



# **POLICIES AND PROCEDURES REGARDING CAMPUS SAFETY, SECURITY, & TITLE IX INFORMATION**

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## **A STATEMENT OF CURRENT POLICIES CONCERNING CAMPUS SECURITY ENFORCEMENT, AND POLICIES THAT ENCOURAGE PROMPT REPORTING OF ALL CAMPUS CRIME TO THE CAMPUS ADMINISTRATION AND LOCAL POLICE**

LACM is essentially a non-residential College, and does not have a campus police force. Therefore, all crimes are reported to local authorities as described in the first section regarding policies and procedures to report crimes.

Additional copies of LACM's Crime / Incident Report Form may be requested from the Administration Office.

Voluntary confidential reporting: LACM is essentially a non-residential College, and does not have a campus police force all crimes must be reported to local authorities. Local law enforcement will allow a victim or witness to report crime on a voluntary and confidential basis.

## **A STATEMENT OF PROGRAMS AVAILABLE TO STUDENTS AND EMPLOYEES ON CAMPUS SECURITY, PERSONAL SAFETY AND CRIME PREVENTION**

LACM provides information on personal safety and crime prevention. The Student Support Services office has a directory of services that are available, within the community, to assist those who have suffered from a criminal act. These services are usually free and are provided by the community.

The Student Services Department has available resources addressing Domestic Violence, Dating Violence and Stalking.

## **TITLE IX COMPLIANCE TITLE IX POLICY STATEMENT**

Title IX of the Education Amendments of 1972 ("Title IX") protects people from discrimination based on sex in education programs or activities which receive Federal financial assistance. Title IX states:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

LACM not only complies with the letter of Title IX's requirements but also endorses the law's intent and spirit. LACM is committed to compliance in all areas addressed by Title IX., including access to higher education, career education, learning environment, as well as sexual harassment. The purpose of this policy is to ensure that LACM's policies are applied and interpreted in ways consistent with Title IX and other applicable law.

It is the policy of LACM to provide educational and preventative material regarding sexual or gender-based harassment; to encourage reporting of incidents; to prevent incidents of sexual and gender-based harassment; to make available timely services for those who have been affected by discrimination; and to provide prompt and equitable methods of investigation and resolution to stop discrimination, remedy any harm, and prevent its recurrence. Violations of this Policy may result in the imposition of sanctions up to, and including, termination, dismissal, or expulsion, as determined by the appropriate officials at LACM.

### **Discrimination**

LACM prohibits discrimination and harassment based on race, color, creed, religion, sex, gender, national origin, citizenship, ethnicity, marital status, age, disability, sexual orientation, gender identity and gender

expression, genetic information, veteran status, or any other status protected by applicable law to the extent prohibited by law.

## **LACM'S TITLE IX OFFICER**

LACM appoints a designated Title IX Officer.

LACM's Title IX Officer is designated to be:

Susan Bowling  
Student Support Services & LACM Title IX Coordinator  
Contact: [titleixcoordinator@lacm.edu](mailto:titleixcoordinator@lacm.edu)  
626-568-8850 x211  
300 South Fair Oaks Ave. Pasadena CA 91105.

## **Sexual Harassment**

LACM defines sexual harassment as unwelcome behavior of a sexual nature that relates to the gender or sexual identity of an individual and that has the purpose or effect of creating an intimidating, offensive or hostile environment for study. This policy applies to all interactions between students and LACM faculty members and other faculty, staff, and administrative personnel, and other students.

Conduct alleged to be sexual harassment will be evaluated by considering the totality of the particular circumstances, including the nature, frequency, intensity, location, context, and duration of the questioned behavior. Repeated incidents or a pattern of harassing behavior may be cause for serious corrective action. However, a more serious incident, even if isolated, may be sufficient cause for action under this policy including referral to law enforcement when applicable.

Quid pro quo sexual harassment can occur whether a person resists and suffers the threatened harm, or the person submits and avoids the threatened harm. Both situations could constitute discrimination on the basis of sex. The more severe the conduct, the less need there is to show a repetitive series of incidents to show pervasiveness. Sexual violence, including rape, sexual assault, and domestic and dating violence, is a form of sexual harassment. In addition, the following conduct may violate this Policy:

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

Other unwanted verbal, nonverbal, graphic, or physical conduct may be determined to be pervasive, objectively offensive and severe causing a denial of equal access to LACM's educational program and activities.

Whether the conduct is pervasive and severe may depend on a variety of factors, including: the degree to which the conduct affected one or more person's education or employment; the type, frequency, and

duration of the conduct; the relationship between the parties; the number of people involved; and the context in which the conduct occurred.

## **Unwelcome Conduct**

Conduct is unwelcome if a person (1) did not request or invite it and (2) regarded the unrequested or uninvited conduct as undesirable or offensive. That a person welcomes some sexual contact does not necessarily mean that person welcomes other sexual contact. Similarly, that a person willingly participates in conduct on one occasion does not necessarily mean that the same conduct is welcome on a subsequent occasion.

Whether conduct is unwelcome is determined based on the totality of the circumstances, including various objective and subjective factors. The following types of information may be helpful in making that determination: statements by any witnesses to the alleged incident; information about the relative credibility of the parties and witnesses; the detail and consistency of each person's account; the absence of corroborating information where it should logically exist; information that the Respondent has been found to have harassed others; information that the Complainant has been found to have made false allegations against others; information about the Complainant's reaction or behavior after the alleged incident; and information about any actions the parties took immediately following the incident, including reporting the matter to others.

In addition, when a person is so impaired or incapacitated as to be incapable of requesting or inviting the conduct, conduct of a sexual nature is deemed unwelcome, provided that the Respondent knew or reasonably should have known of the person's impairment or incapacity. The person may be impaired or incapacitated as a result of drugs or alcohol or for some other reason, such as sleep or unconsciousness. A Respondent's impairment at the time of the incident as a result of drugs or alcohol does not, however, diminish the Respondent's responsibility for sexual or gender-based harassment under this Policy.

In addition, when a person is so impaired or incapacitated as to be incapable of requesting or inviting the conduct, conduct of a sexual nature is deemed unwelcome, provided that the Respondent knew or reasonably should have known of the person's impairment or incapacity. The person may be impaired or incapacitated as a result of drugs or alcohol or for some other reason, such as sleep or unconsciousness. A Respondent's impairment at the time of the incident as a result of drugs or alcohol does not, however, diminish the Respondent's responsibility for sexual or gender-based harassment under this Policy.

## **Gender-Based Harassment**

Gender-based harassment is verbal, nonverbal, graphic, or physical aggression, intimidation, or hostile conduct based on sex, sex-stereotyping, sexual orientation or gender identity, but not involving conduct of a sexual nature, when such conduct is sufficiently severe, persistent, or pervasive that it interferes with or limits a person's ability to participate in or benefit from the LACM's education or work programs or activities. For example, persistent disparagement of a person based on a perceived lack of stereotypical masculinity or femininity or exclusion from an activity based on sexual orientation or gender identity also may violate this Policy.

## **INVESTIGATIONS OF COMPLAINTS**

A complaint that a student, staff or faculty member has committed sexual harassment or engaged in nonconsensual sexual activity may be made to the Title IX Compliance Officer, or a staff or faculty member. LACM will conduct an investigation, as appropriate under the circumstances.

The investigatory process involves interviewing the parties involved and any witnesses while gathering documentary or other evidence. In cases involving alleged criminal conduct, the complainant may file a criminal complaint with the local police department. A complainant need not pursue a criminal complaint in order to seek or to hold the accused responsible through the LACM's Student Code of Conduct. As soon as possible, the complainant and the accused will be offered appropriate assistance, and our Academic and Student Services departments may be contacted if course adjustments are required.

Based on the outcome of the investigation, the Title IX Officer or their designee will determine if there is sufficient cause to proceed with a formal complaint. The accused will be notified of the formal complaint and provided materials relevant to the complaint in a timely manner. If the accused does not accept responsibility for the allegations and/or the proposed sanction, the Title IX Officer or their designee will determine if the evidence warrants a formal hearing before the Grievance Committee.

The exact nature of the responsive action depends on the circumstances, but may include discipline up to and including suspension or dismissal from LACM for a student, staff or faculty who is found to have violated LACM policies.

### **Implementing Provisions/Policies**

LACM will take appropriate action (i.e., an investigation, adjudication and disciplinary and remedial/corrective steps) in response to a complaint made pursuant to the complaint policies/procedures listed above. LACM will make every effort to handle complaints and investigations with sensitivity to both the rights of the person who complains and the rights of the accused.

LACM handles complaints discreetly and attempts to maintain privacy throughout the investigatory process, to the extent practicable and appropriate under the circumstances. However, in order to conduct an investigation, it is generally necessary to discuss the allegations with the accused and other potential witnesses. Additionally, LACM may have legal obligations to disclose information to law enforcement or in the context of legal proceedings.

Complaints may be made anonymously. While LACM endeavors to investigate all complaints, including anonymous complaints, the nature of anonymous complaints makes investigation, determination, and remediation more difficult and, at times, impossible. Further, while LACM attempts to protect the identity of complainants who do not wish to be identified, this may not be possible if a formal Title IX complaint and process are initiated.

In appropriate cases as determined by LACM, conflict resolution may be possible. This is permitted only where both the complainant and accused voluntarily agree to participate, and either party may terminate informal resolution attempts and commence formal grievance procedures at any time prior to reaching a mutually acceptable resolution. Depending on the circumstances, a mediated resolution may not necessarily involve face-to-face discussions between the complainant and the accused. Certain cases are not appropriate for conflict resolution, such as complaints of particularly egregious sexual harassment or cases involving sexual assault or violence or cases moving forward with a formal Title IX complaint and process.

Occasionally, an individual makes a complaint and later wishes to revoke or discontinue the investigation or adjudication process. Similarly, it may occur that someone other than the victim reports an incident, and the victim declines to participate in the investigation or adjudication process. In other instances, complaints may be received anonymously and/or the victim may not wish to be personally identified. LACM endeavors to respect the wishes of a victim to either not be identified and/or not participate in the process. In these situations, LACM attempts to investigate and address complaints in accordance with the victim's wishes to

the extent allowable in compliance with Title IX rules and other applicable laws.

If a victim wishes to talk about an incident with the assurance that the discussion will be confidential and will not result in an investigation or follow up action, LACM offers confidential resources through the Student Support Services with the Student Support Counselor (studentsupport@lacm.edu). Anyone wishing to have an incident investigated, mediated or adjudicated must make a complaint either orally or in writing in accordance with the procedures described above.

In determining whether sex discrimination, sexual harassment or sexual misconduct occurred, LACM does not apply the criminal standard of “beyond a reasonable doubt,” nor do formal court rules of evidence apply. Instead, LACM uses a “preponderance of the evidence” standard, and LACM may consider any evidence it deems relevant. A “preponderance of the evidence” means the evidence which is of greater weight or is more convincing than opposing evidence such that it is “more likely than not” that an act occurred.

Should a complaint move forward as a Title IX formal complaint, a live hearing will occur either in person or virtually and will allow both parties to see and hear questioning of the parties and witnesses. Either party can request a virtual hearing, but the hearing must be in real time. Both parties will be provided equal time to present witnesses. A recording of the live hearing will be made available to each party for inspection and review.

Opportunity for cross examination of witnesses will be provided to each party equally, however, cross examination must be performed by an advisor, not the complainant or respondent themselves. An advisor can be but is not required to be an attorney. If a party does not have an advisor, LACM will provide an advisor free of charge to the student.

Decision makers are barred from considering any statements of a party who refuses to sit for cross examination in reaching a determination. Decision makers are required to determine whether questions at cross examination are relevant and whether the question may violate rape shield law protections. Decision makers must provide explanation for any decision to disallow a question – at the time the decision is made to disallow the question.

The complainant and the accused will be informed in writing of the outcome of the complaint, to the extent permitted by law. An accused who is a student may appeal the outcome to an impartial decision maker. An employee who is deemed guilty shall have whatever rights are granted by law. Each of the parties shall be given an equal opportunity to appeal a final decision on three specified grounds:

Procedural irregularity that affected the outcome;

New evidence not reasonably available at the time; and

Title IX coordinator, investigator, or decision-maker had a bias or conflict of interest.

LACM endeavors to resolve complaints promptly. Ordinarily, the investigative stage will take no longer than 60 calendar days from the time the complaint is received. In exceptional circumstances (including but not limited to especially complex cases or when LACM is not in session), it may be necessary to extend these timelines. If that occurs, the parties will be informed of the expected timeline for completion.

LACM prohibits retaliation against any individual who in good faith makes a complaint of sex discrimination, sexual harassment, or sexual misconduct or participates as a witness in a proceeding under this or any other LACM policy. Retaliation is also unlawful pursuant to Title IX and other laws.

## A STATEMENT OF CURRENT POLICIES CONCERNING THE SEXUAL ASSAULT PREVENTION PROGRAM AND THE PROCEDURES THAT ARE FOLLOWED

LACM Notice of Petitioners Rights under the Violence against Women Act

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

LACM not only complies with the letter of Title IX's requirements but also endorses the law's intent and spirit. LACM is committed to compliance in all areas addressed by Title IX as well as sexual harassment.

Sexual harassment and sexual violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination and include dating violence, domestic violence, and stalking. As such should you report a form of sex-based discrimination, LACM wants to inform you of our policy and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus as well as your rights, and LACM's responsibilities.

As a petitioner of sexual assault, dating violence, domestic violence or stalking, you will receive a full copy of our institution's Title IX Policy. This policy has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking. These procedures include our right to inform you of your rights to file criminal charges as well as the availability of medical, counseling, and support services. We also offer additional remedies to prevent contact between a complainant and an accused party. The policy also addresses possible sanctions and interim and/or long-term protective measures that LACM may impose.

As a petitioner of sexual assault, dating violence, domestic violence or stalking, you will receive a full copy of our institution's Title IX Policy. This policy has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking. These procedures include our right to inform you of your rights to file criminal charges as well as the availability of medical, counseling, and support services. We also offer additional remedies to prevent contact between a complainant and an accused party. The policy also addresses possible sanctions and interim and/or long-term protective measures that LACM may impose.

### Definitions

**Consent** is defined in California as "intelligent, knowing, and voluntary consent and does not include coerced submission. Consent shall not be deemed or construed to mean the failure by the alleged victim to offer physical resistance to the offender."

**Sexual Assault** is defined as an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

Sexual violence includes any one incident of:

1. Sexual battery
2. A lewd or lascivious act, committed upon in the presence of a person younger than 16 years of age.
3. Luring or enticing a child
4. Sexual performance by a child
5. Any other forcible felony wherein a sexual act is committed or attempted regardless of whether criminal charges based on the incident were filed, reduced, or dismissed by the state attorney.

**Domestic Violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person cohabitating with or has cohabitated with the victim as a spouse, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Domestic violence means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member of another family or household member. A family or household member means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

**Dating Violence:** Means violence committed by a person—

(a) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and  
(b) where the existence of such a relationship will be determined based on a consideration of the following factors:

- (i) The length of the relationship
- (ii) The type of relationship
- (iii) The frequency of interaction between the persons involved in the relationship

Dating violence means violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on the consideration of the following factors:

1. A dating relationship must have existed within the past 6 months.
2. The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties.
3. The frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous basis during the course of the relationship.

The term does not include violence in a casual acquaintanceship or violence between individuals who have engaged in ordinary fraternization in a business or social context.

**Stalking:** Means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.

"Credible threat" means a verbal or nonverbal threat, or a combination of the two, including threats delivered by electronic communication or implied by a pattern of conduct, which places the person who is the target of the threat in reasonable fear for his or her safety, or the safety of his or her family members or individuals closely associated with the person, and which is made with the apparent ability to carry out the threat to cause such harm. It is not necessary to prove that the person making the threat had the intent to actually carry out the threat. The present incarceration of the person making the threat is not a bar to prosecution under this section "Cyber stalk" means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose. A person who willfully, maliciously, and repeatedly follows, harasses, or cyber stalks another person commits the offense of stalking, a misdemeanor of the first degree, punishable as provided in California Statutes. A person who willfully, maliciously, and repeatedly follows, harasses, or cyber stalks another person and makes a credible threat to that person commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in California Statutes

**Bystander Intervention:** A bystander is someone other than the victim who is present when an act of dating violence, domestic violence, stalking, or sexual assault is occurring or when a situation is occurring in which a reasonable person feels as though some protective action is required to prevent sexual assault, dating violence, domestic violence, or stalking. Bystanders, if active, can prevent harm or intervene before a situation gets worse.

## **Reporting sexual assault, dating violence, domestic violence, or stalking**

After an incident of sexual assault or domestic violence, the victim should consider seeking medical attention as soon as possible at a local hospital that will supply a physical evidence recovery collection kit.

Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to LACM hearing boards/investigators or police. Although LACM strongly encourages all members of its community to report violations to law enforcement, it is the victim's choice whether or not to make such a report, and victims have the right to decline involvement with the police.

To report an incident involving a sexual assault, domestic violence, stalking or dating violence, contact Susan Bowling with LACM Student Support Services at [titleixcoordinator@lacm.edu](mailto:titleixcoordinator@lacm.edu), 300 South Fair Oaks Ave. Pasadena CA 91105. 626.568.8850

In California, a victim of domestic violence, dating violence, sexual assault or stalking has the following rights:

- (1) A law enforcement officer who investigates an alleged sexual battery shall:
  - (a) Assist the victim in obtaining medical treatment, if medical treatment is necessary as a result of the alleged incident, a forensic examination, and advocacy and crisis-intervention services from a certified rape crisis center and provide or arrange for transportation to the appropriate facility.
  - (b) Advise the victim that he or she may contact a certified rape crisis center from which the victim may receive services.
  - (c) Prior to submitting a final report, permit the victim to review the final report and provide a statement as to the accuracy of the final report.
- (2) The law enforcement officer shall give the victim immediate notice of the legal rights and remedies available to a victim on a standard form developed and distributed by the California Council Against Sexual Violence in conjunction with the Department of Law Enforcement. The notice will include the resource listing, including telephone number, for the area certified rape crisis center as designated by the California Council Against Sexual Violence.

A person who is the victim of sexual violence or the parent or legal guardian of a minor child who is living at home who is the victim of sexual violence has standing in the circuit court to file a sworn petition for an injunction for protection against sexual violence on his or her own behalf, or on behalf of the minor child if:

1. The person has reported the sexual violence to a law enforcement agency and is cooperating in any criminal proceeding against the respondent, regardless of whether criminal charges based on the sexual violence have been filed, reduced, or dismissed by the state attorney; or
2. The respondent who committed the sexual violence against the victim or minor child was sentenced to a term of imprisonment in state prison for the sexual violence and the respondent's term of imprisonment has expired or is due to expire within 90 days following the date the petition is filed.

Further, LACM complies with California law in recognizing orders of protection for dating violence, domestic violence, repeat violence, and sexual violence. Any person who obtains an order of protection from California or any reciprocal state should provide a copy to Student Support Services at LACM (studentsupport@lacm.edu). A petitioner should then meet with Student Support to develop a Safety Action Plan, which is a plan to reduce risk of harm while on campus, or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, or other measures to assist the petitioner.

Below are details on how to file a restraining order:

1. Prepare a petition and file the petition with the Court.
  - Petition includes information on the petitioner and respondent, such as, address, employment, children, and description of the respondent.
  - Allegation
  - Must be described in detail
  - Relationship to the respondent
  - Dates of incidents
  - Reviewed by Judge immediately
  - If requirements are met
  - Judge will grant a temporary restraining order
  - Restraining order will be valid for 15 days
  - Once order is served to the respondent it will be valid and enforceable
2. Court Hearing
  - Scheduled 15 days after filing.
  - Hearing will be extended 15 days if respondent cannot be found. (Temporary restraining order will not be valid or enforceable until respondent is served.)
  - Gather witnesses, and any other evidence to present to the Judge.
  - All documents must be certified under California Rules of Evidence, or a live witness must testify at the hearing to document authenticity of the documents.
  - Evidence must relate to the allegation on the petition.
3. Hearing
  - Respondent does not appear at hearing.
  - Petitioner allowed to present evidence.
  - Ruling will be based on evidence presented.
  - Respondent appears at hearing.
  - Respondent can object to evidence which is based on California Rules of Evidence.
  - Respondent can cross-examine witnesses and the petitioner.
  - Petitioner will rest their case.
  - Respondent can introduce evidence.
  - Judge Rules on:
    - Custody (if required)
    - Visitation (if required)
  - Restraining Order can be for a certain time period or indefinitely.
  - Judge can also deny petition.
  - At any time either the petitioner or respondent can file to remove the Restraining Order.

The Hearing is considered a trial and is applicable to California Rules of Evidence. Non-authenticated and hearsay are not allowable at the hearing.

To the extent of the victim's cooperation and consent, all LACM offices will work cooperatively to ensure that the petitioner's health, physical safety, work and academic status are protected, pending the outcome of a formal LACM investigation of the complaint. Additionally, personal identifiable information about the

victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant. LACM does not publish the name of crime victims nor publish any identifiable information regarding victims in the crime logs. Victims may request that their directory information be withheld by making a request in writing to the campus Registrar.

## **Disciplinary Procedures Following a Complaint**

The investigatory process involves interviewing the parties involved and any witnesses while gathering documentary or other evidence. In cases involving alleged criminal conduct, the complainant may file a criminal complaint with the local police department. A complainant need not pursue a criminal complaint in order to seek, or to hold the accused responsible through LACM's Student Code of Conduct. As soon as possible, the complainant will be offered appropriate assistance.

Based on the outcome of the investigation, the assigned Title IX Officer or their designee will determine if there is sufficient cause to proceed with a formal complaint. If so, the Title IX Officer or the designee will arrange for an informal resolution conference with the accused. Complainants do not attend informal resolution meetings but are apprised of the meeting's outcome. If the accused does not accept responsibility for the allegations and/or the proposed sanction, the Title IX Officer or their designee will determine if the evidence warrants a formal hearing before the Grievance Committee. The exact nature of the responsive action depends on the circumstances, but may include discipline up to and including suspension or dismissal from LACM for a student, staff or faculty who is found to have violated LACM policies.

LACM will take appropriate action i.e., an investigation, adjudication and disciplinary and remedial/corrective steps in response to a complaint made pursuant to the complaint policies/procedures listed above. LACM will make every effort to handle complaints and investigations with sensitivity to both the rights of the person who complains, and the rights of the accused.

LACM handles complaints discreetly and attempts to maintain privacy throughout the investigatory process, to the extent practicable and appropriate under the circumstances. However, in order to conduct an investigation, it is generally necessary to discuss the allegations with the accused and other potential witnesses. Additionally, LACM may have legal obligations to disclose information to law enforcement or in the context of legal proceedings.

Complaints may be made anonymously. While LACM endeavors to investigate all complaints, including anonymous complaints, the nature of anonymous complaints makes investigation, determination, and remediation more difficult and, at times, impossible. Further, while LACM attempts to protect the identity of complainants who do not wish to be identified, this may not always be possible.

In appropriate cases as determined by LACM, conflict resolution may be possible. This is permitted only where both the complainant and accused voluntarily agree to participate, and either party may terminate informal resolution attempts and commence formal Grievance procedures at any time prior to reaching a mutually acceptable resolution. Depending on the circumstances, a mediated resolution may not necessarily involve face-to-face discussions between the complainant and the accused. Certain cases are not appropriate for conflict resolution, such as complaints of particularly egregious sexual harassment or cases involving sexual assault or violence.

Occasionally, an individual makes a complaint and later wishes to revoke or discontinue the investigation or adjudication process. Similarly, it may occur that someone other than the victim reports an incident, and the victim declines to participate in the investigation or adjudication process. In other instances, complaints may be received anonymously and/or the victim may not wish to be personally identified. LACM endeavors

to respect the wishes of a victim to either not be identified and/or not participate in the process. In these situations, LACM attempts to investigate and address complaints in accordance with the victim's wishes.

If a victim wishes to talk about an incident with the assurance that the discussion will be confidential and will not result in an investigation or follow up action, LACM will also proceed in this regard. In determining whether sex discrimination, sexual harassment or sexual misconduct occurred, LACM does not apply the criminal standard of "beyond a reasonable doubt," nor do formal court rules of evidence apply. Instead, the LACM uses a "preponderance of the evidence" standard, and LACM may consider any evidence it deems relevant. A "preponderance of the evidence" means the evidence which is of greater weight, or is more convincing than opposing evidence such that it is "more likely than not" that an act occurred.

If the applicable investigatory or adjudicatory process allows for parties to offer witnesses and evidence, the complainant and the accused will have an equal opportunity to do so. The complainant and the accused will be informed in writing of the outcome of the complaint, to the extent permitted by law. An accused who is a student may appeal the outcome to an impartial decision maker. An employee who is deemed guilty shall have whatever rights are granted by law. The particular method and grounds for appeal are explained in the student policies listed above.

LACM endeavors to resolve complaints promptly. Ordinarily, the investigative stage will take no longer than 60 calendar days from the time the complaint is received. In exceptional circumstances (including but not limited to especially complex cases, or when LACM is not in session), it may be necessary to extend these timelines. If that occurs, the parties will be informed of the expected timeline for completion.

LACM prohibits retaliation against any individual who in good faith makes a complaint of sex discrimination, sexual harassment, or sexual misconduct or participates as a witness in a proceeding under this or any other LACM policy. Retaliation is also unlawful pursuant to Title IX and other laws.

LACM engages in educational literature to prevent domestic violence, dating violence, sexual assault and stalking. Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and faculty that:

- Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
- Defines what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;
- Defines what behavior and actions constitute consent to sexual activity in the State of California;
- Provides safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than the bystander;
- Provides information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to avoid potential attacks.
- Provides an overview of information contained in the Annual Security Report in compliance with the Clery Act.

This educational campaign will consist of but not be limited to the distribution of educational materials. The Office of Student Support Services also has a directory of services that are available to victims within the community to assist those who have suffered from a criminal act.

### **Risk Reduction/Warning Signs of Abusive Behavior**

No victim is ever to blame for being assaulted or abused. Unfortunately, a person who is the victim of sexual or dating violence is more likely to be re-victimized. Below are some tips to help reduce your risk,

to recognize warnings signs of abusive behavior and how to avoid potential attacks.

## Warning Signs of Abusive Behavior

Domestic and dating abuse often escalates from threats and verbal abuse to violence. And, while physical injury may be the most obvious danger, the emotional and psychological consequences of domestic and dating violence are also severe. Warning signs of dating and domestic violence include:

- Being afraid of your partner.
- Constantly watching what you say to avoid a “blow up.”
- Feelings of low self-worth and helplessness about your relationship.
- Feeling isolated from family or friends because of your relationship.
- Hiding bruises or other injuries from family or friends.
- Being prevented from working, studying, going home, and/or using technology (including your cell phone.)
- Being monitored by your partner at home, work, or school.
- Being forced to do things you don’t want to do.

## Help Reduce Your Risk and Avoid Potential Attacks

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

1. Learn how to look for “red flags” in relationships so you can learn to avoid some of those characteristics in future partners.
2. Consider making a report with the Title IX Coordinator and Student Support Services and ask for a “no contact” directive from the LACM to prevent future contact.
3. Consider getting a protective/restraining order or stay away order.
4. Learn more about what behaviors constitute dating and domestic violence, understand it is not your fault, and talk with friends and family members about ways you can be supported.
5. Trust your instincts—if something doesn’t feel right in a relationship, speak up or end it.

## Sexual Assault Prevention (From Rape, Abuse and Incest National Network - RAINN)

- Try not to leave your drink unattended.
- Only drink from un-opened containers, or from drinks you have watched being made and poured.
- Cover your drink. It is easy to slip in a small pill even while you are holding your drink. Hold a cup with your hand over the top, or choose drinks that are contained in a bottle and keep your thumb over the nozzle.
- If you feel extremely tired or drunk for no apparent reason, you may have been drugged. Find your friends and ask them to leave with you as soon as possible.
- If you suspect you have been drugged, go to a hospital and ask to be tested.
- Keep track of how many drinks you have had.
- Try to come and leave with a group of people you trust.
- Avoid giving out your personal information (phone number, where you live, etc.). If someone asks for your number, take his/her number instead of giving out yours.

## Traveling around campus

- Make sure your cell phone is easily accessible and fully charged.
- Take major, public paths rather than less populated shortcuts.
- Avoid dimly lit places and talk to campus services if lights need to be installed in an area.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.

- Carry a noisemaker on your keychain.
- Carry a small flashlight on your keychain.

Part of LACM compliance with the new Campus SAVE Act requirements for prevention and awareness programs that address domestic violence, dating violence and stalking, the Student Services Department at each campus received and has available on display in the student services department, several relevant brochures. These brochures are from nationally recognized organizations and include awareness and preventive information. These brochures also include help hotlines related to these specific topics. LACM has a sexual assault prevention program that includes, but is not limited to the following:

- If an assault occurs, notify the Campus President immediately
- Do not disturb the crime scene
- Notify local law enforcement officials
- Secure counseling for the victim
- Change the academic schedule if victim requests
- Disciplinary actions include dismissal from LACM

## **A STATEMENT OF PROGRAMS AVAILABLE TO STUDENTS AND EMPLOYEES ON CAMPUS SECURITY PERSONAL SAFETY AND CRIME PREVENTION**

The Student Support Services office has a directory of services that are available, within the community, to assist those who have suffered from a criminal act. These services are usually free and are provided by the community.

## **A DESCRIPTION OF DRUG AND ALCOHOL ABUSE PREVENTION PROGRAMS**

LACM publishes and distributes annually to all current students and employees a copy of the Drug and Alcohol Abuse Prevention Program. Below are the details related to this topic:

### **Drug and Alcohol Abuse Prevention**

Drug abuse affects all aspects of American life. It threatens the workplace, our homes, our schools and our community. The U.S. Department of Education requires institutions of higher education to implement a drug prevention and awareness program for their students and employees through the Safe and Drug Free Schools and Communities Act. All students are expected to conduct themselves as mature adults and as members of an academic community. The consumption of alcohol or drugs while attending class is prohibited and may be subject to disciplinary action.

### **Standards of Conduct**

LACM community must adhere to a code of conduct that recognizes the unlawful manufacture, sale, delivery, unauthorized possession or use of any illicit drug is prohibited on property owned or otherwise controlled by LACM. If an individual associated with LACM is apprehended for violating any drug-or alcohol-related law when on LACM property, or participating in a LACM activity, LACM will fully cooperate with all law enforcement agencies. Underage possession or consumption of alcoholic beverages is not permitted on property owned or controlled by LACM and the state laws will be enforced. Intentionally or knowingly selling, or intentionally or knowingly furnishing alcoholic beverages to persons under the age of 21, or to persons obviously inebriated, is not permitted on property owned or controlled by LACM.

## Health Risks Associated with the use of Illicit Drugs and the Abuse of Alcohol

Moderate to high doses of alcohol cause marked impairments in higher mental functions and the loss of memory. High doses of alcohol can cause respiratory depression and death. Long-term consumption, particularly when combined with poor nutrition, can also lead to dependence and permanent damage to vital organs such as the brain and the liver. Physical effects of drugs include increased heart rate, bloodshot eyes, dry mouth and throat, and increased appetite. The use of drugs may impair or reduce short-term memory and comprehension, alter sense of time, and reduce the ability to perform tasks requiring concentration and coordination. Motivation and cognition may also be altered making the acquisition of new information difficult. As you can see from the above there are major health risks associated with the use of illicit drugs and the abuse of alcohol.

### Pell Grant

Federal guidelines state the grantee must certify that he or she will not engage in unlawful activities related to controlled substances during the period covered by the grant.

### Federal Financial Aid Penalties for Drug Violations

Federal guidelines focus strongly on illicit drug use and distribution. The Higher Education Opportunity Act states students convicted of an illicit drug violation can be denied federal financial aid for a specific period, in addition to other legal penalties. The Free Application for Federal Student Aid (FAFSA) asks students if they have been convicted of a drug-related offense: "Have you ever been convicted of possessing or selling illegal drugs?" If you answer "yes," LACM will send a worksheet in the mail to determine if your conviction affects your eligibility for aid. Failure to answer the question automatically disqualifies students from receiving federal financial aid. Answering this question falsely could result in fines up to \$20,000, imprisonment or both.

More information about federal penalties and sanctions is located at <http://www.justice.gov/dea/agency/penalties.htm>

### Penalties for Drug Convictions

If the student was convicted of both possessing and selling drugs, and the periods of ineligibility are different; the student will be ineligible for the longer period.

### Possession of Illegal Drugs

- For a first offense, a student loses eligibility for federal financial aid for one year from the date of conviction.
- For a second offense, a student loses eligibility for federal financial aid for two years from the date of conviction.
- For a third offense and subsequent offenses, a student has indefinite ineligibility for federal financial aid from the date of conviction.

### Sale of Illegal Drugs

- For a first offense, a student loses eligibility for federal financial aid for two years from the date of conviction.
- For a second offense and subsequent offenses, a student has indefinite ineligibility from the date of conviction.

## How to Regain Eligibility

A student can regain eligibility for federal student aid funds the day after the period of ineligibility ends or upon successful completion of a qualified drug rehabilitation program that must:

- Include at least two unannounced drug tests; AND
- Have received or be qualified to receive funds directly or indirectly under a federal, state or local government program.

Students denied eligibility for an indefinite period can regain it after successfully completing a rehabilitation program, passing two unannounced drug tests from such a program, or if a conviction is reversed, set aside or removed from the student's record so that fewer than two convictions for sale or three convictions for possession remain on the record.

In such cases, the nature and dates of the remaining convictions will determine when the student regains eligibility. The student is responsible to certify that a rehabilitation program was successfully completed. As with the conviction question on the FAFSA, LACM is not required to confirm the reported information unless conflicting information is determined.

## Convictions During Enrollment

Federal regulations require enrolled students convicted of a drug offense after receiving federal financial aid to notify LACM immediately. The student will then become ineligible for further federal financial aid and must repay federal financial aid received after the conviction.

## Drug and Alcohol Counseling

Available to all students is the Student Support Services department. Students can call or email to receive referrals to local resources and support groups, for individuals who need drug and alcohol counseling. Contact [studentsupport@lacm.edu](mailto:studentsupport@lacm.edu) for additional information.

## Institutional Sanctions for Alcohol and Drug Violations

Any member of LACM community found consuming or selling drugs on LACM property shall be subject to discipline on a case-by-case basis. Discipline will be based on the seriousness of the situation. A case may result in dismissal from the LACM.

- In all cases, LACM will abide by local, state and federal sanctions regarding unlawful possession of drugs and the consumption of alcohol.
- Additional state penalties and sanctions may also apply.
- LACM has adopted a zero-tolerance policy regarding underage drinking.

## EMERGENCY RESPONSE AND EVACUATION PROCEDURES- STATEMENT OF POLICY

LACM has in place a Campus Response Team (CRT) that utilizes the Operational Protocols. CRT members serve as the Campus Security Authority (CSA).

In an emergency or a dangerous situation, upon confirmation with the CRT of the need for mass notification, the CRT will, without delay, taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of the responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

In an event of an emergency or a dangerous situation that poses an immediate threat to the campus community, LACM may utilize some or all of its mass notification capabilities to notify its campus community. These capabilities include Email, Voice mail and text messages to alert the campus community. In addition, LACM CRT will post relevant updates and advisories on the appropriate school website ([www.lacm.edu](http://www.lacm.edu)). The CRT will simultaneously use the local means at its disposal to notify the campus students, staff and faculty of the situation. If you have any questions or need clarification, do not hesitate to contact the campus President/Executive Vice President(s).

## **BASIC PROCEDURE FOR REPORTING A CRIME OR EMERGENCY**

### **Report Non-Emergency Activity to:**

(626) 583-6689 – Attending Rep (AR) located at the Student Entrance.  
(626) 568-8850 – LACM'S Main Administration Office.

### **Report Homeless Loitering & Disruptive Activity to:** Pasadena's Union Station Security @ (626) 255-1218.

Please report all Unlawful &/or Suspicious Activity within or around LACM's campus including the adjacent parking lot to the local Pasadena Police Department @ (626) 744-4241.

### **In the event of an EMERGENCY please dial 9-1-1.**

All LACM'S incident reports that warrant investigation will be reviewed by the Main Administration Office and forwarded to the Executive Administration, including the President and Executive Vice President(s). If further action or investigation is required by local police, LACM will contact them accordingly.

## **Timely Warnings**

In the event that a situation arises, either on or off campus, that, in the judgment of the Administration Office, constitutes an ongoing or continuing threat, a campus wide "timely warning" will be issued via e-mail addresses to enrolled students, faculty and staff and through physical postings at the Student Entrance and throughout LACM. Any information that warrants a timely warning should be reported directly to Administration and LACM's attending Rep (AR) on post at the Student Entrance or by calling (626) 583-6689 or you may contact the main Administration Office in person or by calling (626) 568-8850.

## **Crime Prevention Programs**

LACM does not currently have an on campus Crime Prevention Program, but will provide educational information as the school deems necessary.

## **Security Awareness Programs**

LACM does not currently have a Security Awareness Program.

## **Criminal Activity Off Campus**

LACM does not sponsor or endorse any off-campus student organizations at this time, therefore has no police monitoring policy.

## **Drug & Alcohol Policy**

LACM is a “drug and alcohol free” campus. It is illegal under state and federal law and against LACM’s policy to possess, sell, or trade illegal drugs, intoxicants or controlled substances. It is also against school policy to engage in the use of illegal drugs or alcohol at any time while on or using company property, conducting company business or representing LACM. The serving and consumption of alcohol by persons of legal age will only be permitted at designated LACM’s sponsored events that have been specifically authorized by the institution’s President.

Consumption and possession of alcohol by anyone under the age of twenty-one is against the law. Violators of the law and school policy are subject to strict disciplinary action by LACM and possible legal repercussions.

## **Alcohol & Substance Abuse Information**

LACM is committed to educating our students and employees alike about drug and alcohol abuse through the distribution of awareness materials, executing disciplinary action as needed and by offering counseling placement assistance. Although LACM encourages and supports its students and employees seeking assistance for substance abuse, we believe that each person should be held responsible for their own recovery.

All employees and students seeking information on substance abuse or who need assistance in finding counseling services may contact the following school officials or organizations listed below:

Susan Bowling  
[studentsupport@lacm.edu](mailto:studentsupport@lacm.edu)

Erin Workman, Executive Vice President  
[erin@lacm.edu](mailto:erin@lacm.edu)

(626) 568-8850 ext. 211

(626) 568-8850 ext. 211

## **Alcohol & Substance Abuse Information cont.**

**Substance Abuse & Mental Health 24 Hour Treatment Referral Helpline:** 1-800-662-HELP (4357)

**National Alcohol & Drug Abuse Treatment Referral Hotline:** 1-800-252-6465

### **National Alcohol & Substance Abuse Foundation**

Intervention Helpline: 1-800-567-5986

Detox: 1-888-243-3869

Rehab Treatment: 1-800-784-6776

**National Suicide Prevention 24 Hour Lifeline:** 1-800-273-TALK (8255)

For detailed information on California State Law regarding the use and possession of alcohol please visit the Department of Alcohol and Beverage Control (ABC) website at <http://www.abc.ca.gov>.

**Violating any law with regards to drugs and alcohol goes against LACM’s policy and we reserve the right to enforce separate disciplinary action.**

## **Title IX Training Materials**

LACM staff are required to be unbiased and free from conflicts of interest. Materials used to train Title IX personnel include:

Preventing Sexual Misconduct (Title IX) -Thomson Reuters

<https://legal.thomsonreuters.com/en/products/compliance-learning/training-courses/title-ix>

Preventing Discrimination & Harassment - Thomson Reuters

<https://legal.thomsonreuters.com/en/products/compliance-learning/training-courses/discrimination-and-harassment>

Preventing Discrimination & Harassment for Employees - Thomson Reuters

<https://legal.thomsonreuters.com/en/products/compliance-learning/training-courses/discrimination-and-harassment>

Workplace Diversity & Inclusion - Thomson Reuters

<https://legal.thomsonreuters.com/en/products/compliance-learning/training-courses/workplace-diversity>