



DISCLOSURE OF CAMPUS SECURITY POLICY AND  
CAMPUS CRIME STATISTICS ACT

**The Clery Act**

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# VICTORY CAREER COLLEGE SAFETY & SECURITY INFORMATION

The Campus Director prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The report is prepared in cooperation with the local law enforcement agencies surrounding our campus.

Campus crime, arrest, and referral statistics include those reported to the Campus Director or Title IX Coordinator and local law enforcement agencies. The full report can be located on the Institutions' web site at <https://victorycareercollege.edu/consumer-information/>. Copies of the report may be obtained in the Main Office, Suite G100 or by calling (310) 808-9194. All prospective employees may obtain a copy from the Campus Director or by calling (310) 808-9194.

## TO REPORT A CRIME

Contact the Title IX Coordinator or Campus Director at (310) 962-3306 (non-emergencies) or dial 9-1-1 (emergencies only). Any suspicious activity or person seen loitering inside or around the institution buildings should be reported to the School Faculty or Staff. In addition, you may report a crime to the institution staff members located in the Main Office, Suite G100 at (310) 808-9194.

## CAMPUS SECURITY PROCEDURES

Campus safety and security are important issues at Victory Career College. Our goal is to provide students with a safe environment in which to learn and to keep students, parents, and employees well informed about campus security. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, or "Clery Act", requires institutions of higher education to provide students and families with the information they need to make informed decisions. The following policies and procedures are established to comply with the Clery Act.

## TIMELY WARNINGS

In the event that a situation arises, either on or off campus, that, in the judgment of the Title IX Coordinator constitutes an ongoing or continuing threat, a campus wide "timely warning" will be issued. The Title IX Coordinator will immediately notify the institution community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring at the institution, unless issuing a notification will compromise efforts to contain the emergency. The warning will be issued through the most effective and efficient means available and may include instant messaging to students and institution employees. Notices may also be posted in the common areas throughout the institution. Anyone with information warranting a timely warning should report the circumstances to the Title IX Coordinator by phone at (310) 967-3306 or in person at the institution.

## REPORTING THE ANNUAL DISCLOSURE OF CRIME STATISTICS

The institution prepares this report to comply with the Clery Act. The full text of this report can be located on our web site at <https://victorycareercollege.edu/consumer-information/>. This report is prepared in cooperation with the local law enforcement agencies around our campus.

Campus crime, arrest and referral statistics include those reported to the Los Angeles Police, designated campus officials (including but not limited to the Campus Director and/or Title IX Coordinator), and other law enforcement agencies.

Each year notification is made to all enrolled students and employees, whom the institution provides email notification that includes the direct URL link in order to access this report. Copies of the report may also be obtained in person from the School Administrator or by calling (310) 808-9194. All prospective employees may obtain a copy from the Campus Director or by contacting (310) 808-9194.

## **REPORTING OF CRIMINAL OFFENSES**

Victory Career College encourages anyone who is the victim or witness to any crime or other emergency to report the incident as soon as possible. Contact the Title IX Coordinator at (310) 808-9194 (non-emergencies) or dial 9-1-1 (emergencies only). Any suspicious activity or person seen loitering inside or around the institution buildings should be reported to the institution's Faculty or Staff. In addition, you may report a crime to the Administrative staff at (310) 808-9194. For off campus options you may contact the Los Angeles Police Department at (877) 275-5273 for non-emergencies. You should always dial 9-1-1 for emergency situations.

The Los Angeles Police Department encourages anyone who is the victim or witness to any crime to promptly report the incident to the police. Because police reports are public records under state law, the Los Angeles Police Department cannot hold reports of crime in confidence. If you have concerns and choose to remain anonymous, request that your information be kept confidential or that deputies not contact you when they respond.

## **CONFIDENTIAL REPORTING**

Victory Career College encourages anyone who is the victim or witness to any crime to report the incident as soon as possible. All reports will be investigated. The institution does not have procedures for voluntary, confidential reporting of crime statistics. Violations of the law will be referred to the Los Angeles Police Department. When a potentially dangerous threat to the institution community arises, timely reports or warnings will be disseminated through email notifications, in-class announcements, through flyers posted in-class or other appropriate means.

## **ACCESS POLICY**

During business hours, the institution will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours access to all institution facilities is by key and security code, if issued, or by admittance via the Campus Director. Emergencies may necessitate changes or alterations to any posted schedules.

## **CAMPUS SECURITY AUTHORITY AND JURISDICTION**

The institution's administration attempts to provide a safe, secure educational environment for all students and employees. The institution does not provide security guards on its premises; however, the property manager contracts a security company to patrol the parking facilities. The ultimate authority for law enforcement at the institution is the local police department. The institution does not have any written agreements with local police departments for the investigation of alleged criminal offenses. Institution officials have the authority to contact the local police to request assistance in preventing or reacting to crime within or in the immediate vicinity of its facilities. The Title IX Coordinator is the institution's coordinator of security issues. The Title IX Coordinator is not authorized to arrest individuals, but they have the authority to detain suspected criminal offenders if it is deemed safe to do so.

## **SECURITY AWARENESS PROGRAMS**

The School Administrator administers to all new enrolled students a general institution orientation. During the orientation, the need and procedure of reporting emergencies and criminal activities, campus security measures and crime prevention is discussed. Similar information is presented to new employees. In addition, information is disseminated to students and employees through email notifications, and in-class announcements.

## **CRIMINAL ACTIVITY OFF CAMPUS**

Victory Career College does not provide law enforcement services to off-campus activities on behalf of the institution.

## **FIRE ALARM OR EMERGENCIES REQUIRING BUILDING EVACUATION**

The Title IX Coordinator has overall responsibility for coordinating and implementing the Emergency and Response Evacuation Plan. The Title IX Coordinator will ensure that the institution's emergency evacuation procedures have been informed to the students and staff. The Title IX Coordinator will conduct fire drills annually which may be both announced and unannounced. Feedback from these drills will be used to determine any modifications are necessary to improve the evacuation plans.

### **EVACUATION PROCEDURE**

Evacuation should take place if it is determined that it is safer outside than inside the building (fire, explosion, intruder, etc.) and for the faculty, staff, students and visitors can safely reach the evacuation location without danger.

The Title IX Coordinator will call or designate another to immediately call public safety (911) (police, fire and emergency responders) to give notice the institution has been evacuated. The Title IX Coordinator will communicate the need to evacuate the building to the occupants by activating the fire alarm or by in-class announcements. The Title IX Coordinator will determine evacuation routes based on location of the incident and type of emergency and communicate changes in evacuation routes based on location and type of emergency. The Campus Director will communicate when it is safe to re-enter the building.

institution team member responsibilities:

- Instruct students and guests to exit the building using the designated emergency exit routes or as directed by the Campus Director. Emergency exit routes should be diagrammed on the school floor plan drawing posted near the light switch inside each room.
- Use a secondary route if the primary route is blocked or hazardous.
- Help those needing special assistance.
- Do not lock classroom doors when leaving, close door and turn off lights.
- Do not stop for student or staff belongings.
- Take class roster, phone lists, first-aid kit and other emergency supplies with you. Check the bathrooms and common areas for visitors, staff or students while exiting.
- Go to designated evacuation assembly area (minimum of 50 feet from building is required in fire evacuation and 300 feet from building for bomb threat, chemical spill inside building, or other-directed evacuations).
- When outside the building, check for injuries.
- Account for all students. Immediately report any missing or injured students to the Director.
- Wait for additional instructions.

### **EVACUATION DESIGNATED AREA**

The Campus Director or Title IX Coordinator will announce that the institution is experiencing an emergency and it needs to implement evacuation procedure. As part of the evacuation procedure, students, guests, and staff will be directed to move to the designated area located along outer premises and at least 300 feet in distance from building or structures. The institution designated area requires that it needs to be safe for students, staff and the public and visible by emergency response personnel in the event of an emergency.

The ideal location, if available, should be the parking area located on South Vermont (Cross-street Knox Avenue). The designated area may change depending on the type of emergency, availability and safety evaluation.

### **SHELTER-IN-PLACE PROCEDURES**

The shelter-in-place procedure provides a refuge for students, staff and the public inside the school building during an emergency. Shelters are located in areas of the building that maximize the safety of occupants.

Shelter-in-place is used when evacuation would place people at risk. Shelters may change depending on the emergency.

The Campus Director will announce that the institution is experiencing an emergency and needs to implement shelter-in-place procedures. Students, guests and staff will be directed to move to the designated shelter locations in the institution. All students, guests and staff outside will be directed to immediately move to an inside room.

The Campus Director and institution staff will instruct institution staff to close all windows and doors and, if warranted, order the shut-off of heating, ventilation and air conditioning systems to stop the inflow of outside air into the building. The Campus Director will also designate staff to monitor radio, Internet, and other media for information on incident conditions that caused the shelter-in-place. The Campus Director will contact and consult with public safety officials as appropriate and be prepared to announce additional procedures due to changing conditions of the incident, or to announce an "All Clear".

institution team member responsibilities:

- Move students into designated safe areas such as inside rooms with no windows, bathrooms, utility closets or hallways without large windows or doors.
- Close classroom doors and windows when leaving.
- Have everyone kneel and be ready to cover their heads to protect from debris, if appropriate.
- All persons must remain in the shelter until notified by the Director or public safety official that it is safe to exit.

## **LOCKDOWN PROCEDURE**

Lockdown is the initial physical response to provide a time barrier during an active shooter/intruder event. Lockdown is not a stand-alone defensive strategy. When securing in place, this procedure should involve barricading the door and readying a plan of evacuation or counter tactics should the need arise.

The Campus Director will make an announcement that the institution is experiencing an emergency situation and that it is now under lockdown. The Campus Director will designate staff to call 9-1-1, identify the name and address of the institution, describe the emergency, state the institution is locking down, and provide intruder description and weapon(s) if known. The Director will instruct staff to stay on the phone to provide updates and additional information.

institution team member responsibilities:

- Clear the hallway and bathrooms by your room, moving everyone into the classroom.
- Lock your doors.
- Move any large objects in front of the door to barricade door. All moveable items such as chairs should be used as well.
- Take attendance and be prepared to notify the Campus Director or local law enforcement of missing students or additional students, staff or guests sheltered in your classroom.
- Do not place students in one location within the room. In the event that entry is gained by a shooter or intruder, students should consider exiting by running past the shooter/intruder.
- Staff and students may utilize methods to distract the shooter/intruder's ability to accurately shoot or cause harm, such as loud noises or aiming and throwing objects at the shooter/intruder's face or person.
- Allow no one outside of the classroom until the Director or local law enforcement gives the "All Clear" signal unless a life-threatening situation exists and a means to safe exit is available (through a window or other safe passage).
- If students and institution personnel are outside of the school building at the time of a lockdown, institution personnel will move students to the designated off-site assembly location.



## **BOMB THREAT PROCEDURE**

The Campus Director has developed these procedures to protect staff, students, guests and institution property in the event of a communicated threat regarding the presence of destructive devices on institution property. This may include any explosive device of an incendiary, chemical, biological, or radioactive nature. A bomb threat will result in law enforcement and other safety and emergency services responding to the scene.

Once law enforcement arrives, it is critical to follow the instructions of, and cooperate with, the law enforcement officers who will have jurisdiction over the scene. The institution is a crime scene and will require a thorough search and processing.

Staff who received a message that a bomb has been placed in the institution should:

- Make a record of the exact wording of the threat.
- Ask in a clear and calm voice: Where the bomb is located; What does it look like; What materials are in the bomb (type of bomb); How is it activated; When will the bomb explode; Who is calling, name and address; Did you place the bomb; Why are you doing this.
- If the threat is made by phone, listen closely to caller's voice and speech patterns and to noises in background. Make a record of that information.
- If the threat is made by phone and the caller hangs up, immediately dial \*57 to trace the call.
- Notify the Director and/or call 911.

The Title IX Coordinator will notify law enforcement, fire and emergency services by calling 911 if not already notified. The Title IX Coordinator will assign staff to meet and brief emergency responder agencies. The Title IX Coordinator will notify staff and students that a building emergency is in effect, and that all staff and students should remain in their rooms until advised otherwise. If a suspicious item is located, the Campus Director will determine if evacuation procedures should be activated, selecting routes and assembly areas away from the suspicious item. **THE CAMPUS DIRECTOR WILL NOT ACTIVATE THE FIRE ALARM.** The Title IX Coordinator should determine if further response should await arrival of law enforcement and other emergency services.

Once emergency responders are on scene, decisions must be made to:

- Evacuate immediately, if this has not already occurred and if warranted, selecting routes and assembly areas away from the suspicious item. **DO NOT ACTIVATE THE FIRE ALARM.**
- Speak to staff who received the threat and obtain information.
- Search the building.
- If a search is to be conducted, assemble and brief a search team at the interior command post. Assign search areas within the building, the emergency exit routes and the outside assembly areas.
- If a suspicious item is located, order an evacuation, if that has not already occurred.
- No one may re-enter the building(s) until fire or police personnel declare it is safe to do so.
- After consulting with local law enforcement, the Campus Director shall determine if staff and students should be relocated to an alternative safe site.
- If danger is over, the Campus Director will notify staff, students and guests of the termination of the emergency and to resume normal operations.

If an evacuation occurs, students, guests and staff must be evacuated to a safe distance outside of school building(s).

institution team member responsibilities:

- Check classrooms, offices and work area for suspicious items and report any findings to the Campus Director. If a suspicious item is found-**DO NOT TOUCH IT.** Secure the area where the item is located.
- Account for students and be prepared to evacuate if ordered.

- Evacuate using standard procedures and exit routes to assembly area. Open classroom windows and leave classroom doors open when exiting. Take roll after being evacuated. Be prepared to report the names of any missing persons to school administration.
- Keep students together at the assembly area until given further instructions. Be prepared to go to off-site relocation if ordered.
- If given the “All Clear” signal, return to the building and resume normal operations.

### **FIRE RESPONSE PROCEDURE**

The institution has a policy and procedures governing fire drills and conducts fire drills as required by law. All staff are trained on how to respond in the event of a fire.

Any staff discovering fire or smoke will activate the fire alarm, and report the fire to the Title IX Coordinator, or call 911 if conditions require and/or if injured need medical assistance. Staff, students and visitors will immediately evacuate the building using prescribed routes or alternate routes to the assembly areas.

No one may re-enter building(s) until it is declared safe by the fire department.

Once the fire department arrives, it is critical to follow the instructions of, and cooperate with, the fire department personnel who have jurisdiction at the scene.

The School Administrator will call or direct staff to call 911 to confirm the alarm is active, identify the institution name and location, provide exact location of the fire or smoke, if any staff or students are injured, and state the building is being evacuated. The School Administrator will ensure that staff, students and visitors immediately evacuate the building using prescribed routes or alternate routes due to building debris to the assembly areas. Assembly areas may need to be relocated because of the building collapse or unsafe areas from the fire. The Campus Director will designate staff to obtain student roll from instructors and identify any missing students.

The Campus Director will not allow staff, students or guests to return to the building until the fire department with jurisdiction over the scene has determined that it is safe to do so and given the “All Clear”.

institution team member responsibilities:

- Take the class roster and first-aid kit and any other supplies or resources relevant to the incident and lead students as quickly and quietly as possible out of the building to the designated assembly area.
- Use alternate escape routes if the regular route is blocked or there is a safety hazard.
- Assist or designate others to assist students with functional needs.
- Close the classroom door and turn out the lights upon exiting and confirm all students and personnel are out of the classroom.
- Take attendance at the assembly area. Report any missing students or staff members and/or any injuries to the Campus Director or the emergency response personnel at the scene.
- Keep class together and wait for further instructions.
- Remain in safe area until the “All Clear” signal has been issued.
- No one may re-enter building(s) until it is declared safe by the fire department.

### **MEDICAL EMERGENCY PROCEDURE**

These procedures are in place to assist staff, students and guests in the event of a medical emergency.

The institution’s staff should:

- Quickly assess the situation. Make sure the situation is safe for you to approach (i.e., live electric wires, gas leak, building damage, etc.).
- Immediately notify the Campus Director and/or Title IX Coordinator.
- Assess the seriousness of the injury or illness.

- Call or have someone call 9-1-1 immediately. Be prepared to provide the school name and address, exact location (floor, room number); describe illness or type of injury; and age of the victim(s).
- Protect yourself against contact with body fluids (blood borne pathogens).
- Administer appropriate first-aid according to your level of training until help arrives.
- Comfort and reassure the injured person. Do Not Move an injured person unless the scene is unsafe.

The Campus Director will direct staff to call 9-1-1, if necessary, and provide appropriate information to emergency responders. The Campus Director will send school staff with first responder/ first-aid training to the scene if this has not already occurred. The Campus Director will assign a staff member to meet emergency medical service responders and lead them to the injured person and assign a staff member to remain with the injured person if they are transported to the hospital. If the injured person is a member of institution personnel or a student, the Campus Director will notify parent, guardian, or other appropriate family member of the situation, include type of injury or illness, medical care given and location where the injured person has been transported. The Campus Director will ensure that student or staff medical information from administrative records is sent to the hospital. The Title IV Coordinator will develop and maintain written documentation of the incident.

### **FIRE PREVENTION AND WORKPLACE HAZARDS**

It is the responsibility of all faculty and staff to alert the Title IX Coordinator of any and all conditions that could potentially pose a fire hazard or other unsafe condition in or around the building. No smoking is permitted in the building and flammable chemicals are confined and stored in a locked area, meeting all OSHA requirements. Good housekeeping practices will be the responsibility of all faculty, staff and students. Waste materials are to be discarded in their proper places and all aisles, doorways, hallways and exit doors are to be kept clear at all times.

## **VICTORY CAREER COLLEGE CAMPUS SEXUAL MISCONDUCT POLICIES & PROCEDURES**

### **INTRODUCTION**

Victory Career College (the “institution”) is committed to providing a working and educational environment for all students, faculty and staff that is free from sex discrimination, including sexual misconduct. Every member of the institution community should be aware that the institution is strongly opposed to sexual misconduct, and that such behavior is prohibited by state and federal laws.

As part of the institution’s commitment to providing a working and learning environment free from sexual misconduct, this Policy shall be disseminated widely to the institution community through publications, the institution website, new employee orientations, student orientations, and other appropriate channels of communication. The institution provides training to key staff members to enable the institution to handle any allegations of sexual misconduct promptly and effectively. The institution will respond quickly to all reports of sexual harassment, and will take appropriate action to prevent, to correct, and if necessary, to discipline behavior that violates this policy.

### **VIOLENCE AGAINST WOMEN ACT (VAWA)**

The Department of Education (the Department) proposes to amend the Student Assistance General Provisions regulations issued under the Higher Education Act of 1965, as amended (HEA), to implement the changes made by the Violence Against Women Reauthorization Act of 2013 (VAWA) (Pub. L. 113-4), which, among other provisions, amended section 485(f) of the HEA, otherwise known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). These proposed regulations are a result of negotiated rulemaking and would update and clarify the current regulations.

This is a revision to the current collection due to changed regulatory action that requires additional collection and reporting by the institutions. Burden that is impacted is in proposed §668.46 (b), §668.46(c) §668.46(j), and §668.46(k). The Department is requesting continued approval of the current collection along with consideration of the following revisions.

### **VIOLENCE AGAINST WOMEN INCIDENTS REPORTING**

The Clery Act requires institutions of higher education to comply with certain campus safety- and security-related requirements as a condition of their participation in the title IV, HEA programs. Notably, VAWA amended the Clery Act to require institutions to compile statistics for incidents of dating violence, domestic violence, sexual assault, and stalking and to include certain policies, procedures, and programs pertaining to these incidents in their annual security reports.

The Department proposes to amend 34 CFR §668.46 in order to implement these statutory changes. And we propose to update this section by incorporating provisions added to the Clery Act by the Higher Education Opportunity Act of 2008, deleting outdated deadlines and cross-references, and making other changes to improve the readability and clarity of the regulations.

The information that is collected and reported to the Department using the Annual Security Report is posted to the Department's web page at [The Campus Safety and Security Data Analysis Cutting Tool](#) which allows interested parties access to data regarding one or more institutions or data that has been aggregated. Additionally, the data is required to be made available on institutional web pages for disclosures to prospective and current students and prospective and current employees regarding the information. This allows interested parties to be aware of issues related to campus security at a given institution.

### **SEXUAL MISCONDUCT POLICIES & PROCEDURES**

Victory Career College is committed to providing a working and educational environment for all students, faculty and staff that is free from sex discrimination, including sexual misconduct. Every member of the school community should be aware that the institution is strongly opposed to sexual misconduct, and that such behavior is prohibited by state and federal laws.

The institution's Sexual Misconduct Policy is part of this Annual Security Report. It describes the institution's programs to prevent sexual misconduct, and the procedures that the institution will follow once an incident of sexual misconduct has been reported. This Policy is disseminated widely to the institution community through publications, the institution website, new employee orientations, student orientations, and other appropriate channels of communication. Copies of the Policy can be obtained from the School Administrator, by calling the Main Office, Suite G100 at (310) 808-9194, or downloading from the institution's website at: <https://victorycareercollege.edu/consumer-information/>

The institution provides training to key staff members to enable the institution to handle any allegations of sexual misconduct promptly and effectively. The institution will respond quickly to all reports of sexual harassment, and will take appropriate action to prevent, to correct, and if necessary, to discipline behavior that violates this policy.

The institution's Sexual Misconduct Policy governs sexual misconduct involving students that occurs on any institution property or in connection with any institution-sponsored program or event. This Policy applies to all students, employees, and third parties conducting business with the institution, regardless of the person's gender, gender identity, sexual orientation, age, race, nationality, class status, ability, religion or other protected status. The institution encourages victims of sexual violence to talk to somebody about what happened – so victims can get the support they need, and so the institution can respond appropriately. As further described in

the Policy, the institution will seek to respect a victim's request for confidentiality to the extent possible, while remaining ever mindful of the victim's well-being.

### **SEXUAL OFFENDER REGISTRATION**

In accordance to the Campus Sex Crimes Prevention Act of 2000, the Clery Act, and the Family Rights and Privacy Act of 1974, the institution is providing information for where students and employees may obtain information regarding registered sex offenders. The California Sex Offenders Registry may be found at <http://www.meganslaw.ca.gov>. The Campus Sex Crimes Prevention Act requires institutions of higher education to provide a statement advising the campus community where law enforcement information provided by a state concerning registered sex offenders can be obtained.

### **SCOPE OF THE POLICY**

This Policy governs sexual misconduct involving students when sexual harassment occurs in the institution's educational program or activity including locations events or circumstances over which the school exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building own or controlled by a student organization in connection with any institution-sponsored program or event. This Policy applies to all students, employees, and third parties conducting business with the institution in the United States, regardless of the person's gender, gender identity, sexual orientation, age, race, nationality, class status, ability, religion or other protected status. The institution encourages victims of sexual violence to talk to somebody about what happened – so victims can get the support they need, and so the institution can respond appropriately. As further described in this Policy, the institution will seek to respect a victim's request for confidentiality to the extent possible, while remaining ever mindful of the victim's well-being.

### **PROHIBITED CONDUCT**

Sexual misconduct comprises a broad range of behaviors focused on sex that may or may not be sexual in nature. Any intercourse or other intentional sexual touching or activity without the other person's consent is sexual assault, which is a form of sexual misconduct under this Policy. Sexual harassment, sexual exploitation, stalking, domestic violence, and dating violence are also forms of sexual misconduct. Intimidation for one of these purposes is sexual misconduct, as is retaliation following an incident of alleged sexual misconduct or attempted sexual misconduct. The definitions for specific acts of sexual misconduct can be found in the Definitions of Key Terms at the end of this Policy statement.

Misconduct can occur between strangers or acquaintances, or people who know each other well, including between people involved in an intimate or sexual relationship, can be committed by anyone regardless of gender identity, and can occur between people of the same or different sex or gender. This Policy prohibits all forms of sexual misconduct.

### **OPTIONS FOR ASSISTANCE FOLLOWING AN INCIDENT OF SEXUAL MISCONDUCT**

The institution strongly encourages any victim of sexual misconduct to seek immediate assistance. Seeking prompt assistance may be important to ensure a victim's physical safety or to obtain medical care. The institution strongly advocates that a victim of sexual assault reports the incident in a timely manner. Time is a critical factor for evidence collection and preservation.

### **REPORTING INCIDENTS OF SEXUAL MISCONDUCT**

Victims of sexual misconduct may file a report with the Los Angeles Police Department. Victims may also file a report with the institution's Title IX Coordinator. More information about reporting an incident of sexual misconduct can be found in Section 6 of this Policy, below.

When a student or employee reports to the school that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the school will provide the student or employee a written explanation of the student's or employee's rights and options.

The victim of the sexual assault may choose for the investigation to be pursued through the criminal justice system and the institution’s disciplinary procedures. The institution and the criminal justice system work independently from each other. Law enforcement officers do not determine whether a violation of this Policy has occurred. The Title IX Coordinator will guide the victim through the available options and support the victim in his or her decision.

**SUPPORT SERVICES AVAILABLE**

Counseling, advocacy, and support services are available for victims of sexual misconduct, whether or not a victim chooses to make an official report or participate in the institution’s disciplinary or criminal process. The institution will provide written notification about assistance available for victims within in the community.

**Victory Career College does not provide counseling or health care services. Personal counseling offered by the institution will be limited to initial crisis assessment and referral.** Sexual misconduct crisis and counseling options are available through a number of agencies located throughout the Los Angeles community, including:

Organization Name	Contact information
UCLA Ronald Reagan Medical Center	Address: 757 Westwood Plaza Los Angeles, CA 90095 Phone #:310.825.9111
RAINN, National Sexual Assault Telephone Hotline	Phone #:800.656.4673
YWCA Greater Los Angeles	Phone #:877.943.5778
Peace Over Violence	Phone #: 310.392.8381
LACDMH Helpline (24/7 phone) – Hotline for anyone seeking emotional support, mental health services, or navigation service for a loved one, available 24 hours a day, 7 days a week.	Phone #: 800-854-7771 or Contact Crisis Text Line (“LA” to 741741)
Emotional Support Warm Line (9am-9pm PST phone) – One of options when calling the DMH Helpline, for county residents who may not want mental health services but would like to talk with a trained listener.	Phone #: 800-854-771 (option 2 when calling the DMH Helpline)
Teen Line (6pm-9pm PST phone/text)	Phone # :310-482-3200, or text (“TEEN” to 839863), or visit <a href="https://teenlineonline.org/yyp/edelman-mental-health-center/">https://teenlineonline.org/yyp/edelman-mental-health-center/</a>

The institution’s Title IX Coordinator will work with all students affected by sexual misconduct to ensure their safety and support their well-being. This assistance may include providing accommodations to support or protect a student after an incident of sexual misconduct and while an investigation or disciplinary proceeding is pending. Such accommodations may include the ability to alter class schedules, withdraw from/retake a class without penalty, and access academic support (e.g., tutoring). The institution may be able to provide additional interim measures to victims while an investigation is pending, such as no contact orders and changing the alleged perpetrator’s class schedule. The institution will provide written notification to victims about options for academic or protective measures.

## **EVIDENCE PRESERVATION**

Victims of sexual assault, domestic violence or dating violence should consider seeking medical attention as soon as possible. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen where they were assaulted so that evidence necessary to prove criminal activity may be preserved. In circumstances where the victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address health concerns. Victims of sexual misconduct 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 in connection with a school or police investigation.

## **ALCOHOLIC BEVERAGES OR CONTROLLED SUBSTANCES**

It is the policy of Victory Career College that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or alcohol is prohibited while in the workplace, on institution premises, or as part of any institution sponsored activities. Any employee or student violating this policy will be subject to disciplinary action up to and including termination or expulsion and referral for prosecution. The specifics of this policy can be found in the Drug Free School Policy.

## **ALCOHOL AND SUBSTANCE ABUSE EDUCATION**

The institution has developed a program to prevent the illicit use of drugs and the abuse of alcohol by students and employees. The program provides services related to drug use and abuse including dissemination of information materials, referrals, and institution disciplinary actions.

A violation of any law regarding drugs or alcohol is also a violation of the institution's Drug Free School Policy and will be treated as a separate disciplinary matter by the institution. Local mental health and substance abuse services are available at:

- Twin Town Treatment Centers - Torrance 3440 Torrance Blvd Ste. 104, Torrance, CA 90503 (310) 787-1335
- L A County Mental Health - 21081 S Western Ave # 250, Torrance, CA 90501 (310) 533-6600

Additional information about drug and alcohol abuse, health risks, addiction and prevention can be accessed at the National institution on Alcohol Abuse and Alcoholism ([www.collegedrinkingprevention.gov](http://www.collegedrinkingprevention.gov)) as well as the National institution on Drug Abuse ([www.drugabuse.gov/DrugPages/DrugsofAbuse.html](http://www.drugabuse.gov/DrugPages/DrugsofAbuse.html)).

# VICTORY CAREER COLLEGE CAMPUS CRIME STATISTICS

Offense Year of Offense	On Campus			Non-Campus			Public Property		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	1	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
<b>VAWA Offenses</b>									
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
<b>Arrests &amp; Disciplinary Referrals</b>									
Liquor Law Arrests	0	0	0	0	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0	0	0	0
Drug Law Arrests Referred for Disciplinary Action	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Arrests	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0	0

Hate Crimes – **There were no reported hate crimes for the years 2016, 2017 or 2018.**

## TITLE IX COORDINATOR

The institution’s Title IX Coordinator is responsible for monitoring and overseeing the institution’s compliance with Title IX and the prevention of sex harassment, sexual misconduct, and discrimination. The Title IX Coordinator is:

- Knowledgeable and trained in institution policies and procedures and relevant state and federal laws.
- Available to advise any individual, including a complainant, respondent, or a third party, about institution and community resources and reporting options.
- Available to aid any institution employee regarding how to respond appropriately to a report of Title IX-related prohibited conduct and related retaliation.
- Participates in ensuring the effective implementation of this Policy, including monitoring compliance with all procedural requirements, record keeping, and timeframes; and
- Responsible for overseeing training, prevention, and education efforts and annual reviews of climate and culture.

Inquiries or concerns about Title IX may be referred to the institution’s Title IX Coordinator:

Mr. David Mokhtarian, Title IX Coordinator  
 19401 S. Vermont Ave. Torrance, CA 90502  
 Phone: (310) 808-9194 Cell (310) 962.3306  
 Email: david@victorycareercollege.edu



## **REPORTING POLICIES AND PROTOCOLS**

Victory Career College strongly encourages all members of the institution community to report information about any incident of sexual misconduct as soon as possible, whether the incident occurred on or off campus. Reports can be made either to the institution and/or to law enforcement.

### **REPORTING TO THE INSTITUTION**

An incident of sexual misconduct may be reported directly to the institution's Title IX Coordinator. If the institution's Title IX Coordinator is the alleged perpetrator of the sexual misconduct, the report should be submitted to the Campus Director. Reports may also be submitted via email at [karine@victorycareercollege.edu](mailto:karine@victorycareercollege.edu). Filing a report with an institution official will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers.

An individual who has experienced an incident of sexual misconduct may report the incident at any time, regardless of how much time has elapsed since the incident occurred. The institution is committed to supporting the rights of a person reporting an incident of sexual misconduct to make an informed choice among options and services available.

The institution will respond to all reports in a manner that treats each individual with dignity and respect and will take prompt responsive action to end any misconduct, prevent its recurrence, and address its effects.

### **REPORTING TO LAW ENFORCEMENT**

An incident of sexual misconduct can be reported to law enforcement at any time, 24 hours a day/7 day a week, by calling 911. At the complainant's request, the institution will assist the complainant in contacting law enforcement. If the complainant decides to pursue the criminal process, the institution will cooperate with law enforcement agencies to the extent permitted by law. A complainant has the option to decide whether to participate in any investigation conducted by law enforcement. Filing a police report will:

- Ensure that a victim of sexual assault receives the necessary medical treatment and tests.
- Provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam); and
- Assure the victim has a referral to confidential counseling from counselors specifically trained in the area of sexual assault.

### **REPORTING OF CRIMES & ANNUAL SECURITY REPORTS**

Campus safety and security are important issues at VC College. Our goal is to provide students with a safe environment in which to learn and to keep students, parents, and employees well informed about campus security. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, or Clery Act, requires institutions of higher education to record and report certain information about campus safety, including the number of incidents of certain crimes on or near campus, some of which constitute sexual misconduct under this Policy.

Each year the institution prepares this report to comply with the Clery Act. The full text of this report can be located on the institution's web site at <https://victorycareercollege.edu/consumer-information/>. This report is prepared in cooperation with the local law enforcement agencies around our campus. Each year notification is made to all enrolled students and employees that provides the web site to access this report. Copies of the report may also be obtained in person from the Title IX Coordinator by calling (310) 808-9194.

## **TIMELY WARNINGS**

In the event that a situation arises, either on or off campus, that, in the judgment of the Title IX Coordinator constitutes an ongoing or continuing threat, a campus wide “timely warning” will be issued. The warning will be disseminated to staff and students through announcements in campus facilities, cell phone messages, e-mail, school website, social media and/or flyers to ensure that the entire campus is likely to receive the warning. The timely warning will include information that promotes safety and tips to prevent similar crimes, allowing the campus community to take appropriate precautions. The timely warning will also include the time, location, and type of crime reported. Anyone with information warranting a timely warning should report the circumstances to the Title IX Coordinator by phone at (310) 808-9194 or in person at the institution.

## **THIRD-PARTY AND ANONYMOUS REPORTING**

In cases where sexual misconduct is reported to the Title IX Coordinator by someone other than the complainant (by an instructor, classmate or friend, for example), the Title IX Coordinator will promptly notify the complainant that a report has been received. This Policy and the Procedures will apply in the same manner as if the complainant had made the initial report. The Title IX Coordinator will make every effort to meet with the complainant to discuss available options and resources. Reports from an anonymous source will be treated in a similar fashion.

## **NO RETALIATION**

The institution prohibits retaliation against those who file a complaint or third-party report, or otherwise participate in the investigative and/or disciplinary process (e.g., as a witness). The institution will take strong responsive action if retaliation occurs. Any incident of retaliation should be promptly reported to the Title IX Coordinator or the institution’s Title IX Coordinator.

## **COORDINATION WITH DRUG FREE SCHOOL POLICY**

Students may be reluctant to report instances of sexual misconduct because they fear being disciplined pursuant to the institution’s alcohol or drug policies. The institution encourages students to report all instances of sexual misconduct and will take into consideration the importance of reporting sexual misconduct in addressing violations of the institution’s alcohol and drug policies. This means that, whenever possible, the institution will respond educationally rather than punitively to student alcohol or drug policy violations associated with reported sexual misconduct.

## **INSTITUTION POLICY ON CONFIDENTIALITY**

The institution encourages victims of sexual misconduct to talk to somebody about what happened – so victims can get the support they need, and so the institution can respond appropriately.

This policy is intended to make students aware of the various reporting and confidential disclosure options available to them – so they can make informed choices about where to turn should they become a victim of sexual misconduct. The institution encourages victims to talk to someone identified in one or more of these groups.

## **PRIVILEGED AND CONFIDENTIAL COMMUNICATIONS – PROFESSIONAL & PASTORAL COUNSELORS**

Professional, licensed counselors and pastoral counselors who provide mental health<sup>[SEP]</sup> counseling to members of the community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX Coordinator without a victim’s permission. *The institution does not provide professional or pastoral counseling but can assist a victim of sexual misconduct in obtaining support services from these groups or agencies.* Contact information for these support organizations is listed in Section 4 of this Policy.

A victim who at first requests confidentiality may later decide to file a complaint with the school or report the incident to local law enforcement, and thus have the incident fully investigated.

**NOTE:** While these professional and pastoral counselors and advocates may maintain a victim's confidentiality vis-à-vis the institution, they may have reporting or other obligations under state law.

**ALSO NOTE:** If the institution determines that the alleged perpetrator(s) pose a serious and immediate threat to the institution community, the institution's Title IX Coordinator may be called upon to issue a timely warning to the community. Any such warning should not include any information that identifies the victim.

#### **REPORTING TO "RESPONSIBLE OFFICER"**

A "responsible officer" is an institution employee who has the authority to redress sexual violence, who has the duty to report incidents of sexual violence or other student misconduct, or who a student could reasonably believe has this authority or duty.

When a victim tells a responsible employee about an incident of sexual violence, the victim has the right to expect the school to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

A responsible officer must report to the Title IX coordinator all relevant details about the alleged sexual violence shared by the victim and that the school will need to determine what happened – including the names of the victim and alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident.

To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the school's response to the report. A responsible employee should not share information with law enforcement without the victim's consent or unless the victim has also reported the incident to law enforcement.

The following employees are the institution's responsible employees:

**Chief Executive Officer "Campus Director"**, *Karine Fougoux*, email: [karine@victorycareercollege.edu](mailto:karine@victorycareercollege.edu)

**Title IX Coordinator**, *David Mokhtarian*, email: [david@victorycareercollege.edu](mailto:david@victorycareercollege.edu)

**School Administrator**, *Ashley Wettlaufer*, email: [ashley@victorycareercollege.edu](mailto:ashley@victorycareercollege.edu)

**Director of Financial Aid & Services**, *Dario Torres*, email: [dario@victorycareercollege.edu](mailto:dario@victorycareercollege.edu)

Before a victim reveals any information to a responsible employee, the employee should ensure that the victim understands the employee's reporting obligations – and, if the victim wants to maintain confidentiality, direct the victim to confidential resources.

If the victim wants to tell the responsible employee what happened but also maintain confidentiality, the employee should tell the victim that the institution will consider the request, but cannot guarantee that the school will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the responsible employee will also inform the Coordinator of the victim's request for confidentiality.

Responsible employees will not pressure a victim to request confidentiality, but will honor and support the victim's wishes, including for the institution to fully investigate an incident. By the same token, responsible employees will not pressure a victim to make a full report if the victim is not ready to.

## **REPORTING TO TITLE IX COORDINATOR**

When a victim tells the Title IX Coordinator about an incident of sexual misconduct, the victim has the right to expect the institution to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

To the extent possible, information reported to the Title IX Coordinator will be shared only with people responsible for handling the institution's response to the report. The Title IX Coordinator should not share information with law enforcement without the victim's consent or unless the victim has also reported the incident to law enforcement.

Before a victim reveals any information to the Title IX Coordinator, the Coordinator should ensure that the victim understands the Coordinator's reporting obligations – and, if the victim wants to maintain confidentiality, direct the victim to confidential resources. If the victim wants to tell the Title IX Coordinator what happened but also maintain confidentiality, the Coordinator should tell the victim that the institution will consider the request but cannot guarantee that the institution will be able to honor it.

The Title IX Coordinator will not pressure a victim to request confidentiality, but will honor and support the victim's wishes, including for the institution to fully investigate an incident. By the same token, the Title IX Coordinator will not pressure a victim to make a full report if the victim is not ready to.

## **REQUESTING CONFIDENTIALITY FROM THE INSTITUTION**

If a victim discloses an incident to the Title IX Coordinator but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the institution must weigh that request against the institution's obligation to provide a safe, non-discriminatory environment for all students, including the victim.

If the institution honors the request for confidentiality, a victim must understand that the institution's ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited.

Although rare, there are times when the institution may not be able to honor a victim's request in order to provide a safe, non-discriminatory environment for all students.

The Title IX Coordinator will evaluate requests for confidentiality. When weighing a victim's request for confidentiality or that no investigation or discipline be pursued, the Title IX Coordinator will consider a range of factors, including the following:

- The increased risk that the alleged perpetrator will commit additional acts of sexual misconduct or other violence, such as:
  - o whether there have been other sexual misconduct complaints about the same alleged perpetrator.
- Whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence.
- Whether the alleged perpetrator threatened further sexual misconduct or other violence against the victim or others.
- Whether the sexual misconduct was committed by multiple perpetrators.
- Whether the sexual misconduct was perpetrated with a weapon.

- Whether the victim is a minor.
- Whether the institution possesses other means to obtain relevant evidence of the sexual misconduct (e.g., security cameras or personnel, physical evidence).
- Whether the victim's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead the institution to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the institution will likely respect the victim's request for confidentiality.

If the institution determines that it cannot maintain a victim's confidentiality, the institution will inform the victim prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the institution's response. The institution will remain ever mindful of the victim's well-being and will take ongoing steps to protect the victim from retaliation or harm and work with the victim to create a safety plan. Retaliation against the victim, whether by students or institution employees, will not be tolerated.

The institution will also:

- Assist the victim in accessing other available victim advocacy, academic support, counseling, disability, health or mental health services, and legal assistance.
- Provide other security and support, which could include issuing a no-contact order, helping arrange a change of course schedules (including for the alleged perpetrator pending the outcome of an investigation) or adjustments for assignments or tests; and
- Inform the victim of the right to report a crime to local law enforcement – and provide the victim with assistance if the victim wishes to do so. The institution may not require a victim to participate in any investigation or disciplinary proceeding.

Because the institution is under a continuing obligation to address the issue of sexual violence campus-wide, reports of sexual violence (including non-identifying reports) will also prompt the institution to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported sexual violence occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/ victimization surveys; and/or revisiting its policies and practices.

If the institution determines that it can respect a victim's request for confidentiality, the institution will also take immediate action as necessary to protect and assist the victim.

## **INVESTIGATION PROCEDURES AND PROTOCOLS**

The institution's Title IX Coordinator oversees the institution's investigation, response to, and resolution of all reports of prohibited sexual misconduct, and of related retaliation, involving students, faculty, and staff.

## **NOTICE OF INVESTIGATION**

The Title IX Coordinator will inform the complainant before starting an investigation. The complainant may request that an investigation not be undertaken. The Title IX Coordinator will consider such a request in light of the institution's commitment to provide a safe and non-discriminatory environment for all students. If the Title IX Coordinator determines not to investigate, she will notify the complainant in writing, including that the determination was made at the complainant's request. At the complainant's request, the Title IX Coordinator will also notify the respondent in writing, including that the complainant asked the institution not to investigate.

The Title IX Coordinator will direct the complainant, respondent, witnesses and other interested individuals to preserve any relevant evidence.

If an investigation proceeds, the institution will notify the respondent in writing that a report has been filed. The notice will describe the allegations in the report. The complainant and respondent will be given the opportunity to meet separately with the Title IX Coordinator to review the Policy and these Procedures.

### **INVESTIGATION PROCESS**

The institution's process for responding to, investigating and adjudicating sexual misconduct reports will continue during any law enforcement proceeding. The Title IX Coordinator may need to temporarily delay an investigation while the police are gathering evidence but will resume the investigation after learning that the police department has completed its evidence-gathering and will generally not wait for the conclusion of any related criminal proceeding.

The Title IX Coordinator will interview the complainant, respondent and any witnesses. The Title IX Coordinator will also gather pertinent documentary materials (if any) and other information.

### **INVESTIGATION REPORT**

The Title IX Coordinator will prepare a report detailing the relevant content from the interviews and the documentation gathered. The report will include the assessment of individual credibility and recommended findings of responsibility.

The respondent and complainant will each have the opportunity to review a copy of the investigative report and any other information that will be used during the disciplinary proceedings. The names and other identifying information of other students will be redacted from such materials in accordance with the Family Educational Rights and Privacy Act (FERPA), except to the extent that doing so would interfere with the purpose of Title IX to eliminate sex-based discrimination. The Title IX Coordinator will supervise this review and ensure that reasonable time is afforded for review prior to the hearing.

Upon receipt of the investigative report, the complainant and respondent shall each have the opportunity to request a hearing be conducted pursuant to the procedures set forth in Section 9, below. If neither party requests a hearing within 10 calendar days from their receipt of the investigative report, then the recommended findings of responsibility set forth in the investigative report shall be final. The Title IX Coordinator shall rely on the recommended findings of responsibility in the investigative report for purposes of imposing sanctions in accordance with Section 10, below.

### **TIME FRAME FOR INVESTIGATION**

Consistent with the goal to maximize educational opportunities and minimize the disruptive nature of the investigation and resolution, the Title IX Coordinator seeks to resolve all reports in a timely manner. In general, an investigation may last up to 30 days, from receipt of written notice from the complainant of the intent to proceed with an investigation. Adjudication will generally take up to 30 days from the date the investigative report is provided to both the complainant and the respondent. The Title IX Coordinator may set reasonable time frames for required actions under the Policy. Those time frames may be extended for good cause as necessary to ensure the integrity and completeness of the investigation, comply with a request by external law enforcement, accommodate the availability of witnesses, accommodate delays by the parties, account for institution breaks or vacations, or address other legitimate reasons, including the complexity of the investigation (including the number of witnesses and volume of information provided by the parties) and the severity and extent of the alleged conduct. Any extension of the timeframes, and the reason for the extension, will be shared with the parties in writing. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

Where necessary, the institution will take immediate steps to protect complainants pending the final outcome of an investigation, including academic accommodations and other interim measures. These steps may include the ability to change class schedules; withdraw from/re-enter without penalty; issue no contact orders; and change the alleged perpetrator's class schedule.

### **IMPACT OF VICTIM'S CONFIDENTIALITY REQUEST**

A victim's request for confidentiality will likely limit the institution's ability to investigate a particular matter. The institution may take steps to limit the effects of the alleged sexual misconduct and prevent its recurrence without initiating formal action against the alleged perpetrator or revealing the identity of the student complainant. Examples include the following: providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred; providing training and education materials for students and employees; revising and publicizing the institution's policies on sexual misconduct; and conducting climate surveys regarding sexual misconduct.

### **VOLUNTARY RESOLUTION**

Voluntary resolution, when selected by the complainant and deemed appropriate by the Title IX Coordinator, is a path designed to eliminate the conduct at issue, prevent its recurrence, and remedy its effects in a manner that meets the expressed preference of the complainant and the safety and welfare of the institution community. Voluntary resolution is not appropriate for all forms of conduct under the Policy.

The institution retains the discretion to determine, when selected by the complainant, which cases are appropriate for voluntary resolution. If a complainant requests voluntary resolution, and the Title IX Coordinator concludes that voluntary resolution is appropriate, then the Title IX Coordinator will take appropriate action by imposing remedies designed to maximize the complainant's access to all educational, and extracurricular opportunities and benefits at the institution and to eliminate a potential hostile environment. A complainant may request and decide to pursue voluntary resolution at any time. In those cases, in which the voluntary resolution involves either the notification to or participation by the respondent, it is the respondent's decision whether to accept voluntary resolution.

Voluntary resolution may include: conducting targeted or broad-based educational programming or training for relevant individuals or groups; providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred; facilitating a meeting with the respondent with the complainant present (in cases that do not involve sexual assault); and any other remedy that can be tailored to the involved individuals to achieve the goals of the Policy. In some forms of voluntary resolution, the remedies imposed will focus on supporting the complainant with no participation or involvement by the respondent. In other forms of voluntary resolution, the respondent may agree to participate. Depending on the type of remedy used, it may be possible for a complainant to maintain anonymity.

Voluntary resolution may also include restorative principles that are designed to allow a respondent to accept responsibility for misconduct and acknowledge harm to the complainant or to the institution community. Restorative models will be used only with the consent of both parties and following a determination by the Title IX Coordinator that the matter is appropriate for a restorative approach.

The institution will not compel a complainant to engage in mediation, to directly confront the respondent, or to participate in any form of informal resolution. Mediation, even if voluntary, is never appropriate in sexual assault cases and will not be used in such cases. As the title implies, participation in voluntary resolution is a choice, and either party can request to end this manner of resolution and pursue an investigation and adjudication at any time, including if voluntary resolution is unsuccessful at resolving the report. Similarly, a complainant can request to end an investigation and pursue voluntary resolution at any time.

The time frame for completion of voluntary resolution may vary, but the institution will seek to complete the process within 30 days of the complainant's request.

## **GRIEVANCE PROCEDURES**

### **HEARING PANEL**

If requested by either complainant or respondent following the distribution of the investigative report, the institution will convene a hearing panel following the end of the investigation. The hearing panel determines whether the respondent is responsible or not responsible for a violation of the Policy. If the respondent is determined to be responsible, the matter proceeds to the sanctions stage.

The hearing panel will generally include the Title IX Coordinator and two additional members who will be individuals associated with the institution. These additional hearing panel members may include administrators, officers, lawyers or other individuals with relevant experience and special training. Panel members may participate remotely so long as the hearing room is equipped with telephone equipment that allows the panel member to hear all the participants and to be heard by all the participants throughout the hearing proceedings. All panelists will receive training from experts in the field at least once a year. In addition to training on how the adjudicatory process works, the training will include specific instruction about how to approach students about sensitive issues that may arise in the context of sexual misconduct. The complainant and respondent will be informed of the panel's membership before the hearing process begins. A complainant and/or respondent may challenge the participation of a panel member because of perceived conflict of interest, bias, or prejudice. Such challenges, including rationale, must be made to the Title IX Coordinator at least 48 hours prior to the commencement of the hearing. At its discretion, the Title IX Coordinator will determine whether such a conflict of interest exists and whether a panel member should be replaced. Postponement of a hearing may occur if a replacement panelist cannot be immediately identified.

### **ADVISORS**

Both the complainant and the respondent are entitled to be accompanied to any meeting or proceeding relating to the allegation of sexual misconduct by an advisor or support person of their choice, provided the involvement of such advisor or support person does not result in the postponement or delay of such meeting as scheduled.

### **WRITTEN SUBMISSIONS**

Both the complainant and respondent will have the opportunity to submit written responses to the investigation report and other relevant information to the hearing panel. Each of the complainant and respondent will have the opportunity to review any written submissions by the other. The hearing panel may set reasonable parameters for these written submissions. The hearing panel will review the investigation report and written submissions.

### **HEARING PROCEDURES**

The Title IX Coordinator will, whenever possible, give the complainant and respondent at least five days' advance notice of the hearing. The Title IX Coordinator will arrange to hold the hearing at an off-campus location. The hearing is a closed proceeding, meaning that no one other than the panel members, the complainant and respondent, their respective advisors, witnesses (when called), and necessary institution personnel may be present during the proceeding. The Title IX Coordinator will work with institution staff so that any student whose presence is required may participate in the hearing.

In general, hearings will proceed as follows:



- The Title IX Coordinator may set reasonable time limits for any part of the hearing. Each of the complainant and respondent will have the opportunity to present witnesses and other information consistent with the Policy and these Procedures. The panel may determine the relevance of, place restrictions on, or exclude any witnesses or information. When the complainant and respondent are not able to be present for the hearing panel, arrangements will be made for participation via alternate means.
- In cases where either the complainant or respondent opts not to participate in the hearing, the panel may still hear from the other.
- Additional hearing rules include:
  - Questioning. Only the panel may ask questions of the complainant and respondent and any witnesses. Both the complainant and respondent will have the opportunity to suggest questions of the other and of witnesses by submitting suggested questions to the panel in writing. The panel may revise or not ask any or all submitted questions.
    - o Information Regarding Romantic or Sexual History. The panel will not consider the romantic or sexual history of either the complainant or respondent in cases involving allegations of sexual misconduct, except for testimony offered by one or the other about the complainant's and respondent's shared sexual history that the panel deems relevant. If such information is offered by the complainant or respondent, the other has the right to respond. The existence of a prior consensual dating or sexual relationship between the complainant and respondent by itself does not support an inference of consent to alleged sexual misconduct.
  - Prior Conduct Violations. The hearing panel will not consider the respondent's prior conduct violations, unless the Title IX Coordinator provided that information to the hearing panel because the respondent was previously found to be responsible, and the previous incident was substantially similar to the present allegation(s) and/or the information indicates a pattern of behavior by the respondent.
  - The institution will keep an audio recording of the hearing for the use of the panel, for sanctioning, and for purposes of appeal. The panelists may request a transcript of the recording. Cell phones and recording devices may not be used in the hearing room(s) unless approved by the panel in advance.

#### **PANEL DETERMINATIONS/STANDARD OF PROOF**

The panel will use "preponderance of the evidence" as the standard of proof to determine whether a violation of the Policy occurred. Preponderance of the evidence means that a panel must be convinced based on the information it considers that the respondent was more likely than not to have engaged in the conduct at issue in order to find the respondent responsible for violating the Policy. The panel will find a student responsible, or not responsible, based on a majority vote. The panel will generally render a decision within 10 days after the conclusion of a hearing. The panel's decision will include an explanation of the basis for the decision. If the panel finds the respondent responsible, the matter will proceed to the sanctions stage.

The parties will be informed of the results of the adjudication hearing by simultaneous written notice to both parties of the outcome of the complaint. As set forth in Section 11, below, both parties shall have the option to appeal the hearing panel's determination.

#### **SANCTIONS AND OTHER REMEDIES**

The Title IX Coordinator, with the advice and counsel of the other hearing panel members, shall be responsible for imposing sanctions that are:

- Fair and appropriate given the facts of the case
- Consistent with the institution's handling of similar cases
- Adequate to protect the safety of the campus community
- Reflective of the seriousness of sexual misconduct.

The Title IX Coordinator will consider relevant factors, including if applicable: (1) the specific sexual misconduct at issue (such as penetration, touching under clothing, touching over clothing, unauthorized recording, etc.); (2) the circumstances accompanying the lack of consent (such as force, threat, coercion, intentional incapacitation, etc.); (3) the respondent's state of mind (intentional, knowing, bias-motivated, reckless, negligent, etc.); (4) the impact of the offense on the complainant; (5) the respondent's prior disciplinary history; (6) the safety of the institution community; and (7) the respondent's conduct during the disciplinary process.

The Title IX Coordinator will render a sanctioning decision within 10 days following the receipt of the panel's determination. The sanctioning decision will be communicated in writing to the complainant and the respondent.

The institution may impose any one or more of the following sanctions on a student determined to have violated the Policy:

- Reprimand/warning
- Changing the respondent's academic schedule
- Disciplinary probation
- Restricting access to institution facilities or activities
- Community service
- Issuing a "no contact" order to the respondent or requiring that such an order remain in place
- Dismissal or restriction from institution employment
- Suspension (limited time or indefinite)
- Expulsion

In addition to any other sanction (except where the sanction is expulsion), the institution will require any student determined to be responsible for a violation of the Policy to receive appropriate education and/or training related to the sexual misconduct violation at issue. The institution may also recommend counseling or other support services for the student.

Whatever the outcome of the hearing process, a complainant may request ongoing or additional accommodations and the Title IX Coordinator will determine whether such measures are appropriate. Potential ongoing accommodations include:

- Providing an escort for the complainant
- Changing the complainant's academic schedule
- Allowing the complainant to withdraw from or retake a class without penalty
- Providing access to tutoring or other academic support, such as extra time to complete or re-take a class

The institution may also determine that additional measures are appropriate to respond to the effects of the incident on the institution community. Additional responses for the benefit of the institution community may include:

- Increased monitoring, supervision, or security at locations or activities where the misconduct occurred
- Additional training and educational materials for students and employees
- Revision of the institution's policies relating to sexual misconduct • Climate surveys regarding sexual misconduct

## **APPEALS**

Either the respondent or the complainant or both may appeal the determination of the hearing panel and/or the sanctions. Appeals are decided by the Campus Direct. The three grounds for appeal are:

1. A procedural error affecting the determination or sanction.
2. New information that was not available at the time of the investigation or hearing and that may change the determination or sanction; and
3. Excessiveness or insufficiency of the sanction.

Disagreement with the finding or sanctions is not, by itself, grounds for appeals.

The appealing student must submit the appeal in writing to the Campus Director within five days after receiving the sanctioning notice. If either the complainant or respondent submits an appeal, the Title IX Coordinator will notify the other that an appeal has been filed and the grounds of the appeal. The non-appealing student may submit a written response within five days after notice of an appeal.

If the Campus Director concludes that a change in the hearing panel's determination is warranted, the Campus Director may enter a revised determination, reconvene the panel to reconsider the

determination, or return the matter for additional investigation. After consultation with the Title IX Coordinator, the Campus Director may also change the sanction. If both the complainant and respondent appeal, the appeals will be considered concurrently.

The Campus Director will notify the complainant and respondent of the final decision in writing. Appeals decisions will be rendered within 15 days after the receipt of the written appeal. All appeal decisions are final.

## **RECORDS DISCLOSURE**

Disciplinary proceedings conducted by the institution are subject to the Family Educational

Records and Privacy Act (FERPA), a federal law governing the privacy of student information. FERPA generally limits disclosure of student information outside the institution without the student's consent, but it does provide for release of student disciplinary information without a student's consent in certain circumstances.

Any information gathered during an investigation may be subpoenaed by law enforcement authorities as part of a parallel investigation into the same conduct or required to be produced through other compulsory legal process.

Additional information about FERPA can be found on the institution's website:

<https://victorycareercollege.edu/consumer-information/>

## **EDUCATION AND PREVENTION PROGRAMS**

The institution is committed to offering educational programs to promote awareness and prevention of prohibited conduct. Educational programs include an overview of the institution's policies and procedures; relevant definitions, including prohibited conduct; discussion of the impact of alcohol and illegal drug use; consent; safe and positive options for bystander intervention; review of resources and reporting options available for students, faculty, and staff; and information about risk reduction. Incoming students and new employees will receive primary prevention and awareness programming as part of their orientation.

As part of the institution's commitment to provide an educational and work environment free from Prohibited Conduct, this Policy will be disseminated widely to the institution community through email communication, publications, websites, new employee orientations, student orientations, and other appropriate channels of communication.

The Title IX Coordinator, hearing panel members, and anyone else who is involved in responding to, investigating, or adjudicating sexual misconduct will receive annual training from experts in the field. In addition to training on how the adjudicatory process works, the training will include specific instruction about how to approach students about sensitive issues that may arise in the context of sexual misconduct.

## RISK REDUCTION

The institution's primary prevention and awareness program includes information on risk reduction. This includes:

*Avoiding Dangerous Situations.* While you can never completely protect yourself from sexual assault, there are some things you can do to help reduce your risk of being assaulted.

- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Walk with purpose. Even if you do not know where you are going, act like you do.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably is not the best place to be.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Make sure your cell phone is with you and charged and that you have cab money.
- Do not allow yourself to be isolated with someone you do not trust or someone you do not know.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
  - Students are advised, during class hours to accompany one another in groups of three, opposed to walking alone.
  - Students should avoid sitting in their car alone.

*Safety Planning.* Things to think about:

- How to get away if there is an emergency? Be conscious of exits or other escape routes. Think about options for transportation (car, bus, subway, etc.).
- Who can help? Friends and/or family, or support centers in your area. Please see Section 4 of this Policy for a list of support organizations.
- Where to go? Options may include a friend's house or relative's house, or you may consider going to a domestic violence or homeless shelter. You may also go to the police. **Important Safety Note:** If the dangerous situation involves a partner, go to the police or a shelter first.

- What to bring? This may include important papers and documents such birth certificate, social security card, license, passport, medical records, lease, bills, etc. This will also include house keys, car keys, cash, credit cards, medicine, important numbers, and your cell phone. If you are bringing children with you, remember to bring their important papers and legal documents. You can keep all these things in an emergency bag. You should hide the bag—it is best if it is not in your house or car. If the bag is discovered, you can call it a “tornado” or “fire” bag.

*Protecting Your Friends.* You have a crucial role to play in keeping your friends safe. No matter what the setting, if you see something that does not feel quite right or see someone who might be in trouble, there are some simple things you can do to help out a friend.

- Distract. If you see a friend in a situation that does not feel quite right, create a distraction to get your friend to safety. This can be as simple as joining or redirecting the conversation: suggest to your friend that you leave the party or ask them to walk you home. Try asking questions like: “Do you want to head to the bathroom with me?” or “Do you want to head to another party – or grab pizza?”
- Step in. If you see someone who looks uncomfortable or is at risk, step in. If you feel safe, find a way to de-escalate the situation and separate all parties involved. Do not be shy about directly asking the person if they need help or if they feel uncomfortable.
- Enlist others. You do not have to go it alone. Call in friends or other people in the area as reinforcements to help defuse a dangerous situation and get the at-risk person home safely. There is safety in numbers.
- Keep an eye out. Use your eyes and ears to observe your surroundings. If you see someone who has had too much to drink or could be vulnerable, try to get them to a safe place. Enlist friends to help you. Even if you were not around when the assault occurred, you can still support a friend in the aftermath.

*Social Situations.* While you can never completely protect yourself from sexual assault, there are some things you can do to help reduce your risk of being assaulted in social situations.

- When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately.
- Do not leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you have left your drink alone, just get a new one.
- Do not accept drinks from people you do not know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, do not drink from the punch bowls or other large, common open containers.
- Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they have had, or is acting out of character, get him or her to a safe place immediately.
- If you suspect you or a friend has been drugged, contact law enforcement immediately. Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).

## AMENDMENTS

The institution may amend the Policy or the Procedures from time to time. Nothing in the Policy or Procedures shall affect the inherent authority of the institution to take such actions as it deems appropriate to further the educational mission or to protect the safety and security of the institution community.

### DEFINITIONS OF SEXUAL MISCONDUCT UNDER CALIFORNIA LAW

Sexual Assault is any unwanted physical contact of a sexual nature that occurs either without the consent of each participant or when a participant is unable to give consent freely. Sexual assault can occur either forcibly and/or against a person's will, or when a person is unable to give consent freely.

The California Penal code provide the following definitions with respect to rape and other sex offenses:

CHAPTER 1. Rape, Abduction, Carnal Abuse of Children, and Seduction [261 - 269] (Chapter 1 enacted 1872.) 261. (a) Rape is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances:

(1) Where a person 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.

(2) Where 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) Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused. (4) Where 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) Where 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) Where 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) Where 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) As used in this section, "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 his or her relationship to the defendant, are factors to consider in appraising the existence of duress.

(c) As used in this section, "menace" means any threat, declaration, or act which shows an intention to inflict an injury upon another. (Amended by Stats. 2013, Ch. 259, Sec. 1. Effective September 9, 2013.) 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 the age of 18 years and an "adult" is a person who is at least 18 years of age. (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:

In prosecutions under Section 261, 262, 286, 288a, or 289, in which consent is at issue, "consent" shall be defined to mean 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. A current or previous dating or marital relationship shall not be sufficient to constitute consent where consent is at issue in a prosecution under Section 261, 262, 286, 288a, or 289.

Nothing in this section shall affect the admissibility of evidence or the burden of proof on the issue of consent.

(Amended by Stats. 1994, Ch. 1188, Sec. 1. Effective January 1, 1995.) 262.

(a) Rape of a person who is the spouse of the perpetrator is an act of sexual intercourse accomplished under any of the following circumstances:

(1) Where 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.

(2) Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known, by the accused. (3) Where 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 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.

(4) Where 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.

(5) Where 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) As used in this section, "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 his or her relationship to the defendant, are factors to consider in appraising the existence of duress. (c) As used in this section, "menace" means any threat, declaration, or act that shows an intention to inflict an injury upon another.

CHAPTER 9. Assault and Battery [240 - 248] (Chapter 9 enacted 1872.)

240. An assault is an unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another.

242. A battery is any willful and unlawful use of force or violence upon the person of another.

## **BYSTANDER INTERVENTION**

The institution's primary prevention and awareness program includes a description of safe and positive options for bystander intervention. Active bystanders take the initiative to help someone who may be targeted for a sexual assault. They do this in ways that are intended to avoid verbal or physical conflict. Active bystanders also take the initiative to help friends, who are not thinking clearly, from becoming offenders of crime. Intervention does not mean that you directly intervene to stop a crime in progress; rather, these steps are "early intervention" – before a crime begins to occur. There are three important components to consider before taking action that we refer to as the ABCs:

- **Assess for safety.** Ensure that all parties are safe, and whether the situation requires calling authorities. When deciding to intervene, your personal safety should be the #1 priority. When in doubt, call for help.
- **Be with others.** If it is safe to intervene, you are likely to have a greater influence on the parties involved when you work together with someone or several people. Your safety is increased when you stay with a group of friends that you know well.
- **Care for the person.** Ask if the target of the unwanted sexual advance/attention/behavior is okay – does he or she need medical care? Ask if someone they trust can help them get safely home.

*Information on Bystander Intervention was provided by the Department of Defense Sexual Assault Prevention and Response Office from: [www.sapr.mil](http://www.sapr.mil)*

## **DEFINITIONS OF KEY TERMS**

- **Sexual Harassment** – Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct on the basis of sex that satisfies one or more of the following; (i) submission to such

conduct is made either explicitly or implicitly a term or condition of an individual's education or employment, (ii) submission to or rejection of such conduct by an individual is used as the basis for education or employment decisions affecting such individuals, or (iii) such conduct has the purpose or effect of unreasonably interfering with an individual's school or work performance or creating an intimidating, hostile, or offensive educational or working environment.

- Hostile Environment Caused By Sexual Harassment – Refers to a situation where students and/or employees are subject to a pattern of exposure to unwanted sexual behavior that a reasonable person would determine is so severe, persistent, or pervasive that it alters the conditions of education, employment, or participation in a School program or activity, thereby creating an environment that a reasonable person in similar circumstances and with similar identities would find hostile, intimidating, or abusive. An isolated incident, unless sufficiently severe, does not amount to a hostile environment caused by sexual harassment.
- Quid Pro Quo Harassment – refers to a situation where students and/or employees are subject to unwanted sexual behavior where submission or rejection of such conduct is used, explicitly or implicitly, as the basis for decisions affecting an individual's education, employment, or participation in a School program or activity.
- Sexual Assault – Any unwanted physical contact of a sexual nature that occurs either without the consent of each participant or when a participant is unable to give consent freely. Sexual assault can occur either forcibly and/or against a person's will, or when a person is unable to give consent freely. Non-consensual sexual intercourse is any form of sexual intercourse (vaginal, anal or oral) with any object without consent.
- Non-consensual sexual contact is any intentional sexual touching, however slight, with any object without a person's consent.
- Domestic Violence – A felony or misdemeanor crime of violence committed (i) by a current or former spouse or intimate partner of the victim; (ii) by a person with whom the victim shares a child in common; (iii) by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (iv) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (v) 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 in which the crime of violence occurred.
- Dating Violence – 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. For the purpose of this definition dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.
- Prohibited Conduct – The institution prohibits the crimes of Sexual Assault, Sexual Harassment, Sexual Exploitation, Dating Violence, Domestic Violence, and Stalking as defined in these Definitions of Key Terms.
- Sexual Exploitation – sexual misconduct that occurs when a person takes unjust or abusive sexual advantage of another for his or her own advantage or benefit or for the benefit or advantage of anyone other than the exploited party; and that behavior does not otherwise constitute sexual assault. Examples of sexual exploitation include, but are not limited to, videotaping or photographing of any type (web-cam, camera, Internet exposure, etc.) without knowledge and consent of all persons; prostituting another person; knowingly transmitting HIV or a sexually transmitted disease to an unknowing person or to a person who has not consented to the risk; or inducing incapacitation with the intent to commit sexual assault, without regard to whether sexual activity actually takes place.



- Stalking – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Retaliation – means any adverse action, or attempted adverse action, against an individual or group of individuals because of their participation in any manner in an investigation, proceeding, or hearing under this Policy.
- Intimidation – To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- Consent <sup>(LSEP)</sup> is a voluntary agreement to engage in sexual activity.
  - Past consent does not imply future consent.
  - Silence or an absence of resistance does not imply consent.
  - Consent to engage in sexual activity with one person does not <sup>(LSEP)</sup> imply consent to engage in sexual activity with another. Consent can be withdrawn at any time. Coercion, force, or threat of either invalidates consent.

Someone who is incapacitated cannot consent. Incapacitation refers to a situation in which a person is not capable of providing consent because the person lacks the ability to understand her or his decision. This situation may occur due to the use of drugs or alcohol, when a person is asleep or unconscious, or because of an intellectual or other disability that prevents the student from having the capacity to give consent.

- Complainant – means the person making the allegation(s) of sexual misconduct.
- Respondent – means the person alleged to have committed sexual misconduct.

## Fact Sheet: Final Title IX Regulation

The Department of Education's new Title IX regulation bolsters the legal right to equal access to education, provides new and meaningful protections for survivors of sexual harassment and assault, and balances the scales of justice on campuses across America.

### ***1. Historic Recognition of Sexual Harassment as Sex Discrimination***

- Survivors of sexual misconduct deserve protection **that truly carries the force of law.**
- Under Secretary DeVos's significant new regulation, sexual harassment under Title IX now includes – for the first time – **dating violence, domestic violence, and stalking.**
- The Obama Administration addressed campus sexual misconduct in a **confusing and lawless** "Dear Colleague" letter, which was widely criticized across the political spectrum
- The Trump Administration followed the Administrative Procedure Act by proposing a regulation and responding to more than 124,000 public comments, incorporating many of the suggestions from those comments into the final regulation.

### ***2. Empowers and Protects Survivors in New Ways***

- Survivors are now in the **position of control** to decide what happens after an incident of sexual harassment, including sexual assault, occurs.
- Schools must respect a **survivor's decision** to file, or not to file, a formal complaint and must offer supportive measures either way.
- **Schools must respond promptly in every instance by offering to provide supportive measures** like dorm reassignments or class schedule adjustments
- **Schools are forbidden from pressuring a survivor** into filing or not filing a formal complaint or participating in a grievance process.
- To protect younger students, **K-12 schools must respond promptly when any school employee** has notice of sexual harassment, including sexual assault.
- The new regulation extends to all aspects of a school's education program or activity and applies to **any building owned or controlled by a student organization** recognized by a college or university.
- If a survivor chooses to participate in a grievance process, the final rule protects survivors from inappropriately being asked about prior sexual history (also known as "**rape shield protections**"), and the survivor must not be required to divulge any medical, psychological, or similarly privileged records.
- **A survivor never has to come face-to-face** with the accused during a hearing, and an accused is never allowed to personally ask questions of a survivor.
- **Survivors are protected against retaliation** when they choose to report sexual misconduct or not, file a formal complaint or not, participate in a grievance process or not.
- **Survivors are protected against bullying or harassment** throughout the grievance process.

### ***3. Balances Scales of Justice on College Campuses***

- Secretary DeVos's new Title IX regulation **restores fairness to campus** processes by upholding each student's right to written notice of allegations, the right to an advocate, and the right to submit, examine, and challenge evidence.
- All **students now have the right to a live hearing** where advisors conduct cross-examination.
- All **students have the right to an impartial finding based on evidence** using a standard of evidence — either the preponderance of evidence standard or the clear and convincing standard — that applies to all members of the school community, including faculty.
- Schools must offer **both parties an equal opportunity to appeal** the finding.
- Under the new regulation survivors face less risk of having cases overturned by courts, because schools are required to use **fair, transparent procedures consistent with due process**.
- The new regulation incorporates important feedback from stakeholders and gives schools flexibility to **conduct Title IX investigations and hearings remotely**.

(Revised August 14, 2020)

# Student Information Security & Cyber Security Policy

## Objective:

It is the intent of Victory Career College to safeguard the privacy of our students' demographic, personal, and financial information. We are required by the Gramm-Leach-Bliley Act under the direction of the Federal Trade Commission, and by FERPA under the direction of the U.S. Department of Education to protect our students' confidential information.

Inquiries or concerns about cyber security may be referred to the institution's administrator Karine Fougoux:

Mrs. Fougoux Karine, Student Information and Cyber Security Administrator

19401 S. Vermont Ave. Torrance, CA 90502

Phone: (310) 808-9194 Cell (310) 619-5678

Email: karine@victorycareercollege.edu

- The training of all employees will include the privacy policy of Victory Career College.

A copy of the Victory Career College Privacy Policy Acknowledgment Form must be signed by all new employees who have a direct liaison with our students' file at the time of hire. The signed statements will be retained in each employee's personnel file.

- Employees are given logins and passwords to the various computer systems, as necessary. The rights to view certain records will be confined to the areas that the employee's position requires access to.
- In the instance where an employee leaves the school (voluntarily or involuntarily), Karine Fougoux will be responsible for ensuring that the employee's access rights to all computer systems is terminated immediately.
- **All passwords and log-in rights are employee specific and cannot be shared with any other employee for any reason. As of 10/30/2019 Ashley Wettlaufer, Karine Fougoux, David Mokhtarian, Dace Sullivan. As of 5/20/2020 Dario Torres**
- Employees are restricted from including Social Security numbers or other personal or financial information on any electronic correspondence without securing the document with password protection.
- Student files:

**Non-active student files** are kept in the director office locked for 6 years. All files can be scanned after 6 years and stored on a hard drive or when servicing a student's request or for audit purposes.

**Retention of student files** is accessible by requesting the file from the financial aid team. Files are stored on a secured office file cabinet, and all requests and returns are logged for tracking purposes. Access to these files is limited to a need to service a student or for audit purposes.

**Active files** are kept in the financial office, or, depending on the physical layout of the school, another locked area, in metal locking filing cabinets. Employees of the school who need information to provide services to the students may access these files. The filing cabinets or the offices are locked when an employee is not present. All student files must be secure at the end of each business day.

- All discarded documents that contain sensitive student/parent information at the school or corporate office must be shredded.
- Service providers must supply the signed Release of Information Form before student information is released to them.
- All correspondence with third-party inquiries of student information cannot be released without signed authorization from the student. This includes, but is not limited to, parents and/or stepparents for students over the age of 18. The law permits us to disclose information to other affiliates under certain circumstances, for example, to a consumer-reporting agency in accordance with the Fair Credit Reporting Act or to comply with federal, state, or local law and other legal requirements as with a subpoena.
- All employees that have access to NSLDS or other programs or information will abide by their privacy statements.
- Victory Career College does not allow the use of faxes, only scans.
- All e-mails regarding personnel, financial, or confidential information about a student must contain the following confidentiality notice:  
 “This message is a privileged and confidential communication. If you are not the intended recipient of this e-mail, you are hereby notified that any disclosure, copying, distribution, or use of this information is strictly prohibited. Please notify the sender immediately if you received this information in error and then destroy the information. We appreciate your cooperation.”
- The network administrator may access a user’s files for the maintenance of networks and computer/storage systems, such as to create backup copies of files, etc. This access should be limited to necessary maintenance of the computer records at the direction of the School Director.
- The School Director Karine Fougoux maintains the privacy of data from loss, misuse, unauthorized access or disclosure, alteration, or destruction during maintenance of the student database.
- Sharing of information is permitted for the sole purpose of processing, disbursing, and refunding student funds. The sharing of information is restricted to the U.S. Department of Education FAFSA processing, NSLDS reporting, or Direct Loan management; lenders for the purpose of processing and disbursing federal or alternative loans; loan servicers for the purpose of monitoring student repayment history; and NACCAS or COE as a part of the on-site evaluation process, or in response to a commission directive.

## GENERAL GUIDELINES TO FOLLOW TO PROTECT STUDENT'S AND COMPANY'S INFORMATION

This policy applies to FACULTY/STAFF who are independent contractor, employees, third party at Victory Career College.

Your information security officer, Karine Fougoux, can help identify an appropriate data purging method

We do not have a server. Genesis is cable connected to three (3) computers in the offices and one access is remotely for the CFO position. Peter Jones and Kamran Arghavani are the IT persons to regulate and maintain our computers. Back up of data happens daily at 10 PM.

Disaster recovery plan: Data is stored on Quick Book, labeled physical files and stored on a USB.

Purging method: A shredder destroys personal information from physical paper files when it needs to be discarded.

Cyber security: Geek Squads annual insurance for all 3 computers- Norton for virus- Adobe Acrobat/Encrypted protection for sensitive information.

Use of Genesis and Quick Book implies consent to have all activities on this system monitored. Front Office Desk Computers (2) must have a screen for protection of PII.

Password: Genesis, Bank, PC must be changed every six months or at change of employee. Do not use birthday, friends, family, pets, sports. Use a combination of letter not found in the dictionary Lower- and Upper-case mix At least one number and one special character. Commit it to memory.

Instructors may not open their personal email on school computers-may not email other students student information- must respect privacy of student's electronic data-must report any breach-must not use last name of student when communicating = only first name and initial of last name.

### **Breach Reporting:**

E-mail [Karine@victorycareercollege.edu](mailto:Karine@victorycareercollege.edu) and copy your data breach team and executives per your policy Data to include in the e-mail:

- Date of breach (suspected or known) Impact of breach (number of records, etc.)
- Method of breach (hack, accidental disclosure, etc.) Information security program point of contact
- E-mail and telephone details will be necessary Remediation status (complete, in process—with detail) Next steps (as needed)

I have been trained and received a copy of this form and the manual for student information protection.

Employee Name: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_

# Training Manual Student Information Security and Cyber Security.

## 1. We emphasize the Importance of Cyber Security

We start off by explaining why cyber security is important and what the potential risks are. Stolen student or employee data can severely affect individuals involved, as well as jeopardize the company. It is essential that employees can quickly find where to report a security incident. Do not rely upon a user to remember which internal site to search for the contact information; be sure it is in an intuitive location. Perhaps replace the password written on the sticky note with the information required to report an incident!

## 2. We teach Effective Password Management

Passwords can make or break a company's cyber security system. Include guidelines on password requirement. We emphasize to employees that they must not use the same passwords on different sites. Walk the talk. Use 6 characters. numbers and letters one capital letter and one symbol. No dictionary words.

## 3. We teach Employees How to Identify Phishing and Other Scams

We educate employees about various kinds of phishing emails and scams, and how to spot something fishy. If employees receive an email that looks out of the ordinary, even if it looks like an internal email sent by another employee, they must check with the sender first before opening attachments or clicking on links. It is best to verify with the sender via phone or in person. When email accounts are hijacked it will be the attacker replying to an inquiry about the validity of the information contained in the email.

## 4. Apply Updates

We use Norton and Webroot. We have an annual Geek membership for 3 main computers for repairs. IT employee Kamran Arghavani wipes clean our slowest computers. Modern operating systems, anti-malware programs, web browsers, and other applications regularly update themselves.

## 5. Protect PII

Attackers are often after confidential data, such as credit card data, students' names, email addresses, and social security numbers. When sending this information outside of Victory Career College it is important that employees understand they cannot just send the information through email. A secure file transfer system must be used that encrypts the information and only allows the authorized recipient to access it.

## 6. Lock Computers and Devices



When employees leave their desks, they must lock their screens or log out to prevent any unauthorized access. Employees are responsible for locking their computers; however, karine Fougoux or the administration department should configure inactivity timeouts as a failsafe. Laptops must also be physically locked when not in use.

## 7. Secure Portable Media

Lost or stolen mobile phones pose a significant threat to the owner and their contacts. The use of screen locks for these devices is essential. Storage, such as external MicroSD cards and hard drives in laptops must be encrypted. When bringing in portable media such as USB, it is important to scan these devices for malware before accessing resources such as work computers, and the network.

## 8. Report Lost or Stolen Devices

We advise employees that stolen devices can be an entry point for attackers to gain access to confidential data and that employees must immediately report lost or stolen devices.

## 9. Take an Active Role

We explain that employees must use common sense and take an active role in security. If they see suspicious activity, they must report it to Karine Fougoux. If employees become aware of an error, even after it has happened, reporting it to Karine Fougoux means actions can still be taken to mitigate damage. Cyber security is a matter that concerns everyone in the company, and each employee needs to take an active role in contributing to the company's security. If an employee fears losing their job for reporting an error, they are unlikely to do so. Make sure that employees can be comfortable reporting incidents.

## 10. We apply Privacy Settings

We inform employees that it is highly recommended to apply maximum privacy settings on their social media accounts such as Facebook, and Twitter. We ask them to make sure that only their contacts can see their personal information such as birth date, location, etc. Limiting the amount of personal information that is available online will reduce the effectiveness of spear phishing attacks.

New hire orientation includes cyber security policy documentation and instruction. Provide regular cyber security training to ensure that employees understand and remember security policies. A fun way to make sure that our employees understand the policy is to have a quiz testing their actions in example situations.

### **Employee Quiz**

#### **1. It is okay to leave your computer logged on when you run to get water, right?**

Wrong. Especially in a close-knit business environment, employees often do not see the harm in walking away from their desktop without logging off. This is a huge no-no. It fosters the sort of environment where employees are lackadaisical about company data. In addition to emphasizing that all employees log out before they walk out, make sure that your computers are set to automatically log users out within a few minutes of inactivity to protect against infiltration.

#### **2. How can you tell if something is a phishing scam?**

Impersonation. Tricks to make you give away phone, email, credit cards details. In 2017 three quarters of organizations experienced phishing attacks. Employees need to know how to avoid these attacks. We encourage employees to forward phishing attacks to your cyber-security team to be used as examples.

### **3. Is your password just your dog's name?**

Turns out that just sticking in a zero and inserting an explanation mark after your dog's name (T0by!) is not enough. Current standards in password protection emphasize random strings that are easy for you to remember but difficult for robots to crack.

### **4. Are you using your cellphone to share data?**

Here is a scary statistic: In the healthcare industry between 2010 and 2017, more than 48% of breaches involved laptops, desktops, and mobile phones. Across all industries, in keeping with a more mobile and connected workforce, it just makes sense that data breaches would start to creep up on tablets and laptops and smartphones. While employees might be tempted to use their personal devices to access and share company information, using unsecured devices is a huge cyber security risk. Please know unsecured smartphones and tablets are off limits for sensitive data.

### **5. Have you signed the Student Information Security form?**

If it ever comes down to it and an employee (accidentally or otherwise) breaches confidentiality or shares data inappropriately, we do not want it to be a he-said-she-said situation. We make sure that employees know so that we have access to back-up should the situation arise.

### **6. I am your boss – can I use your password?**

Our employees should know that it is never okay to share passwords with colleagues or with us.

### **7. What is a firewall? How about encryption?**

Our employees do not need to be cyber-security professionals but because cyber security impacts every single person at Victory Career College, they should be able to supply basic answers to simple questions about security. As an example, if our employee understands what encrypted data is, they might be less liable to use their mobile phone to share information or they can use WhatsApp.

In addition to informing and training employees, victory career college ensures that a system is in place for monitoring passwords regularly and that anti malware devices are installed to ensure safety of computers, email attachments, web traffic and portable media, and that employees transfer safely encrypted our files. We use code for student identifications such as SID and employees do not email students' last names.



# RISK ASSESSMENT- Student Information Security & Cyber Security Policy

<b>Policy:</b>	Student Information Security & Cyber Security
<b>Policy Owner:</b>	Karine Fougoux, SIS & CS Administrator
<b>Change Management</b>	
<b>Original Implementation Date:</b>	11/1/2019
<b>Effective Date:</b>	11/1/2019
<b>Revision Date:</b>	5/21/020
<b>Approved By:</b>	SIS & CS Administrator
<b>Crosswalk</b>	
<b>Fingerprint Scanner</b>	Genesis Attendance Record Vein Scanner
<b>Software Provider</b>	Genesis. QuickBooks. Drobox
<b>Procedure Mapping</b>	

## PURPOSE

To provide Victory Career College with guidance in identifying and gaining an understanding of the components of the institution that make up its information security system and thereby enable Victory Career College to manage cybersecurity risk to systems, assets, data, and capabilities.

## POLICY

Risk assessments to consider are threats, vulnerabilities, likelihood, and impact to Victory Career College assets, individuals, and other organizations based upon the use of the Victory Career College system. Victory Career College periodically conducts assessments of risk, which include the likelihood and magnitude of harm from the unauthorized access, use, disclosure, disruption, modification and/or destruction of the Victory Career College system, system components, and the information processed, stored or transmitted by the system. Risk assessment results are documented and reviewed by the Victory Career College Title IV Coordinator or designee. The risk assessment results are then disseminated to appropriate faculty and staff including, but not limited to, the Victory Career College executive staff. Risk assessments are conducted annually by Victory Career College or whenever there are significant changes to Victory Career College, its system, or other conditions that may impact the security of Victory Career College.

## ASSET VULNERABILITIES

- ❖ Victory Career College’s physical and Genesis software assets are assessed and have their vulnerabilities identified and documented periodically.
- ❖ Victory Career College also employs vulnerability scans. Norton and Webroot on all computers. These

scans are conducted periodically and identify vulnerabilities in the Genesis system and hosted applications. Passwords are changed every 90 days.

## THREAT AND VULNERABILITY INFORMATION

- ❖ Victory Career College obtains threat and vulnerability information from information sharing forums and sources. This information is incorporated into the Victory Career College asset vulnerabilities documentation.
- ❖ Sources for vulnerability and threat information include, but are not limited to:
  - US-CERT Bulletins: <https://www.us-cert.gov/ncas/bulletins>
  - InfraGard: <https://www.infragard.org>
  - The Federal Trade Commission: <https://www.ftc.gov>
  - Research Education Networking Information Sharing & Analysis Center: <https://www.ren-isac.net>

## THREAT IDENTIFICATION

- ❖ Threats, both internal and external, to Victory Career College operations (including, but not limited to, its mission, functions, image, or reputation), assets, information, and individuals are identified and documented. The threat documentation will include:
  - The type of threats
    - Adversarial
    - Accidental
    - Structural
    - Environmental
  - A description of the threats
  - Characteristics of the threats

## THREAT IMPACT AND LIKELIHOOD

- ❖ Victory Career College's identified threats are evaluated based upon their potential impact to Victory Career College, and the likelihood of each threat occurring.
  - Likelihood is determined by:
    - Assessing the likelihood that a threat will be initiated (for adversarial threats) or will occur (for non-adversarial threats)
    - Assessing the likelihood that a threat once initiated or occurring, will result in an adverse impact to Victory Career College operations, assets or individuals
    - Assessing the overall likelihood as a combination of likelihood of initiation/occurrence and likelihood of resulting in adverse impact
  - Impact is determined by:
    - The characteristics of a threat that could initiate an event
    - Identified vulnerabilities
    - The ability of safeguards or countermeasures implemented to impede such an event

## RISK DETERMINATION

- ❖ Victory Career College will determine risks based upon identified threats and vulnerabilities, and their impact and likelihood of occurrence to Victory Career College.
- ❖ Risk is the possibility that a threat will exploit a vulnerability to cause harm to Victory Career College operations (including, but not limited to, its mission, functions, image, or reputation), assets, information, and individuals, and

is commonly calculated as the product of a threat's impact and its likelihood.

## RISK RESPONSE

- ❖ Based upon derived risk determinations of threats, Victory Career College crafts risk responses. There are four possible responses to risk:
  - Risk reduction or mitigation
    - Risk mitigation is the implementation of safeguards and countermeasures to reduce or eliminate vulnerabilities or block threats.
  - Risk transfer
    - Risk transfer is the placement of the cost of loss a risk represents onto another entity. This is accomplished by purchasing insurance and/or outsourcing.
  - Risk acceptance
    - Acceptance of risk is the valuation by Victory Career College that the cost/benefit analysis of a possible safeguard and the determination that the cost of the countermeasure greatly outweighs the possible cost of loss due to a risk. This also means that Victory Career College has agreed to accept the consequences and the loss if a risk is realized.
  - Risk rejection
    - Victory Career College does not reject risks. Denying that risks exist and hoping that they will never be realized is not an acceptable due-care response to risk



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Federal Student Financial Aid Consultants/Processors

FinancialAidServices.com

## **Victory Career College uses a third-party servicer to complete some financial aid process, Financial Aid Servicer, this is their Cyber Security policy.**

### **FAS and Genesis Security Program**

#### ***As Mandated by the Gramm-Leach-Bliley Act (GLB) and the FTC Safeguard Rule***

**Overview:** This document summarizes Financial Aid Services & Genesis-SMS comprehensive written information security program (the “Program”) mandated by the Federal Trade Commission’s Safeguards Rule and the Gramm–Leach–Bliley Act (“GLBA”). This document describes the Program elements pursuant to which FAS & Genesis-SMS intends to ensure the security and confidentiality of covered records, (ii) protect against any anticipated threats or hazards to the security of such records, and (iii) protect against the unauthorized access or use of such records or information in ways that could result in substantial harm or inconvenience to customers. The Program incorporates by reference FAS & Genesis-SMS policies and procedures enumerated below and is in addition to any institutional policies and procedures that may be required pursuant to other federal and state laws and regulations, including, without limitation, FERPA.

**Designation of Representatives:** FAS & Genesis-SMS designates its VP of Operations in conjunction with its IT Management to be responsible for coordinating and overseeing the Program. The Program Officer may designate other representatives of FAS & Genesis to oversee and coordinate elements of the Program. Any questions regarding the implementation of the Program or the interpretation of this document should be directed to the Program Officer or his or her designees.

**Scope of Program:** The Program applies to any record containing nonpublic financial information about a student or other third party who has a relationship with The School, whether in paper, electronic, or other form, that is handled or maintained by or on behalf of The School or its affiliates. For these purposes, the term nonpublic financial information shall mean any information (i) a student or other third party provides in order to obtain a financial service from The School,

(i) about a student or other third party resulting from any transaction with The School involving a financial service, or (iii) otherwise obtained about a student or other third party in connection with providing a financial service to that person.

#### **Elements of the Program:**

Y **Risk Identification and Assessment.** FAS intends, as part of the Program, to undertake to identify and assess external and internal risks to the security, confidentiality, and integrity of nonpublic financial information that could result in the unauthorized disclosure, misuse, alteration, destruction, or other compromise of such information. In implementing the Program, the Program Officer will establish procedures for identifying and assessing such risks in each relevant area of FAS & Genesis-SMS, including:

- o **Employee Training and Management.** The Program Officer will coordinate with representatives in IT Management, IT Development, User Support and Compliance Team to evaluate the effectiveness of FAS & Genesis-SMS procedures and practices relating to access to and use of student records, including financial aid information. This evaluation will include assessing the

effectiveness of FAS & Genesis-SMS current policies and procedures in this area, including:

- FAS & Genesis-SMS Staff Manuals
  - FAS Client Processing Manual
  - User Instructions
  - Key Fob entry times of active employees
  - File cabinet storage
  - Firewall, East Set End Point Protection & Active Directory Permissions
  - Requirements of releasing outside party requests (example annual compliance audits, DOE, State, Accrediting or other Federal Commission)
  - **Client Training.** All FAS staff will work with clients on the utilization of encrypted software. FASLine & Genesis Online client passwords are automatically encrypted and are required to be changed every 90 days. FAS & Genesis-SMS does not accept faxed documents with PII. Should any FAS & Genesis-SMS staff member receives student data improperly from a client, the data will immediately be disposed of and the instructions will be provided on sending securely.
  - **Information Systems and Information Processing and Disposal.** The Program Officer will coordinate with IT Management, IT Development & Compliance representatives of FAS to delete any Title IV processing documents older than 5 years on the first of July each year.
  - **Detecting, Preventing, and Responding to Attacks.** The Program Officer will coordinate with IT management to evaluate procedures for and methods of detecting, preventing, and responding to attacks or other system failures and existing network access and security policies and procedures, as well as procedures for coordinating responses to network attacks and developing incident response teams and policies. In this regard, the Program Officer may elect to delegate to a representative of the Support Team the responsibility for monitoring and participating in the dissemination of information related to the reporting of known security attacks and other threats to the integrity of networks utilized by FAS & Genesis-SMS clients.
- Υ **Designing and Implementing Safeguards.** The risk assessment and analysis described above shall apply to all methods of handling or disposing of nonpublic financial information, whether in electronic, paper, or other form. The IT Management will, on a regular basis, implement safeguards to control the risks identified through such assessments and to regularly test or otherwise monitor the effectiveness of such safeguards. Such testing and monitoring may be accomplished through existing network monitoring and problem escalation procedures.
- Υ **Overseeing Service Providers.** The Program Officer shall coordinate with those responsible for the third-party service procurement activities among FAS & Genesis-SMS IT vendors, or corporate IT team and other affected departments to raise awareness of, and retaining only those service providers that are capable of maintaining appropriate safeguards for nonpublic financial information of students and other third parties to which they will have access.
- Υ **Adjustments to the Program.** The Program Officer is responsible for evaluating and adjusting the Program based on the risk identification and assessment activities undertaken pursuant to the Program, as well as any material changes to FAS & Genesis-SMS operations or other circumstances that may have a material impact on the Program.
- Υ **Information Security Plan Staff Training.** The Program Officer is responsible for staff training to ensure a “culture of security” is created within FAS & Genesis-SMS. This means that all staff at the school will be subject to new-hire training, as well as semiannual training that discusses the proper protection of PII (personally identifiable information) (Social Security number, name, address, etc.). This training should include elements of physical security of information (locked offices and desks,

etc.), clean desk policies, locked computer screens, breach prevention training (limiting non-authorized personnel from viewing PII on a desk or screen), basic IT training regarding setting and changing passwords, complex password policy, securing passwords, securing account information, and prevention of account reuse/sharing.

- Y **Breach Reporting and Responsibilities.** The Program Officer is responsible for understanding the process of reporting a breach and to ensure backup personnel are trained on how and when to report a breach in the event the Program Officer is not available.

### **Breach Reporting:**

E-mail [cpssaig@ed.gov](mailto:cpssaig@ed.gov) and copy your data breach team and executives per your policy Data to include in the e-mail:

- Date of breach (suspected or known) Impact of breach (number of records, etc.)
- Method of breach (hack, accidental disclosure, etc.)  
Information security program point of contact
- E-mail and telephone details will be necessary Remediation status (complete, in process  
—with detail) Next steps (as needed)



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