



**California Institute of
Advanced Management**

CELEBRATING 10 YEARS OF ACADEMIC EXCELLENCE

Title IX Sex Discrimination and Sexual Harassment Policy



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Introduction and Scope of Policy

The California Institute of Advanced Management (“CIAM” or the “University”) complies with Title IX of the Education Amendments of 1972 (“Title IX”), which prohibits sex discrimination in education programs and activities receiving federal financial assistance. The purpose of this Sex Discrimination and Sexual Harassment Policy (the “Policy”) is to define the prohibited conduct, describe the process for reporting violations of this Policy and for filing Formal Complaints, outline the process used to investigate and adjudicate alleged violations of this Policy, and identify the resources available to Complainants and Respondents.

The University strives to meet all the requirements defined by Title IX, the Campus Sexual Violence Elimination (SaVE) Act, the Clery Act and the re-authorized Violence Against Women Act (VAWA). This Policy prohibits sex discrimination in accordance with Title IX. This Policy further prohibits sexual harassment (“Sexual Harassment”), as defined by current regulations to include certain gender-based harassment, sexual assault, dating violence, domestic violence, and stalking, when such Sexual Harassment occurs within an “education program or activity” of the College, against a person in the United States. An “education program or activity” includes locations, events, or circumstances over which CIAM exercises substantial control over both the Respondent and the context in which the Sexual Harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by CIAM. This Policy also prohibits retaliation against any person for exercising any right or privilege under this Policy, or because the individual has made a report or complaint, testified, assisted or participated in an investigation, proceeding or hearing under this Policy.

Conduct that occurs outside of the United States or conduct that occurs in an activity not sanctioned as an academic, educational, extra-curricular, or other University program and activity may be addressed via other University policies. Accordingly, the University will investigate all complaints regardless of where the alleged conduct occurs to determine if it should be addressed by this Policy or another University policy. Conduct that does not fall under this Policy can still be addressed through CIAM’s other University policies and disciplinary processes.

The University will not tolerate violations of this Policy on the part of any employee, student, vendor, or other individuals. Should the University become aware that any contractor, vendor, partner, or other affiliate engages in a violation of this Policy, appropriate action up to and including termination of the contractual business relationship may occur. Compliance with this Policy will be strictly enforced and violations will be dealt with in accordance with the appropriate employee or student disciplinary policy and procedure.

Role of the Title IX Coordinator

As described further below, the University has designated a Title IX Coordinator and Deputy Title IX Coordinator to coordinate compliance with this Policy. Inquiries about Title IX may be referred to either of these individuals, the U.S. Department of Education’s Office for Civil Rights, or both. The University Title IX Coordinator is the designated individual to conduct or oversee formal investigation of allegations of discrimination or sexual misconduct, and to coordinate University response(s) to complaints of the same. The Title IX Coordinator may designate a Title IX Investigator to conduct investigations.

Neither the Title IX Coordinator, Deputy Title IX Coordinator, nor any individuals designated to serve

as an investigator, decision-maker, or informal resolution facilitator shall have a bias or conflict of interest for or against Complainants or Respondents generally or an individual Complainant or Respondent.

Title IX personnel (inclusive of the Title IX Coordinator, the Deputy IX Coordinator, and University Administrators who are involved in Title IX proceedings) will participate in annual comprehensive, trauma-informed training programs for campus officials involved in investigating and adjudicating sexual assault, domestic violence, dating violence, and stalking cases training specific to their role. The individual in charge of conducting the investigation shall receive a minimum of annual training on issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct the investigation and hearing process that protects the safety of victims and promotes accountability in a trauma informed manner. Decision-makers and investigators will receive training so that they understand the concept of relevance, the proper conduct of an investigation and the grievance process generally, including hearings, appeals, the drafting factual reports, as well as the conduct of informal resolution processes. Training will also be provided on how to serve impartially, including by avoiding prejudgment of the facts at issue and how to avoid both actual and the appearance of conflicts of interest, and bias. Title IX training materials will be available on the Title IX Office. Documentation of training completion for Title IX personnel is maintained by the Title IX Coordinator.

If you are a student or employee who feels any individual has violated this Policy, you should report complaints (knowing that it will be in confidence, to the extent reasonably possible, and without reprisal or retaliation) to the University Title IX Coordinator or Deputy Title IX Coordinator:

Claudia Sarabia, Title IX Coordinator

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Definitions

Actual Knowledge means notice of Sexual Harassment or allegations of Sexual Harassment to the Title IX Coordinator or Deputy Title IX Coordinator as defined herein. However, CIAM is not deemed to have actual knowledge when the only official or employee with actual knowledge is the Respondent.

Child Abuse means willfully inflicting on a child “cruel or inhuman corporal punishment or an injury resulting in a traumatic condition.”

Coercion means the use of express or implied threats, intimidation, or physical force which places an individual in reasonable fear of immediate harm or physical injury. “Complainant” means an individual who is alleged to be the victim of conduct that could constitute Sexual Harassment.

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Consent means mutually understandable words and/or actions that clearly indicate a willingness to engage in a specific sexual activity. Consent to engage in sexual activity must exist from beginning to end of each instance of sexual activity. Silence alone, without actions evidencing permission, does not demonstrate consent. While consent may be expressed by words or by actions, it is highly recommended that consent be expressed and obtained verbally. Non-verbal consent expressed through actions may lead to confusion and potential for misunderstandings, which may lead to a violation of this Policy. It is the responsibility of the initiator of any sexual activity to obtain their partner's consent. An individual's use of alcohol or drugs does not diminish that individual's responsibility to obtain consent if that individual is the one who initiates sexual activity. Consent must be knowing and voluntary. To give consent, a person must be of age in this state. Assent does not constitute consent if obtained through "coercion" or from an individual whom the respondent knows or reasonably should know is "incapacitated". Consent to engage in sexual activity may be withdrawn by any person at any time. Once withdrawal of consent has been expressed, the sexual activity must cease immediately. Consent is automatically withdrawn by a person who is no longer capable of giving consent due to incapacitation. A current or previous consensual dating or sexual relationship between the Parties does not itself imply consent or preclude a finding of responsibility under this Policy.

Dating Violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. It includes sexual or physical abuse or the threat of such abuse. It does not include acts covered under domestic violence.

Domestic Violence is a crime of violence committed by a current or former spouse or intimate partner of the complainant. Intimate partners refer to relationships between spouses, former spouses, past or present unmarried couples, or persons who are both the parents of the same child regardless of whether the persons have been married or have lived together at any time. Other relationships may fall under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or by any other person against an adult or youth complainant who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Formal Complaint means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the University investigate the allegation of sexual harassment. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the University. A Formal Complaint may be filed with the Title IX Coordinator or Deputy Title IX Coordinator in person, by mail, or by email. As used in this definition, the phrase "document filed by a Complainant" means a document or electronic submission that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint.

Grievance process means the process during which the University will investigate complaints alleged to have violated this Policy.

Incapacitation is the physical and/or mental inability to make informed, rational judgments. States of incapacitation include but are not limited to unconsciousness, sleep, and blackouts. Where alcohol or drugs are involved, incapacitation is defined with respect to how the alcohol or other drugs consumed affects a person's decision-making capacity, awareness of consequences, and ability to make fully informed judgments. Being intoxicated by drugs or alcohol does not diminish one's responsibility to obtain consent. The factors to be considered when determining whether consent was given include whether the respondent knew, or whether a reasonable person should have known, that the complainant was incapacitated.

Party or Parties means a Complainant or Respondent, or Complainant(s) and Respondent(s) collectively.

Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.

Retaliation means intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege under this Policy. Retaliation may be directed against a Party, or against anyone who participates in any process under this Policy. However, charging an individual with a University Policy violation for making a materially false statement in bad faith in the course of a grievance proceeding under this Policy does not constitute retaliation under this Policy. A determination regarding responsibility, alone, will not be sufficient to conclude that any Party made a materially false statement in bad faith. Notwithstanding this definition of retaliation, the exercise of rights protected under the First Amendment of the U.S. Constitution does not constitute retaliation under this Policy. A person engaged in retaliatory conduct is subject to the disciplinary sanctions under this Policy. For students, this may include but is not limited to denial of certain privileges, disciplinary probation, suspension, and/or expulsion. For employees, this may include but is not limited to warnings, suspensions, and/or termination. CIAM will consider interim measures in response to retaliation-related concerns in order to stop prohibited conduct and its recurrence. In some instances, this may lead to the removal of the person accused of retaliation from campus pending resolution of the matter.

Sex Discrimination means gender-based harassment, sexual assault, sexual violence, or sexual misconduct.

Sexual Assault Any person who knowingly inflicts sexual intrusion or sexual penetration on a victim commits sexual assault if:

- It occurs when sexual activity is engaged without the consent of one party or when one party is unable to consent to the activity.
- The activity or conduct may include physical force, violence, threat, or intimidation, ignoring the objections of the other person,
- Causing the other person's intoxication or incapacitation through the use of drugs or alcohol,
- Or taking advantage of the other person's incapacitation (including voluntary intoxication).

Sexual Exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for his or her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other Sexual or Gender Based Misconduct/Harassment offenses.

Sexual Harassment means conduct on the basis of sex that also satisfies one or more of the following: (1) employee conditioning the provision of an aid, benefit or service of the University on an individual's participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the University's education program or activity; or (3) sexual assault (which includes dating violence, domestic violence and stalking, as defined herein).

Sexual Violence is defined as physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. Several different acts fall into the category of sexual violence, including, rape, sexual assault, sexual battery, sexual abuse, and sexual coercion, domestic violence, dating violence, and/or stalking. Sexual violence can be carried out by University employees, other students, or third parties. All such acts of sexual violence are forms of sex discrimination prohibited by Title IX.

Stalking is behavior in which a person repeatedly engages in conduct directed at a specific person that places that person in reasonable fear of their safety or the safety of others, or that would cause a reasonable person to suffer substantial emotional distress.

Supportive Measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the University's program or activity without unreasonably burdening the other Party, including measures designed to protect the safety of all Parties or the University's educational environment, or deter sexual harassment. Supportive Measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the Parties, changes in work or housing locations, leaves of absence, increased security, and monitoring of certain areas of the campus, and other similar measures. The University will maintain as confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the University's ability to provide the Supportive Measures. The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures.

Applicable Law and California Penal Code Definitions

In compliance with California State law, all University employees and students are given a copy of the Department of Fair Employment and Housing's pamphlet (DFEH-185) entitled "Sexual Harassment: The Facts About Sexual Harassment."

The following definitions reflect California state law and may be different from the federal definitions above. The federal definitions are used for purposes of reporting crime statistics as mandated by the Clery Act as amended by VAWA. It is important to be aware of state law definitions that govern criminal proceedings.

Dating Violence - Included within the definition of domestic violence as set forth in California Penal Code § 13700.

Domestic Violence California Penal Code Section § 13700 (relevant excerpts)

- (a) “Abuse” means intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another
- (b) “Domestic violence” means abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship. For purposes of this subdivision, “cohabitant” means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to,
 - (1) sexual relations between the parties while sharing the same living quarters,
 - (2) sharing of income or expenses,
 - (3) joint use or ownership of property,
 - (4) whether the parties hold themselves out as spouses,
 - (5) the continuity of the relationship, and
 - (6) the length of the relationship.

Sexual Assault (Defined under the Clery Act to be an offense that meets the definition of rape, fondling, incest, or statutory rape)

Rape California Penal Code Section § 261 (relevant excerpts)

- (a) Rape is an act of sexual intercourse accomplished under any of the following circumstances:
 - (1) If a person who is not the spouse of the person committing the act is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent. This paragraph does not preclude the prosecution of the spouse committing the act from being prosecuted under any other paragraph of this subdivision or any other law.
 - (2) If it is accomplished against a person’s will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.
 - (3) If a person is prevented from resisting by any intoxicating or anesthetic substance, or a controlled substance, and this condition was known, or reasonably should have been known by the accused.
 - (4) If a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, “unconscious of the nature of the act” means

incapable of resisting because the victim meets any one of the following conditions:

- (A) Was unconscious or asleep.
 - (B) Was not aware, knowing, perceiving, or cognizant that the act occurred.
 - (C) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.
 - (D) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.
- (5) If a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.
- (6) If the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.
- (7) If the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.
- (b) For the purposes of this section, the following definitions apply:
- (1) "Duress" means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed, or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and the victim's relationship to the defendant, are factors to consider in appraising the existence of duress.
 - (2) "Menace" means any threat, declaration, or act which shows an intention to inflict an injury upon another.

Fondling (Sexual Battery) California Penal Code Section § 243.4.

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

- (b) Any person who touches an intimate part of another person who is institutionalized for medical treatment and who is seriously disabled or medically incapacitated, if the touching is against the will of the person touched, and if the touching is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).
- (c) Any person who touches an intimate part of another person for the purpose of sexual arousal, sexual gratification, or sexual abuse, and the victim is at the time unconscious of the nature of the act because the perpetrator fraudulently represented that the touching served a professional purpose, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).
- (d) Any person who, for the purpose of sexual arousal, sexual gratification, or sexual abuse, causes another, against that person's will while that person is unlawfully restrained either by the accused or an accomplice, or is institutionalized for medical treatment and is seriously disabled or medically incapacitated, to masturbate or touch an intimate part of either of those persons or a third person, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).
- (e) (1) Any person who touches an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse, or any who, for the purpose of sexual arousal, sexual gratification, or sexual abuse, causes another, against that person's will, to masturbate or touch an intimate part of either of those persons or a third person, is guilty of misdemeanor sexual battery, punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. However, if the defendant was an employer and the victim was an employee of the defendant, the misdemeanor sexual battery shall be punishable by a fine not exceeding three thousand dollars (\$3,000), by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. Notwithstanding any other provision of law, any amount of a fine above two thousand dollars (\$2,000) which is collected from a defendant for a violation of this subdivision shall be transmitted to the State Treasury and, upon appropriation by the Legislature, distributed to the Civil Rights Department for the purpose of enforcement of the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), including, but not limited to, laws that proscribe sexual harassment in places of employment. However, in no event shall an amount over two thousand dollars (\$2,000) be transmitted to the State Treasury until all fines, including any restitution fines that may have been imposed upon the defendant, have been paid in full.

(2) As used in this subdivision, "touches" means physical contact with another person,

whether accomplished directly, through the clothing of the person committing the offense, or through the clothing of the victim.

- (f) As used in subdivisions (a), (b), (c), and (d), “touches” means physical contact with the skin of another person whether accomplished directly or through the clothing of the person committing the offense.
- (g) As used in this section, the following terms have the following meanings:
 - (1) “Intimate part” means the sexual organ, anus, groin, or buttocks of any person, and the breast of a female.
 - (2) “Sexual battery” does not include the crimes defined in Section 261 or 289.
 - (3) “Seriously disabled” means a person with severe physical or sensory disabilities.
 - (4) “Medically incapacitated” means a person who is incapacitated as a result of prescribed sedatives, anesthesia, or other medication.
 - (5) “Institutionalized” means a person who is located voluntarily or involuntarily in a hospital, medical treatment facility, nursing home, acute care facility, or mental hospital.
 - (6) “Minor” means a person under 18 years of age.
- (h) This section does not limit or prevent prosecution under any other law which also proscribes a course of conduct that also is proscribed by this section.
- (i) In the case of a felony conviction for a violation of this section, the fact that the defendant was an employer and the victim was an employee of the defendant shall be a factor in aggravation in sentencing.
- (j) A person who commits a violation of subdivision (a), (b), (c), or (d) against a minor when the person has a prior felony conviction for a violation of this section shall be guilty of a felony, punishable by imprisonment in the state prison for two, three, or four years and a fine not exceeding ten thousand dollars (\$10,000).

Incest California Penal Code Section § 285

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

Statutory Rape California Penal Code Section § 261.5

- (a) Unlawful sexual intercourse is an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator, if the person is a minor. For the purposes of this section, a “minor” is a person under 18 years of age and an “adult” is a person who is 18 years of age or older.
- (b) Any person who engages in an act of unlawful sexual intercourse with a minor who is not more than three years older or three years younger than the perpetrator, is guilty of a misdemeanor.
- (c) Any person who engages in an act of unlawful sexual intercourse with a minor who is more than three years younger than the perpetrator is guilty of either a misdemeanor or a felony

and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170.

- (d) Any person 21 years of age or older who engages in an act of unlawful sexual intercourse with a minor who is under 16 years of age is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.
- (e) (1) Notwithstanding any other provision of this section, an adult who engages in an act of sexual intercourse with a minor in violation of this section may be liable for civil penalties in the following amounts:
 - (A) An adult who engages in an act of unlawful sexual intercourse with a minor less than two years younger than the adult is liable for a civil penalty not to exceed two thousand dollars (\$2,000).
 - (B) An adult who engages in an act of unlawful sexual intercourse with a minor at least two years younger than the adult is liable for a civil penalty not to exceed five thousand dollars (\$5,000).
 - (C) An adult who engages in an act of unlawful sexual intercourse with a minor at least three years younger than the adult is liable for a civil penalty not to exceed ten thousand dollars (\$10,000).
 - (D) An adult over the age of 21 years who engages in an act of unlawful sexual intercourse with a minor under 16 years of age is liable for a civil penalty not to exceed twenty-five thousand dollars (\$25,000).
- (2) The district attorney may bring actions to recover civil penalties pursuant to this subdivision. From the amounts collected for each case, an amount equal to the costs of pursuing the action shall be deposited with the treasurer of the county in which the judgment was entered, and the remainder shall be deposited in the Underage Pregnancy Prevention Fund, which is hereby created in the State Treasury. Amounts deposited in the Underage Pregnancy Prevention Fund may be used only for the purpose of preventing underage pregnancy upon appropriation by the Legislature.
- (3) In addition to any punishment imposed under this section, the judge may assess a fine not to exceed seventy dollars (\$70) against any person who violates this section with the proceeds of this fine to be used in accordance with Section 1463.23. The court shall, however, take into consideration the defendant's ability to pay, and no defendant shall be denied probation because of his or her inability to pay the fine permitted under this subdivision.

Stalking California Penal Code Section § 646.9

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

- (b) Any person who violates subdivision (a) when there is a temporary restraining order, injunction, or any other court order in effect prohibiting the behavior described in subdivision (a) against the same party, shall be punished by imprisonment in the state prison for two, three, or four years.
- (c) (1) Every person who, after having been convicted of a felony under Section 273.5, 273.6, or 422, commits a violation of subdivision (a) shall be punished by imprisonment in a county jail for not more than one year, or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment, or by imprisonment in the state prison for two, three, or five years.

(2) Every person who, after having been convicted of a felony under subdivision (a), commits a violation of this section shall be punished by imprisonment in the state prison for two, three, or five years.
- (d) In addition to the penalties provided in this section, the sentencing court may order a person convicted of a felony under this section to register as a sex offender pursuant to Section 290.006.
- (e) For the purposes of this section, “harasses” means engages in a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, torments, or terrorizes the person, and that serves no legitimate purpose.
- (f) For the purposes of this section, “course of conduct” means two or more acts occurring over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of “course of conduct.”
- (g) For the purposes of this section, “credible threat” means a verbal or written threat, including that performed through the use of an electronic communication device, or a threat implied by a pattern of conduct or a combination of verbal, written, or electronically communicated statements and conduct, made with the intent to place the person that is the target of the threat in reasonable fear for their safety or the safety of their family, and made with the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for their safety or the safety of their family. It is not necessary to prove that the defendant had the intent to actually carry out the threat. The present incarceration of a person making the threat shall not be a bar to prosecution under this section. Constitutionally protected activity is not included within the meaning of “credible threat.”
- (h) For purposes of this section, the term “electronic communication device” includes, but is not limited to, telephones, cellular phones, computers, video recorders, fax machines, or pagers. “Electronic communication” has the same meaning as the term defined in Subsection 12 of Section 2510 of Title 18 of the United States Code.
- (i) This section shall not apply to conduct that occurs during labor picketing.
- (j) If probation is granted, or the execution or imposition of a sentence is suspended, for any person convicted under this section, it shall be a condition of probation that the person participate in counseling, as designated by the court. However, the court, upon a showing of good cause, may find that the counseling requirement shall not be imposed.

- (k) (1) The sentencing court also shall consider issuing an order restraining the defendant from any contact with the victim, that may be valid for up to 10 years, as determined by the court. It is the intent of the Legislature that the length of any restraining order be based upon the seriousness of the facts before the court, the probability of future violations, the safety of the victim and their immediate family, and the information provided to the court pursuant to Section 273.75.

(2) This protective order may be issued by the court whether the defendant is sentenced to state prison, county jail, or if imposition of sentence is suspended and the defendant is placed on probation.
- (l) For purposes of this section, “immediate family” means any spouse, parent, child, any person related by consanguinity or affinity within the second degree, or any other person who regularly resides in the household, or who, within the prior six months, regularly resided in the household.
- (m) The court shall consider whether the defendant would benefit from treatment pursuant to Section 2684. If it is determined to be appropriate, the court shall recommend that the Department of Corrections and Rehabilitation make a certification as provided in Section 2684. Upon the certification, the defendant shall be evaluated and transferred to the appropriate hospital for treatment pursuant to Section 2684.

Consent California Penal Code Section 261.6

- (a) In prosecutions under Section 261, 286, 287, or 289, or former Section 262 or 288a, in which consent is at issue, “consent” means positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved.
- (b) A current or previous dating or marital relationship shall not be sufficient to constitute consent if consent is at issue in a prosecution under Section 261, 286, 287, or 289, or former Section 262 or 288a.
- (c) This section shall not affect the admissibility of evidence or the burden of proof on the issue of consent.

Sexual Assault Prevention Programs and Publications

The University provides programs to promote the prevention and awareness of sexual violence, sexual assault, domestic and/or dating violence, stalking, sexual exploitation, awareness of rape, acquaintance rape, and other sexual misconduct offences are provided in order to promote a safe living and learning environment.

These programs will include, but are not limited to, education about the definition of consent, consensual relationships, options for bystander intervention, how to avoid potential attack, trauma-informed approaches, risk reduction to recognize warning signs of abusive behavior, and risk reduction awareness information. These programs promote behaviors that foster healthy and respectful relationships while also encouraging a safe environment for bystanders to intervene in a potential case of Sexual Violence.

University sexual assault prevention programs include on-line presentations on prevention, awareness, and response. Resource information is also available in Student Success and on the CIAM Website.

The University has numerous primary prevention and awareness programs that include the distribution of educational materials to new students and new employees at such events as New Student Orientation, and New Employee orientations held throughout the year.

Employee Focused Primary and On-Going Outreach/Prevention Programming

At CIAM, Human Resources hosts a New Hire Orientation for new employees and provides an overview of multiple policies, including addressing Harassment & Discrimination and reporting sexual and gender misconduct issues to University Title IX officers. In addition, all employees must complete annual training on Preventing Harassment & Discrimination for Higher Education. The course content also helps postsecondary institutions comply with the employee training requirements of Title IX and the Campus Sexual Violence Elimination Act (Campus SaVE Act). This course also provides state-specific legal definitions of sexual violence, and describes victim protections, bystander intervention strategies, and school disciplinary proceedings. Employees are trained to:

- Identify the factors that contribute to a safe and healthy campus community.
- Understand rights and responsibilities under Title IX.
- Recognize different forms of sexual harassment/assault, dating/domestic violence, and stalking that are common in a college environment.
- Identify safe, positive, and effective responses, and intervention options applicable to people experiencing sexual and relationship violence.
- Practice empathetic and active listening to someone who has experienced sexual or relationship harassment or violence.
- Understand reporting options and disciplinary proceedings for sexual and relationship misconduct.

In addition, the Employee Assistance Program provides comprehensive prevention and support resources that are available through the Human Resources Office. Examples of articles, videos, and online seminars related to safety and security include:

- Preventing Sexual Harassment in the Workplace
- What is Sexual Harassment?
- Dealing with Domestic Abuse
- What Is Domestic Abuse?
- Recognizing Domestic Violence
- Sexual Assault

Student Focused Primary and On-Going Outreach/ Prevention Programming

All incoming students, at the time they sign their enrollment agreement receive a link to the University Catalog which includes policies and procedures on Student Conduct, Student Grievance, Conduct and Appeals, and Safety. Within the University catalog is a link to the full Annual Security and Safety Report which encompasses information regarding Campus, Criminal, and Civil Consequences of Committing Acts of Sexual Violence, Bystander Intervention Techniques, Confidentiality of Reports of Sexual or Gender Based Misconduct/Harassment of Dating Violence and Stalking, Amnesty, Reporting Options including Reporting to University or Local Police and How and Where to File a Formal Complaint, Supportive Measures, Sexual Assault and Domestic Violence Counselors and Advocates and the University's Investigation and Complaint Resolution process. The policy also includes definitions of Sexual Harassment, Sexual Misconduct, Sexual Assault, Sexual Exploitation, Sexual Violence, Affirmative Consent, Dating Violence, Domestic Violence, and Stalking. In August of each year, all current students and employees receive an email with the annual notice of the University Catalog and embedded policies. The Annual Campus Security and Safety Report is distributed each year by October 1st.

CIAM communicates to its new incoming students that they are required to attend New Student Orientation, during which they receive information from the Office of the Director of Student Success regarding the University Title IX policy prohibiting sexual harassment, sexual misconduct, dating and domestic violence, and stalking, examples of acts which may constitute sexual violence and links to on and off campus resources, how to file a Title IX complaint, and a description of victim's rights and options. The New Student Orientation also covers campus safety topics including Crime preventing/reporting, Medical emergencies, and Safety.

CIAM requires the completion of a mandatory online course for new incoming students. This course provides practical training for identifying, reporting, and preventing campus sexual violence, as well as assisting victims of sexual assault. Interactive case studies and videos provide engaging educational content that explains how to respond to known or suspected sexual violence, which includes sexual assault, acquaintance rape, dating violence, domestic violence, and stalking. Many interactions are based on real cases that teach important concepts to help create a safe campus community and create a culture that prohibits and does not tolerate sexual violence. The course teaches students valuable skills for assisting victims and survivors of sexual violence and reporting sexual violence and addresses common facts and myths about the causes of sexual violence. The course content also helps postsecondary institutions comply with the training requirements of Title IX and the Campus Sexual Violence Elimination Act (Campus SaVE Act). This course also provides state-specific legal definitions of sexual violence, and describes victim protections, bystander intervention strategies, and University disciplinary proceedings.

Bystander Intervention Techniques

Bystander intervention is when someone chooses to take action when witnessing an uncomfortable situation. It encompasses safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking.

- Direct – You can be direct when confronting a situation where someone else is being harmed or at risk of being harmed. In the case of witnessing a fight, the direct approach might involve asking the students who were fighting if everything is alright, or asking the other students in

the room if they are as uncomfortable with the situation as you were.

- Distract – In a situation that involves more than one person, you can also distract one or both people involved. In a fight, this can allow people to cool off, and in cases of sexual violence, it can create an opportunity for the potential victim to get away. The goal of distraction is to interrupt the harmful behavior, not necessarily to confront it.
- Delegate – You can delegate the task by looking for people to back you up when it's time to intervene. Depending on the situation, that could mean asking for help from fellow partygoers when you witness a fight or see sexual violence. Delegating is great because it can create a shared sense of responsibility among community members.
- Delay – If the first 3 Ds don't work for you or your situation, you can also use a delayed response, such as following up and asking if someone is okay after the fact. The important thing is to show your fellow students that you care and are there to support them.

Warning Signs of Abusive Behavior

Domestic violence (also referred to as intimate partner violence (IPV), dating abuse, or relationship abuse) is a pattern of behaviors used by one partner to maintain power and control over another partner in an intimate relationship.

Domestic violence doesn't discriminate. People of any race, age, gender, sexuality, religion, education level, or economic status can be a victim – or perpetrator – of domestic violence. That includes behaviors that physically harm, intimidate, manipulate, or control a partner, or otherwise force them to behave in ways they don't want to, including through physical violence, threats, emotional abuse, or financial control.

Common signs of abusive behavior in a partner include:

- Telling you that you never do anything right.
- Showing extreme jealousy of your friends or time spent away from them.
- Preventing or discouraging you from spending time with friends, family members, or peers.
- Insulting, demeaning, or shaming you, especially in front of other people.
- Preventing you from making your own decisions, including about working or attending school.
- Controlling finances in the household without discussion, including taking your money or refusing to provide money for necessary expenses.
- Pressuring you to have sex or perform sexual acts you're not comfortable with.
- Pressuring you to use drugs or alcohol.
- Intimidating you through threatening looks or actions.
- Insulting your parenting or threatening to harm or take away your children or pets.
- Intimidating you with weapons like guns, knives, bats, or mace.
- Destroying your belongings or your home. Adapted from <https://www.thehotline.org>

If you are being abused or suspect that someone you know is being abused, speak up or intervene.

- Get help by contacting the Student Assistance Program (students) or Employee Assistance Program (employees) for support services including free and confidential critical counseling services.
- Learn how to look for “red flags” in relationships so you can learn to avoid some of those characteristics in future partners.
- Consider making a report with the local municipal Police Department and/or the University Title IX coordinator and ask for a “no contact” directive from the University to prevent future contact.

Notice Pursuant to the Campus Sex Crimes Prevention Act (CSCPA)

In accordance with the Campus Sex Crimes Prevention Act (CSCPA), California’s Megan’s Law and in conjunction with the police department jurisdictions in which CIAM’s California campuses are located, this policy will be the guiding factor in notifying the CIAM community of registered sex offenders associated with the University.

All persons required to register with a local law enforcement agency as a sex offender, according to California Penal Code Section 290, who enroll in class, work, or make deliveries on the CIAM campus 30 days or more in one year, must register at the relevant Police Department as being associated with CIAM International University.

The police department will evaluate the classification of the offender according to California’s Megan’s Law. If the offender fits into a category of a High-Risk Sex Offender or Serious Sex Offender, the police department is supposed to inform the University of the registration.

Per CSCPA and California’s Megan’s Law, CIAM will then notify the campus community of the sex offender’s registration. This notification will include the name of the offender and may include a photo and a summary of the offender and prior convictions. CIAM will make an effort to contact and inform the offender of the intent to notify the community before notification is made. Notification to the community may be made by using copies of flyers supplied by the police department, flyers developed by the University, campus wide email, flyers in campus mailboxes, or establishing a web page on CIAM’s intranet.

The purpose of the notification is not to cause undue hardship to a student seeking an education at CIAM or to create a hostile work environment. The purpose of this policy is to keep the University community informed for their safety, and to comply with local and federal law.

Any member of the CIAM community who wishes to obtain further information regarding sexual offender/predators in the area of our campuses may refer to the State of California Attorney General website at: www.meganslaw.ca.gov

Consensual Relationships

Staff, faculty, and administrators are not to engage in sexual relationships with students, whether consensual or otherwise. Supervisors are not to engage in sexual relationships, whether consensual or otherwise, with those staff who report to them, directly or indirectly.

Making a Report

The University strongly encourages individuals affected by sex discrimination, sexual harassment, and sexual assault (including dating violence, domestic violence, and stalking) to report all such incidents and obtain support services. Although the University does not limit the time frame for reporting allegations or for filing a Formal Complaint under this Policy, the University can most effectively respond to allegations of sex discrimination, sexual harassment and sexual assault if a report is made as promptly as possible after the alleged violence or misconduct occurs. CIAM community members who have experienced sexual or gender-based misconduct/harassment or are aware of incidents of sexual misconduct experienced by other University members are encouraged to make an immediate report to the University Title IX Coordinator or Deputy Title IX Coordinator.

Any person may report Sex Discrimination, including Sexual Harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or Sexual Harassment), or Retaliation under this Policy using the contact information listed for the Title IX Coordinator and Deputy Title IX Coordinator above by any means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator and Deputy Title IX Coordinator.

A Complainant is not required to report to law enforcement to receive assistance from the University. University personnel will help the student or employee contact local police authorities in the event the student or employee has not done so already if the student or employee wishes to do so.

The Title IX Coordinator or Deputy Title IX Coordinator is responsible for investigating complaints of Gender Discrimination, Harassment and Retaliation, including Sex Discrimination and Sexual Harassment, as well as complaints of Sexual Misconduct, Domestic and Dating Violence, and Stalking. The University utilizes trauma informed victim interview protocols for the preliminary victim interview and comprehensive follow-up interviews as appropriate.

Inquiries or complaints regarding the application of Title IX and its implementing regulations may also be filed with the Office of Civil Rights (U.S. Department of Education), and/or with law enforcement.

Upon receiving a report of sexual harassment, the Title IX Coordinator shall:

1. promptly contact the Complainant to discuss the availability of Supportive Measures;
2. consider the Complainant's wishes with respect to Supportive Measures;
3. inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint;
4. explain to the Complainant the process for filing a Formal Complaint; and
5. Confirm the method and manner for which the Complainant desires to receive official notices and information for the duration of proceedings related to a report under this policy.

Campus Resources

The following people are available to help you cope if you become the victim of a sexual assault:

- Campus Safety: 626-350-2211
- Student Advisors
Luke Stuard, Student Advisor
626-350-1500 ext. 117
luke.stuard@ciam.edu
- Ted Von Heiland, Student Advisor
626-350-1500 ext. 122
Ted.vonheiland@ciam.edu
- Campus Directors
Melissa Valle, Director of Student Success
626-350-1500 ext. 106
melissa.valle@ciam.edu

Jack Paduntin, Provost
jack.paduntin@ciam.edu
626-350-1500 ext. 131

Off-Campus Resources

Persons impacted by sexual or gender-based misconduct/harassment may feel anxious, frightened, depressed, or angry and may be fearful, restless, or irritated. They may be experiencing difficulties in relationships with family members and friends and in dating. Talking with a counselor who understands rape and can discuss concerns and options may be helpful to them. The organizations listed below offer counseling services and referral to legal and other supports:

- [National Domestic Violence Information & Referral Hotline](#) (800) 799-7233 (Offers a confidential 24-hour crisis hotline, and shelter for battered women)
- [Center for Community Solutions and Services](#) (24-hour) - (888) 385-4657
- [Rape, Abuse, Incest National Network \(RAINN\)](#) - (800) 656-4673 (HOPE)
- [National Center for Victims of Crime Victim Service Helpline](#) - 1-800-FYI-CALL
- Counseling services may be available from other sources such as the following:
 - Local health department
 - Rape crisis center
 - Family doctor
 - Hospital clinic
 - Hotline
 - Mental health professionals
 - Clergy

Confidentiality of Reports

Individuals reporting incidents under this Policy may ask that the individual(s) name(s) not be disclosed or that no investigation or disciplinary action be pursued to address the alleged violation of this Policy. The University supports a student's interest in confidentiality in cases arising under this Policy.

The Title IX Coordinator, Deputy Title IX Coordinator, or their designee attempts to balance the needs of the parties for privacy with the institutional responsibility of ensuring a safe educational environment and workplace. Confidentiality is an aspiration but is not always possible or appropriate. An individual's requests regarding the confidentiality of reports of alleged violations of this Policy will be considered in determining an appropriate response; however, such requests will be considered in the dual contexts of the University's legal obligation to ensure a working and learning environment that is free from Discrimination or Sexual Harassment and the due process rights of the accused to be informed of the allegations and their source. Some level of disclosure may be necessary to ensure a complete and fair investigation.

The University will inform an individual requesting confidentiality when complying with a confidentiality request may limit the University's ability to respond to the complaint. The University will consider a Complainant's request for confidentiality alongside its institutional responsibility to provide a reasonably safe and non-discriminatory environment.

The University will maintain as confidential any accommodation or protective measure provided to the Complainant, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the accommodations or protective measures.

Even if an individual does not specifically ask for confidentiality, to the extent possible, the University will only disclose information regarding alleged incidents under this Policy to individuals who are responsible for handling the University's response.

The University Title IX Coordinator is responsible for ensuring that all records relating to reports and investigations of this nature are maintained properly and securely. Employee records will be maintained properly and securely by Human Resources.

The University does not publish the name of victims/survivors or other identifiable information regarding victims/survivors in the Daily Crime Log or in the crime statistics that are disclosed in the Annual Security and Fire Safety Report. Furthermore, if a Timely Warning is issued on the basis of a report of dating violence, domestic violence, sexual assault or stalking, the name of the victim/survivor and other personally identifiable information about the complainant will be withheld.

Pursuant to California Education Code Section 67380(a)(6)(A), Campus Security Authorities who receive reports from employees or students of a violent crime, sexual assault or hate crime (as defined by Section 422.55 of the Penal Code, Part I), may not disclose to local law enforcement agencies the names of the victims or the alleged assailant, unless the victim consents to disclosing their name after being informed of their right to have their personally identifying information withheld. The name of the alleged assailant may be disclosed, however, if all of the following conditions are met:

- i. The alleged assailant represents a serious or ongoing threat to the safety of students, employees, or the institution; and

- ii. The immediate assistance of the local law enforcement agency is necessary to contact or detain the alleged assailant.

University as Complainant

As necessary and when appropriate under the circumstances CIAM reserves the right to initiate a complaint, to serve as Complainant, and to initiate conduct proceedings without a Formal Complaint by the victim of Sexual Harassment or Sex Discrimination.

In the following circumstances, the University may elect to act as Complainant, in the interest of the health and safety of the community, if the person making the report does not elect to do so:

- There have been other complaints of sexual harassment/misconduct against the alleged perpetrator.
- The alleged perpetrator has a history of arrests or records from a prior school indicating a history of harassment/misconduct.
- The alleged perpetrator threatened further sexual harassment/misconduct against the complainant, or others.
- The harassment/misconduct was perpetrated by multiple individuals.
- The report of harassment/misconduct reveals a pattern of perpetration at a given location or by a particular group.
- A weapon was involved.

Retaliation

This Policy also prohibits Retaliation against a person who reports in good faith, Sexual Harassment or Sex Discrimination, assists someone with a report, or participates in any manner in an investigation or resolution of a report. Retaliation includes threats, intimidation, reprisals, and/or adverse actions related to employment or education.

The exercise of rights protected under the First Amendment does not constitute retaliation. Student complaints alleging retaliation may be filed according to the University's Student Conduct, Student Grievance, and Conduct and Appeals Policies and Procedures. Employee complaints alleging retaliation may be filed with Human Resources.

Amnesty

CIAM encourages the reporting of crimes by victims and/or witnesses. Sometimes, victims and/or witnesses are hesitant to report to University officials because they fear that by reporting an incident, he/she may be accused of policy violations, such as underage drinking at the time of the incident. It is in the best interests of this community that as many victims and/or witnesses as possible choose to report to University officials.

To encourage reporting, an individual who participates as a complainant or witness in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for a violation of the institution's student conduct policy at or near the time of the incident, unless the institution determines that the violation was egregious, including, but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism,

cheating, or academic dishonesty.

Orders of Protection/No Contact

CIAM encourages reporting Parties of Sexual Harassment or misconduct to make a formal report to the appropriate local law enforcement authorities for the purpose of filing a criminal complaint and/or seeking and enforcing a no contact, restraining or similar Court Order and has the right to be assisted by the University in exercising this option. The Title IX Coordinator can assist individuals with referrals to resources for obtaining an ex parte order of protection.

Members of the CIAM community who receive a lawful order of protection should provide a copy to the Title IX Coordinator (and to Human Resources if the person is an employee). The University also suggests that individuals with orders of protection meet with the Title IX Coordinator (and Human Resources if the person is an CIAM employee) to develop a Safety Action Plan – a plan intended to reduce the risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to, escorts and special parking arrangements.

In addition to orders of protection issued by the courts, CIAM may impose a University-based no contact directive. A University-based no contact directive prohibits an individual from contacting a specific person or specific people until rescinded. Contact includes, but is not limited to: in person, by phone, text messaging, social media, by third person, etc. The Director of Student Affairs (or designee), or the Director of People and Performance may issue a no contact directive.

How and Where to File a Formal Complaint of Sexual Harassment or Sex Discrimination

A Formal Complaint can be filed with either of the following Title IX Officials and doing so will provide official notice to the University of a Title IX Complaint through the completion of a Title IX Complaint form that is submitted to the Title IX Coordinators. Only a Formal Complaint triggers the Title IX-specific grievance process.

At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the education program or activity of CIAM. A Formal Complaint may be filed with the Title IX Officials listed below in person, by mail, or by electronic mail with the use of electronic signature, by using the contact information required to be listed for the Title IX Coordinator or Deputy Title IX Coordinator in this policy. Additional documents (e.g., police report, e-mails) may be submitted with the Formal Complaint but it is not required. However, the Formal Complaint must be signed by the Complainant to initiate the process.

The University's Title IX Officials include the University Title IX Coordinator and the University Title IX Deputy:

University Title IX Coordinator

Claudia Sarabia, Director of People and Performance

1000 S. Fremont Ave - Unit 45, Bldg. A-10, 4th FL, Suite 10402, Alhambra, CA 91803

(626) 350-1500 ext. 112

claudia.sarabia@ciam.edu

University Title IX Deputy Coordinator

Melissa Valle, Director of Student Success

1000 S. Fremont Ave - Unit 45, Bldg. A-10, 4th FL, Suite 10402, Alhambra, CA 91803

(626) 350-1500 ext. 110

Responding to the Formal Complaint

The investigation and adjudication of alleged misconduct under this section is not an adversarial process between the Complainant, the Respondent, and the witnesses, but rather a process for the University to comply with its obligations under existing law. The Complainant does not have the burden to prove, nor does the Respondent have the burden to disprove, the underlying allegation or allegations of Sex Discrimination or Sexual Harassment. Upon receiving notice of a Formal Complaint of a possible violation of this Policy, the University will take immediate and appropriate steps to:

- End the behavior and identify specific corrective measures to remediate, and prevent sex discrimination including sexual harassment and other sexual misconduct;
- Conduct a prompt, fair and impartial investigation;
- Remedy the effects, and;
- Prevent it from reoccurring.

Upon receipt of a Formal Complaint, the Title IX Coordinator, Deputy Title IX Coordinator, or a designee will conduct an initial Title IX assessment. The University utilizes trauma informed victim interview protocols for the preliminary victim interview and comprehensive follow-up interviews as appropriate. The first step of the assessment will usually be a preliminary meeting with the Complainant. The purpose of the preliminary meeting is to gain a basic understanding of the nature and circumstances of the report; it is not intended to be a full interview. At this meeting, the Complainant will be provided with information about resources, procedural options, supportive measures, and interim measures.

If it is determined that the alleged conduct is not within the scope of this Policy, the investigation and disposition of the complaint may be referred to other offices or processes within the University, such as University Human Resources, President, or Designee's Office, or Student Code of Conduct.

The University may, in its discretion, dismiss a Formal Complaint or allegations therein in the following circumstances:

- if the Complainant informs the Title IX Coordinator in writing that the Complainant desires to withdraw the Formal Complaint or allegations therein,
- if the Respondent is no longer enrolled or employed by the school,
- or if specific circumstances prevent the school from gathering sufficient evidence to reach a determination.

The University will give the parties written notice of a dismissal (mandatory or discretionary) and the reasons for the dismissal.

The University may also in their discretion, consolidate Formal Complaints where the allegations arise out of the same facts.

To ensure University- wide compliance with this policy and with federal and state law, the University Title IX Coordinator must be advised of all reported incidents of Sex Discrimination or Sexual Harassment. The University Title IX Coordinator will monitor the resolution of complaints by other

offices with concurrent jurisdiction over non-Title IX discrimination or misconduct.

In cases where there is no written complaint, such as situations that involve a third-party complainant, the University Title IX Coordinator may initiate an investigation after making a preliminary inquiry into the facts and will inform the person(s) who were allegedly harmed by discrimination or sexual misconduct of the decision to initiate an investigation.

Supportive Measures

At the time of notice of a possible violation of this Policy, the Title IX Coordinator or Deputy Title IX Coordinator will promptly contact the Complainant and Respondent (as appropriate) to discuss the availability of Supportive Measures and consider the Complainant's wishes with respect to Supportive Measure with or without the filing of a Formal Complaint.

Supportive Measures are designed to restore or preserve safe and equitable access to the University's educational programs or activities and protect the safety of all community members. These supportive measures shall be maintained as confidential to the complainant or respondent to the extent that confidentiality would not impair the ability of the University to provide the supportive measures.

Examples of possible supportive measures include:

- Counseling services
- Modifications to academic deadlines or other course-related adjustments
- Modifications of work or class schedules
- Campus escort services
- Mutual no-contact orders between the parties
- Changes in work locations
- Approved Academic Absence (students)
- Leave of Absence (employees)
- Increased security and monitoring of specific areas of campus

Notice of Allegations

Upon receipt of a Formal Complaint CIAM will promptly send written notice to both the Complainant and the Respondent(s) of the allegations. The individual(s) accused of conduct (the Respondent(s)) violating this Policy shall be provided a copy of the Notice of Allegations. If the individual(s) accused cannot be located, attempts at notification shall be documented. At the time of notice of the complaint, the respondent shall be provided with information regarding Supportive Measures available to them.

The Notice of Allegations shall contain a discussion of the Formal Complaint process, the identity of the Complainant, and the date and location of the alleged incident if known, and the specific behavior that is considered a violation of this Policy.

The Notice of Allegations will also inform the Parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and that both parties may inspect and review

evidence gathered in the investigation. The written notice will further inform the parties of CIAM Student Conduct Policies provisions that prohibits knowingly making false statements or knowingly submitting false information during the grievance process. Employees will be informed that the CIAM Employee Code of Conduct outlines binding minimum standards for responsible behavior toward students, vendors and contractors and the public, as well as for employee behavior within the University.

The Notice of Allegations will include a statement that a determination of responsibility is made at the conclusion of the University's investigation and hearing process and will be based on a preponderance of evidence standard. Respondents are presumed not responsible prior to a determination by the Hearing Panel.

Informal Resolution of a Complaint

In recognition that a wide spectrum of behaviors can constitute violations of University policies, the Title IX Office may resolve reports informally and appropriately, based on the circumstances. In all cases, the Title IX Officer(s) will have discretion to determine whether or not informal resolution or mediation is appropriate to the circumstances.

Informal resolution is not appropriate for cases involving a complaint of sexual assault and/or relationship and interpersonal violence, nor for circumstances involving severe misconduct or behavior. These types of cases will utilize the formal disciplinary process.

At any time prior to reaching a determination regarding responsibility, the Title IX Coordinator may facilitate an informal resolution process, such as mediation or arbitration, that does not involve a full investigation and adjudication. The following standards apply to any informal resolution:

- Both Parties must voluntarily consent to resolve the complaint without engaging in the formal grievance procedure
- No conditions may be placed on the parties in exchange for their consent – The University may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of Formal Complaints of Sexual Harassment consistent with this section.
- Both Parties will be notified, in writing, of the allegations made in the Formal Complaint, the requirements of the informal resolution process, and what elements of the process will remain confidential (or not).
- Complainant will not be required to "work out" the problem directly with the Respondent.
- An informal resolution process may take the form of a mediation or arbitration before a neutral third party.
- Either Party can withdraw consent and end the informal process at any time, in which case the University will revert to the formal grievance procedures outlined herein.
- The informal resolution process will be confidential; however, if an informal resolution process is ended by request, any information obtained may be used in a subsequent formal resolution process and hearing.

- Once a Complaint has been resolved through an informal resolution process, the matter will be closed and documented in writing and signed by all parties. Complaints resolved through the informal process will not be referred for official disciplinary action.
- The results of an informal process may be the parties agreeing on counseling, education, or mutual avoidance, among other options.
- An informal resolution cannot be appealed.

In response to reports under this Policy where the Complainant does not wish to engage in informal resolution, where informal resolution is not appropriate, or in cases where attempts at informal resolution are unsuccessful, the University Title IX Coordinator may conduct a formal investigation. In such cases, the individual making the report shall be encouraged to file a written complaint. As necessary, the University reserves the right to initiate a complaint, to serve as complainant, and to initiate conduct proceedings without a Formal Complaint by the victim.

Investigating the Complaint

Both Parties have the right to have an advisor of their choice present at every step in the investigation and hearing process. During the investigation process, the advisor is only present to support the student (or employee) and will not represent the student (or employee) nor speak on behalf of the student (or employee). Advisors are permitted to speak with the student (or employee) as necessary, privately or during investigation meetings, to fully perform a supportive role. Whoever is selected as an advisor is limited to observing and consulting with, and providing support to the Complainant, witness, or Respondent during the investigation. The advisor role in the hearing process will be detailed in a further section of this Policy.

Neither the Title IX Coordinator, Deputy Title IX Coordinator, nor any individuals designated to serve as an investigator shall have a bias or conflict of interest for or against Complainants or Respondents generally or an individual Complainant or Respondent. A party may submit a written letter of concern relating to bias and/or conflict of interest at any time with the Title IX Coordinator; if the letter of concern relates to the Title IX Coordinator, the Party shall submit the letter to the Deputy Title IX Coordinator or the Provost. The Deputy Title IX Coordinator or the Provost shall promptly speak with the individual(s) alleged to have a bias or conflict of interest and conduct any other appropriate inquiry into the matter. The Deputy Title IX Coordinator or the Provost shall make a determination as to whether the individual(s) alleged to have a bias or conflict of shall be removed from their role. If the individual(s) alleged to have a bias or conflict is removed from their role, the Title IX Coordinator, Deputy Title IX Coordinator, or the Provost shall appoint an alternate individual(s) to serve in their place, depending on the individual(s) alleged to have such bias.

Interview Protocol for Follow-Up Interviews

The University utilizes trauma informed victim interview protocols for the preliminary victim interview and comprehensive follow-up interviews as appropriate. The investigation generally shall include interviews with the Complainant and Respondent (parties if available) and, interviews with other witnesses as needed. The University shall seek the identification and location of witnesses not identified by the Parties and a review of relevant documents as appropriate. The Investigator will send a written notice of the interview date, time, and location, name of participant(s), and purpose of the interview to the Parties and witnesses, and any identified Party advisor, in sufficient time for the Party to prepare and participate.

During the investigation, the Complainant and Respondent will be provided an equal opportunity to meet with the Investigator, submit evidence, identify witnesses who may have relevant information, and propose questions for the Investigator to ask the other party and witnesses. The Investigator has discretion to determine which witnesses to interview and what questions to ask, and may decline to ask questions that are, for example, repetitive, harassing or not relevant to whether the reported violation(s) occurred.

Disclosure of facts to witnesses shall be limited to what is reasonably necessary to conduct a fair and thorough investigation.

No person shall make an allegation that he or she knows to be untrue or knowingly provide false information during the course of an investigation. Making a false complaint or giving false information is a violation of this Policy and may be a basis for discipline, including expulsion or termination. Evidence of false complaints or false information shall be referred by the University Title IX Coordinator to the appropriate University processes.

The Investigator will independently gather other relevant information or evidence, including documents, photographs, communications between the Parties, and medical records (subject to the consent of the applicable person), and other electronic records as appropriate. The Investigator will conduct a review of relevant documents as appropriate.

The investigation shall be completed as promptly as possible and in most cases within 60 working days of the date the written complaint was received unless the University determines in its discretion that good cause has been established and more time is required to initiate and complete the investigation. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. In the event that an investigation cannot be completed within 60 days, the parties shall be notified in writing.

Interim Measures

At any time during the investigation, the Investigator may recommend that interim protections or remedies for the Complainant or witnesses be provided by appropriate University officials. The University may recommend short term, or interim, protections or remedies. These remedial actions may include, but are not limited to:

- making the complainant aware of their rights;
- resources and support services;
- issuance of No Contact orders to separate or limit contact between the parties;
- modification of extracurricular, working or course schedules, assignments, or tests;
- increased monitoring, supervising, or security at applicable locations or activities; and/or
- interim suspension(s) pending investigation.

These remedies or protections may apply in ground or online contexts. Failure to comply with the terms of interim protections may be considered a separate violation of this Policy.

Notification of Investigation Findings

Prior to the conclusion of the investigation, the Investigator will provide the parties, and their advisors, all evidence directly related to the allegations, in electronic format or hard copy, and allow 10 days for either party to inspect, review and provide a written response to the evidence that has been collected. At the end of the 10-day response period, the Investigator will develop an Investigative Report.

The Complainant and the Respondent shall be simultaneously informed in writing of the completion of the investigation and provided with a copy of the Investigative Report. At least 10 days before any hearing, the Parties, and their advisors will be provided the Investigative Report that fairly summarizes relevant evidence, in electronic format or hard copy, to which the parties may respond. If the alleged Complainant is deceased as a result of such crime or offence, the next of kin of such Complainant shall be treated as the alleged Complainant for purposes of this notice. The Investigative Report shall include a statement of the allegations and issues and a summary of the evidence and information that was gathered in the investigation and deemed relevant by the Investigator for purposes of determining if a policy violation has occurred.

The Investigative Report may be used as evidence in other related procedures, such as subsequent complaints, grievances and/or disciplinary actions.

Live Hearing

After both parties have received the Investigative Report, a date will be set for a hearing to allow both Parties to respond to the evidence gathered and for a Hearing Panel to determine if a Policy violation has occurred. The University will provide written notification to the Complainant and Respondent of the hearing date and procedures. The Complainant and Respondent will be provided at least 10 business days' notice of the hearing date from the date that the Investigative Report was provided to the Parties.

The Hearing Panel is a fact-finding committee comprised of individuals trained or experienced in adjudicating allegations of Sex Discrimination or Sexual Harassment. Depending on the complexity of the issues, a Hearing Panel may have a single adjudicator or a panel of 3. The individuals who serve as panelists will be selected by the Title IX Coordinator, or other designated official.

The Hearing Panel will have for its review, the Formal Complaint, all responses to the Investigative Report, and any Formal cross-complaints, all witness statements written or recorded, and any evidence preserved for the hearing in the form of the Investigative Report. The Hearing Panel will be chaired by a person who is not the Title IX Investigator nor the Title IX Coordinator.

The Hearing will occur either in person, or in a synchronous distance technology format enabling participants simultaneously to see and hear each other, at the discretion of the University. At the request of either party, the Title IX Coordinator must provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or the witness answering questions. An audio or video recording and transcript of the hearing will be made and will be made available to both parties for inspection and review. The Complainant and Respondent(s) will be provided the same opportunity to present fact and expert witnesses and other supporting and exculpatory evidence.

Advisor Role in Cross Examination at the Live Hearing

During the hearing, the advisor for each Party is permitted to cross-examine the other party and any

witnesses. Cross examination must be conducted directly, orally, and in real time by the Party's advisor. Parties are not allowed to represent themselves. Neither Party is permitted to directly cross-examine the other Party and all cross-examination must be conducted by the advisor. Before a Party or witness answers a cross-examination question, the Hearing Panel chair will determine if a question is relevant and explain any reasoning for determining to exclude a question.

If a Party does not have an advisor present at the live hearing, the University must provide without fee or charge to that Party, an advisor of the University's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.

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

Determining Responsibility

At the conclusion of the Hearing, the Hearing Panel members will consider all information presented at the Hearing and determine if a violation of this Policy has occurred.

Respondents are presumed not responsible prior to a determination by the Hearing Panel . The burden of gathering evidence and carrying the burden of proof is solely on the institution. The standard of evidence in these cases is preponderance of the evidence. Preponderance of the evidence means that it is "more likely than not" that the Respondent is responsible for the charged violation. The institution will use the same evidentiary standard for all proceedings pursuant to this Policy, whether involving students or employees.

For allegations of discrimination or harassing behavior, there are two possible findings:

- Substantiated: It is more likely than not that the allegation is true
- Unsubstantiated: It is not possible to determine whether the allegation is true or untrue. There is insufficient evidence to prove or disprove that the allegation is true.

The Hearing Panel Chair will develop a written determination of responsibility that includes:

- A description of the specific behavior that is potentially considered a violation of this Policy;
- A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the Parties, interviews with Parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- A finding of fact supporting the determination;
- Conclusions regarding the application of this Policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility;
- Any disciplinary sanctions the University imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the recipient's education program or activity

will be provided to the Complainant. If the alleged Complainant is deceased as a result of such crime or offence, the next of kin of such complainant shall be treated as the alleged complainant for purposes of this notice; and

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

The Hearing Panel Chair must provide the written determination to the Parties simultaneously. The determination regarding responsibility becomes final either on the date that the Hearing Panel Chair provides the Parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

Sanctions

Not all forms of Sexual Harassment or Sex Discrimination will be deemed to be equally serious offenses, and the University will assign sanctions that are appropriate to the violation, taking into consideration the context and seriousness of the violation. Any student found responsible for violating this Policy will receive a sanction in accordance with the Student Code of Conduct and/or offender history.

The following disciplinary sanctions comprise a range of official action for students, which may be imposed for violation of regulations. One or more sanctions may be imposed. Additionally, students who violate federal, state, or local laws also may be referred to the criminal justice system for prosecution:

Disciplinary Warning

This written action is taken when the individual's conduct or involvement merits an official admonition. The student is warned that further misconduct may result in more severe disciplinary action.

Disciplinary Probation

A form of reprimand that is fitting for the type of violation or repeated violations as designated for a certain period of time by the hearing officer. The student may, if it is deemed appropriate, represent the University in activities and hold office in student organizations during the time stipulated as probationary. The student is notified that further infractions of any University regulation may result in more stringent restriction being placed on his/her actions.

Interim Suspension

The Director of Student Success may suspend a student for an interim period pending full disciplinary proceedings whenever there is evidence that the continued presence of the student on the campus poses a substantial threat to the safety or well-being of any person or persons, University property, or the property of others. An interim suspension may become effective immediately without prior notice. A student suspended on an interim basis will be given an opportunity to appear personally before a hearing officer within 10 or fewer calendar days from the effective date of the interim suspension.

During an interim suspension, the student will be barred from all or part of the University's premises. Any student under interim suspension who returns to campus from which he/she is barred without written permission from the Director of Student Success will be subject to dismissal from the

University and arrested for trespassing.

Suspension

This sanction is one of involuntary separation of the student from the University for a designated period of time. After this period of time, the student is eligible to return. The Director of Student Success /or designee may establish additional requirements, which must be fulfilled to his/her satisfaction, prior to reinstatement. Permanent notation of suspension will appear on the student's transcript and academic history. The student shall not participate in any University-sponsored activity and may be barred from University premises during suspension.

Conduct Dismissal

This sanction by Director of Student Success /or designee is one of involuntary and permanent separation from the University. Notice of permanent dismissal will appear on the student's academic history and transcript. The student will also be barred from University activities and premises.

Good Standing

A student is not considered to be in good standing for purposes of admission to the University while under a sanction of suspension or expulsion, or while his or her admission or re-admission has been qualified.

Administrative Hold and Withholding a Degree

The University may place an administrative hold on registration transactions and release of records and transcripts of a student who has been sent written notice of a pending investigation or disciplinary case concerning that student and may withhold awarding a degree otherwise earned until the completion of the process set forth herein, including the completion of all sanctions imposed.

Any employee found responsible for violating this or other University policies will receive a sanction in accordance with University policies and procedures. The discipline may include, but is not limited to:

1. Unpaid leave from work during the investigation,
2. Unpaid suspension from work after a violation has been found,
3. A Performance Improvement Plan, or
4. Termination of employment

Any third party (visitor, guest, contractor, subcontractor, vendor, partner, or business affiliate) found responsible for violating this Policy will receive a sanction ranging from a written warning to being banned from any University property, activities, and/or programs.

Other Discrimination Incidents

It is University policy that all persons should enjoy freedom from unlawful discrimination of any kind, including harassment or retaliation for reporting a complaint (see Non-Discrimination policy). This policy prohibits discrimination between members of the University community, including between students and between employees and students.

All other incidents, including non-harassment, misconduct, or any other consideration made unlawful by federal, state, or local laws, should contact the compliance officers listed in the Non-Discrimination policy who are available to help students resolve issues. The University encourages discussion between the parties directly involved in any complaint, especially in the early stages of a dispute before the respective parties have assumed positions which may polarize the dispute and render a solution more difficult. In any event, students have the right to file a formal written grievance, either initially or if informal resolution is not possible.

Findings Appeal

If the Complainant and/or the Respondent(s) disagree with the findings, in part or in totality, either the Complainant or the Respondent may appeal the finding in part or in totality on the following bases:

- Procedural irregularity that affected the outcome of the matter.
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter.
- The Title IX Coordinator, investigator(s), or Hearing Panel (s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

The Respondent and/or Complainant have five (5) business days, barring documented unforeseen circumstances from the date of communication of findings, to present the formal appeal, in writing, to the University President:

Jack Paduntin, Interim President

1000 S. Fremont Ave - Unit 45, Bldg A-10, 4th FL,
Suite 10402, Alhambra, CA 91803
(626) 350-1500 ext 112
Jack.paduntin@ciam.edu

The written appeal must state the basis for appeal and provide sufficient information that supports the grounds for appeal.

The President, or their Designee, will review all cases presented for appeal within five (5) business days of the appeal, barring documented unforeseen circumstances, to determine if the presented grounds for appeal and supporting information will be accepted or rejected. If the appeal does not meet the stated grounds for appeal, the appeal will be rejected. The President, or Designee, will, within two (2) business days of deciding whether to accept or reject the appeal, barring documented unforeseen circumstances, simultaneously and in writing, inform the Complainant and the Respondent the appeal decision.

If the President, or Designee, determines there is sufficient evidence to support an appeal based on procedural irregularity or new evidence, the matter will return to the Title IX Coordinator for further action unless the appeal alleges the Title IX Coordinator, investigator(s), or Hearing Panel (s) had a conflict of interest or bias which deprived the process of impartiality in a way that was outcome determinative.

In appeals of conflict of interest or bias, the appeal will remain with the President, or Designee, for

review and final decision. The bias appeal review will be completed within fourteen (14) calendar days of submission to the President, or Designee, barring documented unforeseen circumstances that may extend the appeal review. The President, or Designee, will communicate the appeal findings simultaneously and in writing to the Complainant and the Respondent. Additionally, the President, or Designee, will consult with the Title IX Coordinator for any impact to remedies implemented.

Additional Information for Investigations

Attempted Violations: In most circumstances, CIAM will treat attempts to commit a violation of this Policy as if those attempts had been completed.

When members of groups, individuals acting collusively, or members of an organization act in concert in violation of any policy, they may be held accountable as a group or individually and may proceed against the group of jointly accused individuals or individually, at the discretion of the University.

Resources

[Summary of Major Provisions of the Department of Education's Title IX Final Rule](#)

[Title IX Regulations Addressing Sexual Harassment](#)

[US Department of Education Title IX Final Rule Overview](#)