings involving more than one responding individual or in which two parties bringing



a grievance have accused the same individual of substantially similar conduct, the standard procedure will be to hear the grievances jointly; however, the Title IX Coordinator may permit the hearing pertinent to each responding party to be conducted separately. In joint hearings, separate determinations of responsibility will be made for each responding party. Proceedings are private. All persons present at any time during the hearing are expected to maintain the privacy of the proceedings, subject to University consequences for failure to do so. 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.

Hearings are recorded for purposes of review in the event of an appeal. EGP members, the parties and/or the persons who initiated the action and appropriate administrative officers of the University will be allowed to listen to the recording in a location determined by the Title IX Coordinator or designee. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator. Persons given access to the recording will be required to sign an agreement confirming that they will protect the privacy of the information contained in the recording

## **Decisions**

The EGP will deliberate in closed session to determine whether the responding party is responsible or not responsible for the violation(s) in question. The panel will base its determination on a preponderance of the evidence (i.e., whether it is more likely than not that the responding individual committed each alleged violation). If an individual responding party or organization is found responsible by the majority of the panel, the

panel will recommend appropriate sanctions to the Title IX Coordinator.

The Chair will prepare a written deliberation report and deliver it to the Title IX Coordinator, detailing the finding, how each member voted, the information cited by the panel in support of its recommendation and any information the hearing panel excluded from its consideration and why. The report should conclude with any recommended sanctions. This report should not exceed two (2) pages in length and must be submitted to the Title IX Coordinator within two (2) days of the end of deliberations.

The Title IX Coordinator will inform the responding individual and the party bringing a grievance of the final determination within 2-3 business days of the hearing, without significant time delay between notifications. Notification will be made in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in official University records; or emailed to the parties' University-issued email account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

## **Sanctions**

Sanctions or responsive actions will be determined by the EGP. Factors considered when determining a sanction/responsive action may include:

- ❖ **The nature, severity of, and circumstances surrounding the violation.**
- ❖ **An individual's disciplinary history.**
- ❖ **Previous grievances or allegations involving similar conduct**
- ❖ **Any other information deemed relevant by the EGP**

- ❖ The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment and/or retaliation.
- ❖ The need to remedy the effects of the discrimination, harassment and/or retaliation on the victim and the community.

## Student Sanctions

The following are the usual sanctions that may be imposed upon students or organizations singly or in combination:

- ❖ **Warning:** A formal statement that the behavior was unacceptable and a warning that further infractions of any University policy, procedure or directive will result in more severe sanctions/responsive actions.
- ❖ **Probation:** A written reprimand for violation of the Code of Student Conduct, providing for more severe disciplinary sanctions if the student or organization is found in violation of any University policy, procedure or directive within a specified period. Terms of the probation will be specified and may include denial of specified social privileges, exclusion from co-curricular activities, non-contact orders and/or other measures deemed appropriate.
- ❖ **Suspension:** Termination of student status for a definite period not to exceed two years, and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure at University. This sanction will be noted as a Conduct Suspension on the student's official transcript.
- ❖ **Expulsion:** Permanent termination of student status, revocation of rights

to be on campus for any reason or attend University-sponsored events. This sanction will be noted as a Conduct Expulsion on the student's official transcript.

- ❖ **Withholding Diploma:** The University may withhold a student's diploma for a specified period and/or deny a student participation in commencement activities if the student has a grievance pending, or as a sanction if the student is found responsible for an alleged violation.
- ❖ **Revocation of Degree:** The University reserves the right to revoke a degree awarded from the University for fraud, misrepresentation or other violation of University policies, procedures or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- ❖ **Organizational Sanctions:** Deactivation, de-recognition, loss of all privileges (including University registration), for a specified period.
- ❖ **Other Actions:** In addition to or in place of the above sanctions, the University may assign any other sanctions as deemed appropriate.

### **Employee Sanctions**

Responsive actions for an employee who has engaged in harassment, discrimination and/or retaliation include warning, required counseling, demotion, suspension with pay, suspension without pay and termination.

## **Withdrawal or Resignation While Charges Pending**

**Students:** The University does not permit a student to withdraw if that student has a grievance pending for violation of the policy on Equal Opportunity, Harassment and Nondiscrimination, or for charges under the Code of Student Conduct. Should a student decide to leave and not participate in the investigation and/or hearing, the process will nonetheless proceed in the student's absence to a reasonable resolution and that student will not be permitted to return to University unless all sanctions have been satisfied.

**Employees:** Should an employee resign while charges are pending, the records of the Title IX Coordinator will reflect that status, as will University responses to any future inquiries regarding employment references for that individual. The Title IX Coordinator will act to promptly and effectively remedy the effects of the conduct upon the victim and the community.

## **Appeals**

All requests for appeal considerations must be submitted in writing to the Title IX Coordinator within three (3) business days of the delivery of the written finding of the EGP.

A two-member panel of the EGP designated by the Title IX Coordinator who was not involved in the grievance previously will consider all appeal requests. Any party may appeal, but appeals are limited to the following:

- ❖ A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.).

To consider new evidence, unknown or unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.

- ❖ **The sanctions imposed are substantially disproportionate to the severity of the violation [or better: The sanctions fall outside the range of sanctions the University has designated for this offense].**

The appeals panel of the EGP will review the appeal request(s). The original finding and sanction/responsive actions will stand if the appeal is not timely or is not based on the grounds listed above, and such a decision is final. When any party requests an appeal, the other party (parties) will be notified and joined in the appeal. The party requesting appeal must show that the grounds for an appeal request have been met, and the other party or parties may show the grounds have not been met, or that additional grounds are met. The original finding and sanction are presumed to have been decided reasonably and appropriately.

Where the EGP appeals panel finds that at least one of the grounds is met, and proceeds, additional principles governing the hearing of appeals include the following:

- ❖ **Appeals decisions by the EGP panel are to be deferential to the original decision, making changes to the finding only where there is clear error and to the sanction/responsive action only if there is a compelling justification to do so.**
- ❖ **Appeals are not intended to be full rehearing's of the grievance. In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal.**



- ❖ Appeals granted based on new evidence should normally be remanded to the original hearing panel for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or heard by the three-member panel of the EGP.
- ❖ Sanctions imposed are implemented immediately unless the Title IX Coordinator or designee stays their implementation in extraordinary circumstances, pending the outcome of the appeal.

The Title IX Coordinator will normally, after conferring with the EGP appeals panel, render a written decision on the appeal to all parties within 2-3 business days from hearing of the appeal. All parties should be informed of whether the grounds for an appeal are accepted and the results of the appeal decision.

**Once an appeal is decided, the outcome is final; further appeals are not permitted.**

### Failure to Complete Sanctions/Comply with Responsive Actions

All responding parties are expected to comply with conduct sanctions/responsive/corrective actions within the time frame specified by the Title IX Coordinator. Failure to follow through on conduct sanctions/responsive/corrective actions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions/responsive/corrective actions and/or suspension, expulsion and/or termination from the University and may be noted on a student's official transcript. A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

## Records

In implementing this policy, records of all grievances, resolutions, and hearings will be kept by the Title IX Coordinator indefinitely in the Title IX Coordinator database.

## Statement of the Rights of a Party Bringing a Grievance

To be treated with respect by University officials.

- ❖ To take advantage of campus support resources (such as Counseling Center, the Office of Spiritual Formation and University Health Center for students, or EAP services for employees).
- ❖ To experience a safe living, educational and work environment.
- ❖ To have an advisor during this process.
- ❖ To refuse to have an allegation resolved through conflict resolution procedure

To receive amnesty for minor student misconduct (such as alcohol or drug violations) that is:

- ❖ To be free from retaliation
- ❖ To have grievances heard in substantial accordance with these procedures
- ❖ To full participation of the injured party in any EGP process whether the injured party is serving as the party bringing a grievance or the University is serving as party bringing a grievance.
- ❖ To be informed in writing of the outcome/resolution of the grievance, sanctions where permissible and the rationale for the outcome where permissible.
- ❖ Refer to law enforcement and have assistance.
- ❖ Housing and living accommodations.

- ❖ No contacts.

### Statement of the Rights of the Responding Party

To be treated with respect by University officials:

- ❖ To take advantage of campus support resources (such as Counseling & Psychological Services, the Spiritual Formation Office and University Health Center for students, or EAP services for employees)
- ❖ To have an advisor during this process.
- ❖ To refuse to have an allegation resolved through conflict resolution procedures.
- ❖ To have grievances heard in substantial accordance with these procedures.
- ❖ To be informed of the outcome/resolution of the grievance and the rationale for the outcome, in writing.

# RESOURCES

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## ON CAMPUS RESOURCES

### Campus Safety:

(714) 966-6799

### Director of Title IX:

(714) 662-5271

### Facility Services:

(714) 966-5431

### Human Resources:

(714) 662-5283

### IT Help Desk:

(714) 619-6500

### Residence Life:

(714) 662-5273

### Resident Director on Duty:

(714) 713-5089

## ON CAMPUS CONFIDENTIAL SUPPORT RESOURCES

### Counseling Center:

(714) 662-5256

### Health Center:

(714) 619-6471

### Associate Dean of Spiritual Formation:

(714) 662-5262

## LOCAL OFF CAMPUS RESOURCES

### Bakersfield Police Department

(661) 327-7111

### Costa Mesa Police Department:

(714) 754-5252

### Fullerton Police Department

(714) 738-6800

### Santa Ana Police Department

(714) 245-8665

### OC Fire Authority

(714) 573-6000

### Community Service Programs:

(949) 250-4058 ext. 264

### Orange County Rape Crisis Center:

(714) 957-2737 or (949)  
831-9100

### Victim Assistance Programs:

(949) 250-4058 ext.322

### Rape Crisis Hotline:

(714) 836-7400

### Domestic Abuse Hotline:

(714) 891-8121 or (800)  
978-3600

### National Sexual Assault Hotline

(800) 656-4673

## MEDICAL

### Hoag Hospital

(949) 764-4624

### Kaiser Medical Hospital for Emergencies

(949) 932-5000

## IN CASE OF EMERGENCY

911