

Touro University Nevada
Annual Security Report



Nevada

September 2022

Statement of Non-Discrimination

The TUN Community includes students, faculty, and employees from diverse backgrounds, religions, races, ethnic ancestries, and sexual orientation. We recognize the value of such diversity and insist that we practice in an atmosphere free of unlawful discrimination. All members of our University community have the right to be free of discrimination and/or harassment based on race, age, gender, sexual orientation, religion, gender identity, national/ethnic origin or disability. Any behavior that violates this policy will be investigated. In accordance to the degree of the infraction disciplinary action will be applied. Any member of the University community who feels that he/she has been discriminated against by the University or its representatives should report in writing to either the Dean of Students (702) 777-3073 or Human Resources (702) 777-3855.

A Message from Dr. Andrew Priest, Campus President and Provost, Touro University Nevada

I am truly blessed to have been employed by Touro University Nevada for over ten years in various capacities, and now as the Campus President and Provost. A top priority for our campus is the security and safety of our community, so that we all can work, study and learn in an environment where we indeed feel secure and safe. Touro University Nevada is generally a very safe space, however, we occasionally do experience crime and threats.

We take security very seriously. This is why we limit access to campus to legitimate TUN ID badge holders, and require guests to register at the main entrance before they are allowed to access campus. We have installed hundreds of security cameras around the campus as well.

In furtherance of this objective, and in compliance with federal law, we are providing you with a booklet on campus-wide safety information. The information offered includes an overview of our policies and regulations, as well as brief explanations of the types of incidents typically reported on our campus and tips how to prevent such incidents from taking place. Here at Touro University Nevada, we take pride in our safe and secure campus. It is through our shared knowledge and joint cooperation we are best able to maintain a protected campus environment. Please help us to keep Touro safe and secure by taking the time to familiarize yourself with the contents of this booklet and by being situationally aware.

It is my desire that everyone in the Touro Community feels safe and secure in their surroundings.

A Message from Our Chief Operating Officer and Vice President for Finance

On behalf of Touro University Nevada's (TUN) Security team, we are pleased to provide you with this annual report (ASR-Annual Security Report) in compliance with the federal Student Right-to-Know and Campus Security Act of 1990, Public Law 101-52 as amended into the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) that is a federal statute codified at 20 U.S.C. § 1092 (f) with implementing regulations in the U.S. Code of Federal Regulations (34 CFR 668.46).

The ASR is published each year by October 1st and can be found on the TUN webpage at <https://tun.touro.edu/administration/campus-operations/campus-security/>. During the last week of September, annually, TUN emails a notice of availability of the ASR to every student and employee. This notice contains the exact web address of where TUN publishes the ASR. Current and prospective students may request a paper copy by contacting Campus Security at 702-358-6701.

The enclosed pages are designed to provide you with important information about safety and security on campus. You will find crime statistics that have been reported by Campus Security to various local, state, and federal agencies. The report also contains a statement of the University's drug, alcohol, and emergency preparedness policies in addition to outlining tips and available resources to help make your time with us comfortable and safe. We hope you will take some time to read this report and educate yourself about what you can do to make our campus a safer place.

TUN's Security Department (aka Campus Safety) is committed to providing a safe learning environment for all members of our University community. As part of our ongoing effort, we also recognize that safety begins with each one of us. The success of our campus safety programs is directly tied to community involvement. All faculty, students, and staff need to be alert and understand the basic facts about security and safety. We need to take preventive measures to ensure our safety.

In the event of an emergency and/or for general assistance contact our office located on 874 American Pacific Drive, Henderson, NV 89014 or at (702) 358-6701. You may also dial 911.

If you have any questions or concerns about this report or your own safety as a member of the Touro Community, please do not hesitate to call us at (702) 358-6701 or log onto our web page at www.tun.touro.edu. We are here to assist and protect you.

Remember, security starts with you! Best wishes for a safe and successful year!

Craig Seiden
COO and Vice President for Finance
Touro University Nevada

About Us

Touro University Nevada (TUN) is located in one of the most rapidly growing cities in the United States, and is becoming recognized as an outstanding health science center serving the greater Las Vegas area. The campus consists of two colleges, the College of Osteopathic Medicine and the College of Health and Human Services. Touro University Nevada is a branch campus of Touro University California.

Touro College and University System is the parent of Touro University Nevada. Touro College and University System was established in New York City by Bernard Lander, Ph.D., LHD, as a Jewish-sponsored independent institution of higher and professional education primarily to enrich the Jewish heritage, and serve the larger American community. Approximately 19,000 students are current enrolled in its various schools and divisions.

Security Services

Touro University Nevada has employed professional security guards to maintain and monitor security at its campus. Security personnel are carefully screened before being assigned to Touro University Nevada and supervised to ensure quality assurance.

Security Officers respond to emergency calls for service, enforce regulations, and assist in security building inspections and in fire prevention.

Security Officers may detain, but not arrest, individuals who engage in illegal and criminal actions until Henderson City Police Officers arrive and/or Local Law Enforcement agencies arrive. They are empowered to enforce Touro's regulations, to investigate incidents, and to apprehend those who violate Touro regulations or commit crimes on campus. Criminal violators that are apprehended are turned over to the Henderson Police Department and/or Local Law Enforcement.

Our Security Supervisor meets regularly with Police Commanders and community organizations to help ensure the safest environment for our campus community.

Law Enforcement Relationships

While there are no written agreements with local law enforcement agencies as it relates to the investigation of alleged criminal activity, it is TUN's Campus Security policy to work in conjunction with all state and federal law enforcement agencies, local police agencies, and emergency management organizations when applicable. In the event that a serious crime or death was to occur, TUN Security is mandated to notify the proper law enforcement

agencies. The county in which the crime took place would then either assume responsibility or delegate its authority to another agency to investigate the criminal matter or prescribe action to be taken.

In addition, TUN works closely with the City of Henderson Police Department.

All individuals, whether they belong to the University community or not, are subject to all federal, state, and local laws while on the TUN campus and may be subject to criminal charges when applicable, even for first offenses.

Institutional Security Committee

To further enhance security at TUN, an Institutional Security Committee has been established. The committee is comprised of members of the student body, faculty, and administrative staff. The mission of the Committee shall be to develop, recommend, review, and monitor security measures at TUN, including but not limited to:

- Development and maintenance of a Security Plan for TUN that includes physical and electronic security measures
- Development and maintenance of an Emergency Response Plan
- Development and maintenance of policies for an Emergency Notification Plan
- Coordination with community Emergency Response organizations and plans

Reporting Criminal Activity and Other Campus Emergencies

All members of the TUN community are encouraged to report any criminal activity, suspicion of criminal activity, accidents, and other emergencies to the TUN Security Department and the local Police Department as soon as possible, when the victim of a crime elects to report or is unable to make such a report. Reports should be made promptly and accurately. While the institution does not have a policy on victims or witnesses being able to report a crime in a voluntary confidential manner, whenever possible, the identity of the complainant will be kept confidential, if requested. Pastoral and or professional counselors are not able offer a voluntary confidential reporting option of a crime to students that they meet with one on one.

TUN Security can be reached at (702) 358-6701. Incident Reports can be made at the Security Desk in the Main Lobby (South Entrance) to TUN's campus at 874 American Pacific Drive, Las Vegas, NV 89074.

Additionally, you may report any of the above-named instances, in person, to any Security Officer, the Security Supervisor, and/or the Administration Office.

TUN Security informs complainants of all the options available to them through the University, as well as with local, state, and federal agencies for dealing with offenses committed against them.

If assistance is required in completing and/or reporting an incident/occurrence to local law enforcement agencies, TUN Security will be glad to render any assistance needed.

Crimes Involving Student Organizations at Off Campus Locations

TUN does not have any recognized student organizations with off campus locations.

Student Housing

TUN does not have any on campus student housing.

Daily Crime Log

TUN Security Department maintains a daily crime log that records, by the date the incident was reported, all crimes and other serious incidents that occur on campus, in a non-campus building or property, on public property, or within the department's patrol jurisdiction. The daily crime log is available for public inspection at 874 American Pacific Drive, Henderson, NV 89014 from the Security Operations Specialist. The crime log includes the nature of the crime, the date, the time and the general location in which each crime was reported to the department, as well as the disposition of the complaint (if known). The department is obliged to post new incidents into the daily crime log within two business days of receiving the report unless in doing so it will hinder an open investigation in which case that incident will get posted once the investigation has been deemed closed.

Timely Warning Notices

In the event of an emergency that constitutes an immediate ongoing or continuing threat to the University community, TUN Security Department, in conjunction with the University Security Committee, will issue campus safety alert messages via the University's mass notification system, mass e-mail, bulletin boards, and on its main webpage (www.tun.touro.edu) advising of the situation and what actions should be taken. TUN will follow its emergency notification procedures. Depending upon the circumstances of these events and its relativity to a crime and/or threat, the University will then issue a timely warning notice, in a manner which withholds as confidential the names and other identifying information of any victims.

Members of the University community who are aware of a crime and/or a potential threat to the University itself or other members of the University community should report the incident immediately to TUN Security at (702) 358-6701 or any other University official, so that a Campus Safety Alert can be issued if warranted. If University community members report crimes and/or potential threats to other University administrators, those

administrators should immediately notify TUN Security so that they can once again determine if an alert is warranted.

Emergency Confirmation

TUN's Emergency Operations Team in conjunction with its Senior Leadership and other appropriate personal and officials, will confirm significant emergencies and dangerous situations that may impact the campus community. These situations include immediate threats to the health and safety of the students or employees.

Emergency Communications

TUN has a mass notification system that will provide an easy and effective way to send text and email messages to notify the University community of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.

The Emergency Operations Plan helps the Emergency Policy Group and TUN's Senior Leadership determine the recipients of any and all emergency notifications. The content of an emergency notification is dependent on the circumstances of the specific event. The institution has developed a series of templates that can be adapted for any emergency situation. The Emergency Policy Group will determine the content of the emergency notification and when the notification will be initiated. The individuals that make up this team include the following:

- Campus President and Provost
- Dean of Students
- COO and Vice President for Finance
- Vice President for Advancement
- Director of Campus Facilities and Security
- Chief Information Officer

The Executive Policy Group will direct the Emergency Mass Notification group to disseminate information per the Emergency Operations Plan. Once the nature and severity of an incident is determined, the Emergency Mass Notification group is notified and authorized to begin the notification process. Each level has a different notification scope, with Level 3 requiring notification to the University wide community. The type of message and content of notification is based upon emergency templates which are part of the University's Emergency Operations Plan.

The institution will, without delay, taking into account the safety of the community, determine the content of the notification and initiative the notification system, unless issuing a notification will, in the professional judgment of the Executive Policy Group, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

The procedures the Emergency Mass Notification group and Emergency Management Team will utilize for distributing emergency information include:

- Coordinate message management
 - Script incoming inquiry messages that are both audience and event specific
 - Text messages
 - Voicemail messages
 - Press releases
 - Emergency notification message
 - Third party vendor message
 - Neighboring business message
 - Website message
 - Get all messages approved by Executive Policy Group
 - Distribute messages
 - Text and emergency notification messages
 - Approved messages go out through Emergency Notification System

In the event of an emergency, the TUN community relies on several vehicles for disseminating information:

- **TUN Alerts:** TUN's Information Technology Department provides voice, email, and text messaging capabilities to notify students and employees of critical incidents. The system uses a variety of telecommunications partners to ensure connectivity to cell phones, landlines, email accounts, and TTY/TDD devices. Authorized staff within the institution or at an off-site location can initiate critical incident communications. TUN tests the system annually to ensure timely notification of critical events. TUN Alerts provide real-time updates; instructions on where to go, what to do (or not to do), who to contact and other essential information such as which evacuation routes are available, the nearest emergency shelter, its available bed space or hours of operation.
- **Mass e-mail:** Messages are sent to all TUN email accounts and provides students, faculty, and staff with information and updates regarding potential threats to the safety and security of the campus community. TUN's Office of Information Technology manages the data and updates for the mass notifications.
- **Web Page:** The University community has been accustomed to check TUN's main website (www.tun.touro.edu) for notification and updates regarding emergency situations.
- **Local media:** TUN's Office of Advancement provides essential information to the media when the University closes because of inclement weather or other emergencies.

In the event of an emergency, TUN will work with local media outlets, as well as, including information on its social media pages such as facebook, twitter, etc. to inform the larger community of the situation.

Annual Security Report Disclosure

Students and employees should report criminal offenses and any other incidents or threats that they believe may be covered under the Annual Security Report (ASR) to the Dean of Students at 702-777-1761 or Ptompkin@touro.edu so that it can be included in the annual statistical disclosure section of the ASR.

Safety, Security, and Access to Campus ID Checks

Students, faculty, and staff must possess a valid University photo ID badge, and it must be visible at all times on TUN Campus. If they do not have a University ID, in unusual or extreme circumstances, the Security Officer may accept a valid photo ID card such as a driver's license or another form of official ID and sign them in before entering TUN. The individual will then be issued a temporary ID.

Report all lost and/or stolen photo ID badges, and have it replaced. Any student failing to display their photo ID badge will be referred to the Dean of Students. Faculty and staff will be referred to their immediate supervisor.

Students must complete all pre-registration requirements in order to obtain their ID. Guests, visitors, and vendors must show a valid picture ID and sign in before entering TUN; in addition, verification of purpose of the visit is required. Once this process is achieved, a visitor pass-ID will be provided. In specific locations the use of card access and/or electronic surveillance is utilized.

SECURITY CONSIDERATIONS IN THE MAINTENANCE OF CAMPUS FACILITIES

TUN is committed to campus safety and security. Exterior lighting and landscape control is a critical part of that commitment. All members of the University community are encouraged to report any lighting concerns. Security Officers, during their patrols, focus on such items and report their findings to the Security Operations Specialist who in turn generates a work order, which is acted upon by a member of the Facilities Staff. Facilities Staff is available to respond to calls for service regarding unsafe facility conditions. These conditions may include but are not limited to unsafe steps, handrails, trip hazards, defective locks or unsecured equipment. For the Facilities Department, call (702) 777-1809.

Fire Safety Systems

In September 2013 TUN completed a major upgrade to the fire alarm system located inside of 874 American Pacific Drive Henderson, NV 89014. Once the upgrade was completed, a full test of the system was conducted over a three day period with the City of Henderson Building Department, members of the TUN Security Department, and the outside vendor who installed the system. Every single device was inspected and passed inspection. Some

of the upgraded features include the addition of a voice communication system, remote annunciator and microphones, as well as point identification for a more timely response in the event of an alarm. Our facility is equipped with smoke detectors, duct detectors, fire smoke dampers, and a fire sprinkler system, all of which are connected to the fire alarm panels. The fire alarm panels are located in the fire command room, fire pump room, and by the lobby. You must follow the rules and regulations specified in your site Fire Plan at all times.

Testing

TUN conducts annual fire drills, campus evacuations, as well as testing of the emergency notification system during the Fall term. TUN documents each test with a description and notes the date, time, and whether the test was announced or unannounced. Prior to these tests new students and employees are provided with information on evacuation procedures. In addition, community members are periodically provided with Shelter in Place and Situational Awareness training and protocols.

Crime Prevention Education & Awareness

Touro University Nevada provides regular ongoing education and notifications to the campus community beginning with the moment a new student or employee begins her/his career at TUN. Strategies include in person communication, email communication, posted materials throughout the facility and emergency notification cards with general safety information are provided to everyone the day they receive their new student or employee identification badge.

TUN has posted its emergency response information and evacuation Plan on TUN's website. The TUN Security Committee reviews, updates, and communicates changes in the plan to the general campus community. In addition, safety practices and other security procedures are located on TUN's webpage, in the Annual Security Report, and in TUN's Administrative and Faculty Handbooks.

TUN provides various programs each semester in order to better educate students and employees on the topics including, but not limited to, personal safety and the prevention of crimes. These programs, emails, and updates are designed to encourage students and employees to be responsible for their own security and the security of others.

The following descriptions include educational programs focused on safety, alcohol and drug use-abuse, security awareness, crime prevention, and issues around sexual assault, domestic violence, dating violence, and stalking. These programs and initiatives were sponsored by the Student Involvement Student Counseling, and or Student Health Offices for all TUN Students, Faculty and Staff:

--Health Series: This series focuses on responsible use alcohol and other drugs use, suicide prevention, and health related matters. Programs within this series included the Opiates-

Marijuana Addiction, Marijuana and the Law, Legal and Legislative, Co-occurring Disorders: From Resources, From relapse to Recovery, and E-check Up to Go. The ECheck Up To Go involved several modules including self assessment around alcohol, cannabis, and sexual violence prevention.

-- Marijuana and The Law --This program was targeted to show the ramifications of driving under the influence and other legal ramifications of drug use.

--The safe driver program occurs at events where students could receive a ride home if they imbibed too much alcohol. The service was provided is Uber, which the school pays a portion of the fee.

-- Signs of Hope: Education and Prevention Programs-- healthy relationships, rape, acquaintance rape, dating violence, domestic violence, sexual assault, stalking, and active bystander training

-- Relationships and Active Bystander Intervention Workshop—Signs of Hope came in and presented on sexual assault, acquaintance rape, stalking and provided training on bystander prevention and intervention.

--Domestic and Dating Violence Prevention

--Intimate Partner Violence: A program about relationship violence including date rape, domestic abuse, etc.

--Coercion is not Consent—A program that taught students what consent means.

--Presentations by the Title IX Coordinator (or designee)—The Coordinator for Title IX or designee coordinates on the topics of domestic violence, dating violence, sexual harassment, stalking, and sexual assault to all new students during New Student Orientation, as well as departments and offices throughout the year.

--Evacuation Drills and programs

--Shelter In Place programs

-- TUN's Orientation program

TUN is committed to increasing awareness of and preventing violence. All incoming students and new employees are provided with programming strategies intended to prevent rape, acquaintance rape, sexual assault, domestic violence, dating violence, staking before it occurs, that includes a clear statement that prohibits such acts, their definitions, the definition of consent, options for bystander intervention, information about risk reduction, and our policies and procedures for responding to these incidents. Specifically, new students will complete an online program through Vector Solutions that covers these important topics. Ongoing prevention and awareness campaigns are also offered throughout the year as noted above.

- --Sexual Violence Prevention for Graduate Students Training —TUN is contracted with Vector Solutions to provide all new students with an online workshop, video presentation, and assessment focused on the issues of sexual violence, dating violence, domestic violence, stalking, and bystander intervention. The training also includes information on what to do if violence occurs. Each degree seeking student is (has been) required to complete this program. This web based program is one of TUN's prevention initiatives.
- --Each employee at TUN is required to complete an online web-based program on preventing sexual assault, domestic violence, dating violence, sexual harassment, stalking, and bystander intervention. This is TUN's primary prevention program for all new employees.

The University also offers information and resources relating to preventing sexual violence and sexual harassment through the Title IX Coordinator's office, and the Student Counseling Services. Those with questions about preventing sexual assault should get a copy of a handout entitled "Preventing Sexual Assault", which can be found in the Division of Student Affairs main office.

Reduction--Helpful Tips--How to Protect Yourself:

- Be aware of your surroundings, who is out there, and what is going on.
- Walk with confidence.
- Be assertive; do not let anyone violate your space.
- Trust your instincts. If you feel uncomfortable in an area, leave.
- Do not prop open self-locking doors.
- Lock your door and your windows even if you are leaving for a few seconds.
- Watch your keys, do not lend them out, and do not label the keys with your address and name. If you lose your keys, report it to your local police department, and change the locks.
- Know who is on the other side of the door before you open it or enter a building.
- Be mindful of isolated spots.
- Avoid walking or jogging alone, especially at night. Alternate your routes, stay in well-traveled and well-lit areas.
- Have your keys ready when entering your final destination.
- Park in well-lit areas, and lock your vehicle.
- Drive in well-traveled streets with windows and doors locked. Remember that a well-maintained vehicle is also part of your safety measure.
- Never hitchhike or pick up a hitchhiker.

In the Office:

- Lock office doors while offices are unoccupied.
- Do not bring unnecessary valuable items on campus.
- Do not leave purses, briefcases, or books unattended.
- Be aware of suspicious persons.
- Call Security to report crimes or suspicious activities.
- Call 911 if immediate danger is suspected or if you are threatened.

In Elevators:

- If you are alone and someone suspicious enters, stand near the elevator control panel. If necessary, use the elevator alarm.

On the Street:

- Be alert and aware of others.
- Stay on well-lit streets.
- Avoid dark and concealed areas.
- Walk with keys in your hands as you approach your home.
- If a car follows you or stops near you to ask for directions, do not approach the car.

- If you are followed, cross the street or change direction. Find a building with a doorman or an open store.

Awareness:

- Know your environment.
- Notify the Security Department of anything suspicious.
- Know where to obtain help when you need it.
- Keep all valuables under your direct view and do not leave them unattended.
- Walk with friends.
- Avoid isolated bus stops.
- You are worth more than all the money possessions you may have. Items can be replaced.
- Every emergency situation is different. You decide what course of action is appropriate.
- If traveling via vehicle, secure all electronics and valuables out of view.
- List all “In Case of Emergency” (ICE) numbers for immediate notification to family members.
- Determine a meeting place for the purposes of emergencies.
- Keep a record of all credit cards and serial numbers to personal property in a separate location.

Jeanne Clery Act

The “Clery Act” was named in memory of a 19 year old university freshman, Jeanne Ann Clery, who was raped and murdered while asleep in her dorm room on April 5, 1986.

Jeanne’s parents discovered that students had not been told about 38 violent crimes on their daughter’s campus in the three years before her murder. As a result of this they joined with other people who were victims of campus crime and persuaded Congress to enact this law. It was originally known as the “Crime Awareness and Campus Security Act of 1990”.

This law applies to most institutions of higher education because it is tied into participation with federal student financial aid programs. It is overseen by the U.S. Department of Education.

The Clery Act requires that all colleges and universities:

- Publish an annual report by October 1st that contains three years of campus crime statistics and certain campus security policy statements.
- Disclose crime statistics for the campus, public areas immediately adjacent to or running through the campus, and certain non-campus facilities and remote classrooms. These statistics are gathered from Campus Security, Local Law Enforcement, and other Campus Security Authorities who have significant responsibility for student and campus activities.
- Provide “timely warning” notices of those crimes that have occurred and pose an ongoing “threat to students and employees”.

- Disclose in a “public crime log” any crime that occurred on campus or within the patrol jurisdiction of the Campus Security Department.

All public disclosures, including those cited in this report (as well as through the Campus Security Logs) will not include personally identifiable information about any victims or other necessary parties. Further, TUN will maintain the confidentiality of any accommodations or protective measures provided to any victim, as long as maintaining this confidentiality would not impair the ability of the institution to provide the fore mentioned accommodations or protective measures.

The law was amended in 1992 adding a requirement that colleges and universities afford the victims of campus sexual assaults certain basic rights. It was amended again 1998 to expand the reporting requirements.

In 2000 and 2008 additional amendments added provisions dealing with registered sex offender notification and campus emergency response. The 2008 amendments also added provisions to protect crime victims, whistleblowers, and others from retaliation.

The complete text of the Clery Act and the US Department of Education regulations are available on Clery Center for Security on Campus Inc. at www.clerycenter.org.

Campus Security Authority

We prefer that TUN community members report all crimes and other emergencies to Campus Security or to the Dean of Students. We recognize that others may prefer to report to other individuals or university offices. The Clery Act recognizes certain university officials and offices as Campus Security Authorities (CSA). These individuals have the authority to take action and respond to issues on behalf of the institution. TUN has designated the following individuals as CSAs:

- A member of the TUN Security Department
- Any individual who has responsibility for campus security but who does not constitute the TUN Security Department (i.e. an individual who is responsible for monitoring the entrance into institutional property)
- Any individual or organization specified in an institution’s statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student discipline and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution. This includes, but is not limited to: All Deans, Associate Deans, Assistant Deans, Vice Presidents, Associate Vice Presidents, all Directors in Student Affairs (not including the Student Health and Student Counseling providers), All advisors to Student Organizations.

Names and contact information of individuals where crimes may be reported to directly:

- Mr. Francis “Bud” Brey, Security Operations Specialist, 702-358-6701, fbrey@touro.edu
- Mr. Craig Seiden, COO and Vice President for Finance, 702-777-3135, cseiden@touro.edu
- Mr. Bill Risely, (702) 777-1809, Director of Facilities and Security, wrisely@touro.edu
- Dr. Phil Tompkins, Dean of Students, 702-777-1761, ptompkin@touro.edu

Reporting and Annual Security Report Development

The Annual Security Report is developed in accordance with the Annual Disclosure of Crime Statistics and Development of the Annual Security Report Policy, as well as the Student Conduct Code and Employee Conduct Code. The primary responsibility for the development of the ASR and the compilation of TUN’s crime statistics is completed by the Director of Facilities and Security and the Dean of Students. TUN works with local authorizes and agencies, as well as, its campus community to collect, count, and classify crime statistics for this report.

Good Faith

All Campus Security Authorities are required to report a crime in writing to TUN Security if they have a reasonable basis for believing the information is not simply rumor or hearsay. If a Campus Security Authority is unsure whether or not the information was provided in good faith, he/she should report the information to TUN Security. A Campus Security Authority is not responsible for determining authoritatively whether a crime took place. It is the function for TUN Security and/or Law Enforcement Personnel to determine whether or not a crime took place.

Types of Crimes/Reportable Offenses

This next section includes definitions include both TUN and Nevada Revised Statutes (NRS) definitions of various crimes and reportable offenses.

Murder/Non –Negligent Manslaughter - The willful (non-negligent) killing of one human being by another. **Note:** Deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides are excluded.

Negligent Manslaughter - The killing of another person through gross negligence.

Sex offenses – Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Includes:

- A. Rape — The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- B. Fondling — The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Non-Forcible - Unlawful, non-forcible sexual intercourse.

C. Incest - Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited.

D. Statutory Rape - Non-forcible sexual intercourse with a person who is under the statutory age of consent.

Consent with regard to Sexual Activity: Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those word or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

NRS 200.366 Sexual assault: Definition; penalties; exclusions.

1. A person is guilty of sexual assault if he or she:

(a) Subjects another person to sexual penetration, or forces another person to make a sexual penetration on himself or herself or another, or on a beast, against the will of the victim or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of his or her conduct; or

(b) Commits a sexual penetration upon a child under the age of 14 years or causes a child under the age of 14 years to make a sexual penetration on himself or herself or another, or on a beast.

Domestic violence – is a felony or misdemeanor crime of violence committed by:

- A current or former spouse or intimate partner of the victim
- A person with whom the victim shares a child in common
- A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies (under VAWA) or,
- 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.

Dating violence – is violence committed by a person:

- who is or has been in a social relationship or a romantic or intimate nature with the victim; and
- where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - o the length of the relationship;
 - o the type of relationship; and

o the frequency of interaction between the persons involved in the relationship.

NRS 33.018 Acts which constitute domestic violence.

1. Domestic violence occurs when a person commits one of the following acts against or upon the person's spouse or former spouse, any other person to whom the person is related by blood or marriage, any other person with whom the person is or was actually residing, any other person with whom the person has had or is having a dating relationship, any other person with whom the person has a child in common, the minor child of any of those persons, the person's minor child or any other person who has been appointed the custodian or legal guardian for the person's minor child:

- (a) A battery.
- (b) An assault.
- (c) Compelling the other person by force or threat of force to perform an act from which the other person has the right to refrain or to refrain from an act which the other person has the right to perform.
- (d) A sexual assault.
- (e) A knowing, purposeful or reckless course of conduct intended to harass the other person. Such conduct may include, but is not limited to:
 - (1) Stalking.
 - (2) Arson.
 - (3) Trespassing.
 - (4) Larceny.
 - (5) Destruction of private property.
 - (6) Carrying a concealed weapon without a permit.
 - (7) Injuring or killing an animal.
- (f) A false imprisonment.
- (g) Unlawful entry of the other person's residence, or forcible entry against the other person's will if there is a reasonably foreseeable risk of harm to the other person from the entry.

2. As used in this section, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affection or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

Stalking – is engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

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

NRS 200.575 Stalking: Definitions; penalties.

1. A person who, without lawful authority, willfully or maliciously engages in a course of conduct that would cause a reasonable person to feel terrorized, frightened, intimidated, harassed or fearful for the immediate safety of a family or household member, and that

actually causes the victim to feel terrorized, frightened, intimidated, harassed or fearful for the immediate safety of a family or household member, commits the crime of stalking.

Robbery

The taking or attempting to take anything from value to care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim at fear.

Aggravated Assault

Unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

Burglary

The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes unlawful entry with intent to commit a larceny or a felony, breaking and entering with intent to commit a larceny, housebreaking, safecracking, and all attempts to commit any of the aforementioned.

Motor Vehicle Theft

The theft or attempted theft of a motor vehicle.

Arson

The willful or malicious burning or attempt to burn with or without intent to defraud a dwelling house, public building, motor vehicle, aircraft, or personal property of another, etc.

Hate Crimes

The law requires the release of statistics by category of prejudice concerning the occurrence of hate crimes in the crime classifications listed in the preceding section and for other crimes involving bodily injury to any person in which the victim is selected because of the actual or perceived race, gender, religion, national origin, sexual orientation, gender identity, ethnicity or disability of the victim.

In August of 2008 HEOA S 488, 20 U.S.C. S 1092 (f) (1) F (ii) modified the above hate crimes to include the following additional crimes under the hate crime category:

- **Larceny Theft** – The unlawful taking, carrying, leading or riding away of property from the possession, or constructive possession, of another, includes pocket picking, purse snatching, shoplifting, theft from a building, theft from a motor vehicle, theft of motor vehicle parts or accessories, and all other larceny.

- **Threats** – Intimidation (includes stalking) 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.
- **Vandalism (except Arson)** – To willfully or maliciously destroy, damage, deface or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.
- **Simple Assault** – An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

Touro University Nevada

| Offense | Year | On Campus | Noncampus Building or Property | Public Property |
|--|------|-----------|--------------------------------|-----------------|
| <i>Criminal Homicide</i> | 2019 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 |
| | 2021 | 0 | 0 | 0 |
| <i>Negligent Homicide</i> | 2019 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 |
| | 2021 | 0 | 0 | 0 |
| New Sex Offense Reporting Categories as of October 20, 2016 | | | | |
| <i>Rape</i> | 2019 | 0 | 0 | 0 |
| <i>Fondling</i> | | 0 | 0 | 0 |
| <i>Incest</i> | | 0 | 0 | 0 |
| <i>Statutory Rape</i> | | 0 | 0 | 0 |
| <i>Rape</i> | 2020 | 0 | 0 | 0 |
| <i>Fondling</i> | | 0 | 0 | 0 |
| <i>Incest</i> | | 0 | 0 | 0 |
| <i>Statutory Rape</i> | | 0 | 0 | 0 |
| <i>Rape</i> | 2021 | 0 | 0 | 0 |
| <i>Fondling</i> | | 0 | 0 | 0 |

| | | | | |
|-----------------------------------|-----------------------|------------------|---------------------------------------|------------------------|
| | <i>Incest</i> | 0 | 0 | 0 |
| | <i>Statutory Rape</i> | 0 | 0 | 0 |
| Robbery | 2019 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 |
| | 2021 | 0 | 0 | 0 |
| Aggravated Assault | 2019 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 |
| | 2021 | 0 | 0 | 0 |
| Burglary | 2019 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 |
| | 2021 | 0 | 0 | 0 |
| Motor Vehicle Theft | 2019 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 |
| | 2021 | 1 | 0 | 0 |
| Arson | 2019 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 |
| | 2021 | 0 | 0 | 0 |
| Dating Violence | 2019 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 |
| | 2021 | 0 | 0 | 0 |
| Domestic Violence | 2019 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 |
| | 2021 | 0 | 0 | 0 |
| Stalking | 2019 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 |
| | 2021 | 0 | 0 | 0 |
| Other Offenses: Arrests | | Arrest | | |
| | | On Campus | Noncampus Building or Property | Public Property |
| Liquor Law Violations | 2019 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 |
| | 2021 | 0 | 0 | 0 |
| Drug Abuse Violations | 2019 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 |
| | 2021 | 0 | 0 | 0 |
| Illegal Weapons Possession | 2019 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 |
| | 2021 | 0 | 0 | 0 |

| Other Offenses: Disciplinary Referral Action | | On Campus | Noncampus Building or Property | Public Property |
|--|------|-----------|--------------------------------|-----------------|
| <i>Drug Abuse Violations</i> | 2019 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 |
| | 2021 | 0 | 0 | 0 |
| <i>Drug Abuse Violations</i> | 2019 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 |
| | 2021 | 0 | 0 | 0 |
| <i>Illegal Weapons Possession</i> | 2019 | 0 | 0 | 0 |
| | 2020 | 0 | 0 | 0 |
| | 2021 | 0 | 0 | 0 |

There were no hate Crimes reported in 2019 or 2020 (Hate Crimes include Larceny, Theft, Simple Assault, Intimidation and Destruction/damage/vandalism of property on the basis of the categories of prejudice listed above.) There was one hate crime vandalism reported 2021 with a religious bias, on campus property.

Policies, Procedures At TUN

Compliance with TUN’s policies and procedures is a necessary step in achieving a safe environment in our educational community. The policies set forth were developed to promote a safe educational environment and a high quality campus life.

Sexual Misconduct Prevention and Response (including procedures or steps one can take)

Title IX

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

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

Consistent with the requirements of Title IX, Touro University Nevada maintains a policy of non-discrimination against any person in employment or in any of its programs.

Title IX protects students and employees from discrimination based on sex in the school’s education programs and activities. This means that Title IX protects students and

employees in connection with official academic, educational, co-curricular and other programs of the school, whether those programs take place on school grounds or at an officially sanctioned offsite location.

Title IX requires that students and employees receive fair and equal treatment in all areas of education. Examples include educational activities and programming directly related to a course of study, recruitment, admissions, financial aid, hiring and retention of employees and benefits and leave.

Please contact any of the following individuals if you have concerns related to Title IX at TUN:

Touro University Nevada's
Title IX Coordinator
Zachary Shapiro 973-615-8458
zachary.shapiro@tu.edu

Touro University Nevada prohibits all forms of sexual misconduct, including sexual and gender-based harassment, sexual violence, and intimate partner violence and stalking. Such acts and all attempts to commit such acts are regarded as serious violations of TUN's community expectations and norms and are likely to result in a severe disciplinary penalty. Students and employees are advised to read the university policies on Sexual Misconduct within the University Catalog; located in the online University Catalog. Possible disciplinary sanctions range from warning to expulsion from the university for students and warning to termination for employees. Nevada criminal law encompasses certain sexual offenses, and criminal prosecution may take place independently of TUN's disciplinary processes.

Sexual misconduct may include, but is not limited to these behaviors:

- Sexual Harassment
- Sexual Assault
- Non-Consensual Sexual Contact
- Sexual Exploitation
- Domestic Violence
- Dating Violence
- Harm to Others
- Stalking
- Retaliation

Facts:

Every two and a half minutes, somewhere in America, someone is sexually assaulted.

Every person is a potential victim regardless of race, gender, age, or economic status.

Nearly 75% of all sex crimes are committed by a friend, relative, or acquaintance of the victim.

More than 50% of all rapes are committed in the victim's or assailant's home. Date rapes are more likely to occur in the assailant's home.

Rapes perpetrated by strangers occur at all times of the day, every day. However, date rapes occur most frequently on weekends and during late evening hours.

If you a victim of a crime including dating violence, domestic violence, sexual assault, or stalking you are encouraged to preserve any evidence from the crime. This is an important step to take. The information presented in the following pages provides more specific steps you can take in preserving evidence.

If You Are Being Assaulted:

- Keep your head. Stay as calm as possible, think rationally, and evaluate your resources and options.
- Be realistic about your ability to protect yourself. Yelling, hitting, or biting may give you a chance to escape, but be aware it can also expose you to further harm.
- Passive resistance such as vomiting, urinating, or telling the attacker that you are ill or menstruating is another option, but again be aware it can also expose you to further harm.
- Knowing self defense can help you to overcome fear and think clearly in emergency situations.
- Do not try to defeat the attacker. Just get away as fast as you can. There is no right way to respond to an attack. If you escaped alive, you responded in the right way.

If You Have Been Assaulted:

- You must NEVER BEAR the RESPONSIBILITY for being assaulted. Responsibility for the crime lies with the rapist alone.
- If possible do not shower, bathe, douche, eat, drink, smoke, urinate, or change your clothes.
- Do not disturb anything in the area where the assault occurred.

- Get immediate medical attention.
- Evidence of violence, such as bruising or other visible injuries should be documented by taking a photograph following the incident.
- Write down a description of the assault, circumstances, and the attacker.
- Consider seeking out Life Counseling, EAP Counseling, or other counseling services in the local community. Contact numbers are located at the back of this document. University Administrators will also assist community members in accessing these services.
- We encourage survivors of sexual assault to report the incident to the Henderson Police Department (Call 911) or other appropriate law enforcement agency. Preserve evidence such as clothing and avoid taking a shower. Evidence can be important in both the filing of a criminal case, as well as for obtaining a court issued order of protection.
- Call someone to be with you. You should not be alone. Contact a rape crisis center to help you deal with the aftermath. You can find important contact numbers at the end of this document.

If Someone You Know Is A Victim Of An Assault:

- See that they have a safe place to stay and someone to stay with.
- Give the victim your emotional support. Let them express their feelings. Do not pry into details. Do not be judgmental, instead listen and provide understanding.
- Do not let them blame themselves or think that they did something to cause the attack.
- Encourage the victim to get medical attention, contact a rape crisis center, and report the incident. Help the victim explore their options, but let them make the decision. There are a number of resources listed at the end of this document.
- Point out that since they are still alive, they have achieved a major victory.

Indicators/Signs of Stalking Behavior:

- Persistent phone calls despite the fact that you have told the person not to contact you in any form.
- Someone waiting at or outside your workplace, residence, or school.
- Overt threats.
- Manipulative behaviors (i.e. Stating that they will hurt themselves)

- Sending written messages, letters, emails, graffiti, etc.
- Sending of gifts.
- Defamation.

If You Become A Victim Of A Stalker, DO NOT Take It Lightly:

- It is important to preserve any evidence.
- Notify the Title IX Coordinator, Dean of Student's office, Human Resource office or Campus Security. Even if the problem is not campus/site-related, they can assist you with reporting the problem to the local law enforcement agency.
- Apply for a restraining order through Clark County. If you would like receive contact information on starting this process, contact the Dean of Student's office or Campus Security.
- Document everything. Even if you have decided not to go the legal route, you may change your mind. Keep answering machine recordings, letters, gifts, etc. Keep a log of drive bys or any suspicious occurrences.
- Have co-workers screen all calls and visitors.
- Do not accept packages unless they were personally ordered.
- Destroy discarded mail.
- If you think you are being followed, go to the nearest police station or public place.
- Never be afraid to sound your horn to attract attention.
- Do not be ashamed and think you caused this. Instead tell everyone you know that you are being stalked, from neighbors, to co-workers, to classmates so that no information about you is provided to the stalker.
- Tell the stalker NO once and only once, and never give him/her the satisfaction of a reaction again.

Bystander Awareness and Options for Intervention

- Don't turn a blind eye.
- If you are attending a social gathering with a friend, remember the same principles apply in every scenario.
- Be mindful of your friend(s) and make sure you come and go together and if you don't leave together that your friend(s) is/ are able to make decisions for himself/herself/themselves.

- If you see someone at risk, get involved.
- Don't wait for someone else to take an action.
- Be honest and directly talk about the consequences of their actions.
- Solicit help from other bystanders.
- If the person is your friend, communicate by either asking the person "Are you okay," "Is he/she bothering you," etc.
- Give the person an out like calling their cell phone or distracting the other person.
- If it doesn't feel safe to say something, you can call the police or any other person of authority.
- Don't let resentment prevent you from stepping in.

Procedures for Reporting an Incident and-or Getting Assistance

We encourage survivors of sexual assault and gender based violence to report the incident to the Henderson Police Department (Call 911) or other appropriate law enforcement agency.

In addition, we also encourage you to contact the Dean of Students, Director of Human Resources, or Title IX Coordinator (you can find contact numbers for each of these offices at the end of this document). The University's Administrators will keep the matter private, but are required to conduct a Title IX investigation. These offices will assist any victim of sexual assault, domestic violence, dating violence, and stalking in notifying law enforcement, including local police, if they elect to do so. Victims are not required to report to law enforcement in order to receive assistance from or pursue any options for following up or filing a grievance at TUN.

Victims may also report the incident to TUN's Student Counseling Service (see contact phone number at the end of this document). The individuals who work with Student Counseling are not obligated to investigate the incident and will not report you share with them to the University or to the local Police. In addition, TUN provides counseling through the Employee Assistance Program to both students and employees who are victims of crime, including, but not limited to dating violence, stalking, domestic violence, and or sexual assault. Student Health Services, TUN's Health Clinic, Human Resource Office, and the Dean of Students office is also available to provide services and resources to a victim.

It is important to remember that reporting an incident for the university discipline process is not the same as reporting a crime to law enforcement. Individuals may report both to the Police and to the University or to one and not the other.

TUN will work to make sure the rights of the victim are upheld when it comes to orders of protection, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court, and providing no contact orders as appropriate.

When a student or employee reports that the student or employee has been the victim of dating violence, domestic violence, sexual assault, or stalking (or any sexual or gender violence) the individual will be provided a written explanation of the student or employee's rights and options, regardless of whether the offense occurred on or off campus. This explanation shall include existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services available for victims, both within the university and in greater Southern Nevada community.

Touro University Nevada will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purpose of this paragraph.

Prohibition of Retaliation

TUN prohibits retaliation of any report made in good faith.

Sexual Misconduct and Gender Based Violence

TUN pledges its efforts to ensure an environment in which the dignity and worth of all members of the community are respected. It is the policy of TUN that sexual intimidation of students and employees is unacceptable behavior and will not be tolerated. TUN will not tolerate unwelcome sexual advances, requests for sexual favors, and any other verbal or physical conduct of a sexual nature constituting sexual harassment, or gender based violence.

It is a crime to engage in any sexual contact with a person who does not consent, or to engage in sexual intercourse, deviant sexual intercourse, or sexual abuse if it is accomplished by forcible compulsion. Nevada Law also defines these acts as crimes if any of them are engaged in with a person who is incapable of consent either because of the person's age or because the person is mentally defective, mentally incapacitated, or physically helpless. Therefore, sexual abuse, sodomy, and rape are sex crimes and violators will be prosecuted and sent to prison in accordance with Nevada Penal Law.

Conduct Proceedings and Accommodations

Touro University Nevada strictly prohibits all acts of sexual assault, domestic violence, dating violence, and stalking. If a student is the victim of a sexual misconduct or gender violence, he/she should immediately contact the Dean of Students Office. If an employee is a victim of sexual misconduct or gender violence, he/she should immediately contact the Human Resources Department. It is very important that the victim preserve any proof of the criminal offense. Such incidents will be reviewed and investigated in an impartial, fair, prompt and confidential manner from the initial investigation to the final result. Both the accused and the accuser will be entitled to the same opportunity to have others present during a disciplinary proceeding, and both parties will be informed of the outcome of that proceeding. Individuals may learn about TUN's specific Title IX policies and procedures, as well as how to file a grievance by looking at the appendices (starting with Appendix K) in the University Catalog, which can be found at <https://tun.touro.edu/programs/university-catalog/>. This information can also be obtained from the Dean of Students office or the Title IX Coordinator's office (contact numbers found at the end of this document).

The victim of a crime will be given written notification of the institutions procedures, as well a list of resources for assistance, and how to request changes to their academic and-or working situations or other protective measures.

When a sexual offense is reported, the incident is immediately investigated. In response to a report, the Title IX Coordinator or designee is responsible for informing the reporting individual(s) of resources options for care and support on and off campus. The administration of TUN will make every effort to change the victim's academic or working situation and provide information on options for those modifications, as well as other living or transportation changes, if those changes are requested by the victim and are reasonably available.

Individuals found responsible for having committed such a violation face sanctions that include but are not limited to: permanent expulsion, termination of employment, suspension, probation, or protective measures such as no contact orders, restitution, written statements, or similar actions.

All proceedings, whether the conduct is reported to have occurred on or off campus, shall provide a prompt, fair and impartial investigation and resolution. All investigations and proceedings shall be conducted by officials who have received annual training on the nature of the types of cases they are handling, on how to conduct an investigation, and conduct a proceeding in a manner that protects the safety of victims and promotes accountability. All investigations and proceedings shall be conducted by officials.

Notification to the appropriate law enforcement officials and other assistance to the student in notifying law enforcement officials will be provided, if requested.

There two types of proceedings for allegations of stalking, domestic violence, dating violence, and sexual offenses (assault). Touro University Nevada uses, at the discretion of the investigative officer, either an informal or formal method of resolution. The resolution process is designed to determine whether an individual should be held responsible for violating the university's policies related to Title IX and more specifically the allegations mentioned in the first sentence of this paragraph.

The steps to these processes, outlined below, are the University's Title IX procedure and policies, which are taken from appendix K in the University Catalog.

SEX/GENDER-BASED DISCRIMINATION AND HARASSMENT

INTRODUCTION

TUN does not permit discrimination or harassment in its programs and activities on the basis of race, color, national origin, sex, gender identity, gender expression, sexual orientation, disability, veteran status, predisposing genetic characteristic, age, religion, pregnancy status or any other characteristic protected by TUN policy or state, local, or federal law. This applies to all members of the Touro University Nevada (TUN) community, including students, all employees (faculty, staff, and administrators) as well as third-parties, including invited guests and commercial vendors. In the Title IX¹ context, these include acts of sexual violence, sexual harassment, domestic partner violence, dating violence, bullying, and stalking.

All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. TUN believes in zero tolerance for sex/gender-based misconduct. Zero tolerance means that when an allegation of misconduct is brought to an appropriate administrator's attention, an investigation will occur, and protective and other remedial measures will be used reasonably to ensure that such misconduct conduct ends, is not repeated, and the effects on the victim and community are remedied, including sanctions when a responding party is found to have violated this policy. TUN's sex/gender harassment, discrimination and misconduct policies are not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include controversial or sensitive subject matters protected by academic freedom.

¹ Title IX of the Civil Rights Act of 1964, as amended, provides the "no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance."

While TUN never assumes an accused party² is in violation of a TUN policy, TUN will error on the side of safety in promulgating interim measures during the pendency of the investigation and resolution of the issue. Resolution proceedings are conducted to take into account the totality of all evidence available, from all relevant sources.

PURPOSE

Discrimination or harassment of any kind is offensive to TUN's mission, history, and identity. TUN intends to resolve any identified discrimination or harassment in a timely and effective manner, and will make all reasonable efforts to ensure that it does not recur. Anyone believing he or she has been, or is being, harassed or discriminated against on the basis of their sex or gender should immediately contact the Title IX Coordinator, Zack Shapiro at zshapiro@touro.edu or (707) 638-5459. When TUN has notice of the occurrence, TUN is compelled to take effective corrective action reasonably calculated to stop the harassment, prevent its recurrence, and as appropriate, remedy its effects.

DEFINITIONS

Discrimination and Harassment

Title IX, and its implementing regulations, prohibit discrimination based on sex or gender, including sexual harassment. ***The prohibition against discrimination extends to employment and third-parties.*** Sexual harassment is unwelcome conduct of a sexual nature and can include sexual advances, request for sexual favors, and other verbal, non-verbal, or physical conduct. Environmental harassment (sometimes referred to as hostile environment) is sexually harassing conduct that is sufficiently severe, persistent or pervasive to limit an individual's ability to participate in or receive benefits, services, or opportunities at TUN, and objectively offensive. This can include persistent comments or jokes about an individual's sex; verbal behavior, including insults, remarks, epithets, or derogatory statements; nonverbal behavior, including graffiti, inappropriate physical advances short of physical violence such as repeated and unwanted touching; and assault, including physical violence or the threat of physical violence. Further information on sexual misconduct offenses, including sexual harassment, non-consensual sexual contact (or such attempted contact), non-consensual sexual intercourse (or attempted intercourse), and sexual exploitation can be found in Appendix A.

Other misconduct offenses will fall under the jurisdiction of the Title IX Coordinator when sex-based or gender-based include the following:

² The standard convention of referring to the accused individual as the Respondent will remain intact. However, while legal convention is to refer to the person making the accusation as the Complainant, current standards refer to this individual as the Reporter, and the complaint as the Report. The basis for this use is to reduce the stigma which may occur due to the similarity of complainant and "complainer". TUN wishes to encourage reports of possible Title IX violations.

- **Harassment**³, defined as threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;
- **Discrimination**⁴, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of sex or gender;
- **Intimidation**, defined as implied threats or acts that cause an unreasonable fear of harm in another;
- **Hazing**⁵, defined as acts likely to cause physical or psychological harm or social

³ NRS 200.571 Harassment: Definition; penalties.

1. A person is guilty of harassment if:

(a) Without lawful authority, the person knowingly threatens:

(1) To cause bodily injury in the future to the person threatened or to any other person;

(2) To cause physical damage to the property of another person;

(3) To subject the person threatened or any other person to physical confinement or restraint; or

(4) To do any act which is intended to substantially harm the person threatened or any other person with

respect to his or her physical or mental health or safety; and

(b) The person by words or conduct places the person receiving the threat in reasonable fear that the threat will be carried out.

⁴ NRS 613.330 Unlawful employment practices: Discrimination on basis of race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin; interference with aid or appliance for disability; refusal to permit service animal at place of employment.

1. Except as otherwise provided in NRS 613.350, it is an unlawful employment practice for an employer:

(a) To fail or refuse to hire or to discharge any person, or otherwise to discriminate against any person with respect to the person's compensation, terms, conditions or privileges of employment, because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin; or

(b) To limit, segregate or classify an employee in a way which would deprive or tend to deprive the employee of employment opportunities or otherwise adversely affect his or her status as an employee, because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin.

2. It is an unlawful employment practice for an employment agency to:

(a) Fail or refuse to refer for employment, or otherwise to discriminate against, any person because of the race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin of that person; or

(b) Classify or refer for employment any person on the basis of the race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin of that person.

3. It is an unlawful employment practice for a labor organization:

(a) To exclude or to expel from its membership, or otherwise to discriminate against, any person because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin;

(b) To limit, segregate or classify its membership, or to classify or fail or refuse to refer for employment any person, in any way which would deprive or tend to deprive the person of employment opportunities, or would limit the person's employment opportunities or otherwise adversely affect the person's status as an employee or as an applicant for employment, because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin; or

(c) To cause or attempt to cause an employer to discriminate against any person in violation of this section.

4. It is an unlawful employment practice for any employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining, including, without limitation, on-the-job training programs, to discriminate against any person because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin in admission to, or employment in, any program established to provide apprenticeship or other training.

⁵ NRS 200.605 provides, "hazing" means an activity in which a person intentionally or recklessly endangers the physical health of another person for the purpose of initiation into or affiliation with a student organization, academic association or athletic team at a high school, college or university in this state. The term:

(a) Includes, without limitation, any physical brutality or brutal treatment, including, without limitation, whipping, beating, branding, forced calisthenics, exposure to the elements or forced consumption of food, liquor, drugs or other substances.

ostracism to any person within the university community, when related to the admission,

initiation, or joining any other group-affiliation activity;

- **Bullying**, defined as
 - a. Repeated or severe
 - b. Aggressive behavior
 - c. Likely to intimidate or intentionally hurt, control, or diminish another person, physically or mentally
 - d. That is not speech or conduct otherwise protected by the 1st Amendment.
- **Intimate Partner Violence**⁶, defined as violence or abuse between those in an intimate relationship to each other.
- **Stalking**⁷, defined as a person who, without lawful authority, willfully or maliciously engages in a course of conduct that would cause a reasonable person to feel terrorized, frightened, intimidated, harassed or fearful for the immediate safety of a family or household member, and that actually causes the victim to feel terrorized, frightened, intimidated, harassed or fearful for the immediate safety of a family or household member, commits the crime of stalking.

Sexual Misconduct Offenses

⁶ NRS 33.018 Acts which constitute domestic violence.

1. Domestic violence occurs when a person commits one of the following acts against or upon the person's spouse or former spouse, any other person to whom the person is related by blood or marriage, any other person with whom the person is or was actually residing, any other person with whom the person has had or is having a dating relationship, any other person with whom the person has a child in common, the minor child of any of those persons, the person's minor child or any other person who has been appointed the custodian or legal guardian for the person's minor child:

- (a) A battery.
- (b) An assault.
- (c) Compelling the other person by force or threat of force to perform an act from which the other person has the right to refrain or to refrain from an act which the other person has the right to perform.
- (d) A sexual assault.
- (e) A knowing, purposeful or reckless course of conduct intended to harass the other person. Such conduct may include, but is not limited to:
 - (1) Stalking.
 - (2) Arson.
 - (3) Trespassing.
 - (4) Larceny.
 - (5) Destruction of private property.
 - (6) Carrying a concealed weapon without a permit.
 - (7) Injuring or killing an animal.
- (f) A false imprisonment.
- (g) Unlawful entry of the other person's residence, or forcible entry against the other person's will if there is a reasonably foreseeable risk of harm to the other person from the entry.

2. As used in this section, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

⁷ NRS 200.275. Stalking, definition: A person who, without lawful authority, willfully or maliciously engages in a course of conduct that would cause a reasonable person to feel terrorized, frightened, intimidated, harassed or fearful for the immediate safety of a family or household member, and that actually causes the victim to feel terrorized, frightened, intimidated, harassed or fearful for the immediate safety of a family or household member, commits the crime of stalking.

In order for individuals to engage in sexual activity of any type with each other, there must be clear, affirmative consent prior to and during sexual activity. Affirmative consent is sexual permission. Such consent can be given by word or action, but non-verbal consent invites ambiguity as to what is desired sexually and what is not. Unambiguous, affirmative consent to some form of sexual activity cannot be automatically taken as consent to any other form of sexual activity. Previous consent does not imply consent to sexual activity in the future. Silence or passivity does not conform to the definition of affirmative consent. Consent, once given, can be withdrawn at any time. There must be a clear indication that consent is being withdrawn.

Individuals should be aware of the difference between seduction and coercion. Seduction is attempting to obtain affirmative consent through voluntary, non-threatening means. Coercing another into sexual activity by unreasonable pressure violates Title IX policy in the same manner as physically forcing someone into sex. An unwelcome advance that results in a welcome encounter is seduction. An unwelcome advance that results in an unwelcome encounter is coercive. Often, the question revolves around how to determine after the fact if the encounter was unwelcome, and that will largely depend on what the contextual evidence shows. Society defines seduction as reasonable, and coercion as unreasonable. The distinction is in whether the person who is the object of the pressure wants or does not want to be convinced or is okay with the convincing once it happens. In seduction, the sexual advances are ultimately welcome. Coercion is not welcome.

Because alcohol or other drug use can place the capacity to consent in question, sober sex is less likely to raise such questions. When alcohol or other drugs are being used, a person will be considered unable to give valid consent if they cannot fully understand the details of a sexual interaction (who, what, when, where, why, or how) because they lack the capacity to reasonably understand the situation. Individuals who consent to sex must be able to understand what they are doing. Blackout refers to a period where memory formation is blocked. A period of consistent memory loss is termed a blackout, whereas periods where memory is both lost and formed intermittently can be referred to in the literature as a brownout. Neither state of blackout nor brownout automatically indicates incapacitation, but factual context can establish that a blackout or a brownout is occurring in an individual who is incapacitated (where incapacity is defined as an inability to make rational, reasonable decisions or judgments). Thus, "No" always means "No," and "Yes" may not always mean "Yes." Anything but a clear, affirmative, voluntary consent, in a person with the capacity to consent, to sexual activity should be considered a "no."

Consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party are problematic. Therefore, persons with direct supervisory or evaluative responsibilities who are involved in such relationships must bring those relationships to the attention of their supervisor and the HR Department. This may necessitate moving the employee from the supervisor's responsibilities. While attempts will be made to place the employee in a related position at TUN, there is no guarantee that this will be practical.

The TUN Faculty Handbook provides, "Consensual romantic or sexual relationships between supervisors and employees and between faculty or staff and students, though not illegal, are potentially exploitative due to an imbalance of power. Such relationships raise serious concerns about the validity of the consent, conflict of interest, and unfair treatment of others. Dating, or engaging in sexual relationships

between faculty or staff and students is strongly discouraged and may constitute grounds for termination.

Specifically, sexual misconduct offenses include the following:

- 1. Sexual Harassment
- 2. Non-Consensual Sexual Contact (or attempts to commit same)
- 3. Non-Consensual Sexual Intercourse (or attempts to commit same)
- 4. Sexual Exploitation

Sexual harassment is the unwelcome, sexual, sex based or gender based verbal, written, online and/or physical conduct. Anyone experiencing sexual harassment in any TUN program is encouraged to report it immediately to the Title IX Coordinator. Remedies, education and/or training will likely be provided in response.

A hostile environment is created when sexual harassment is sufficiently severe, or persistent/pervasive, and is objectionably offensive such that it unreasonably interferes with, denies or limits someone's ability to participate in or benefit from TUN's educational (or employment) programs.

Quid Pro Quo harassment is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a person have power or authority over another. Submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual's educational (or employment) progress, development, or performance. This includes when submission to such conduct would be a condition for access to receiving the benefits of any educational (or employment) program.

Non-consensual sexual contact is any intentional sexual touching, however slight, with any object, by a person upon another person that is without consent or by force.

Non-consensual sexual intercourse is any sexual intercourse, however slight, with any object, by a person upon another person that is without consent or by force. The use of physical force constitutes a stand-alone non-sexual offense as well, and those who use physical force (restrict, battery, etc.) would face not just the sexual misconduct charge, but criminal charges for the assaultive behavior. Intercourse includes vaginal or anal penetration by a penis, object, tongue or finger, and oral copulation (mouth to genital contact), no matter how slight the penetration or contact.

Sexual exploitation occurs when one person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include invasion of sexual privacy, prostituting another person, non-consensual digital, video or audio recording of nudity or sexual activity, unauthorized sharing or distribution of digital, video or audio recording of nudity or sexual activity, engaging in voyeurism, going beyond the boundaries of consent (such as letting your friend hide in the closet to watch you having consensual sex), knowingly exposing someone to or transmitting an STI, STD or HIV to another person, or intentionally or recklessly exposing one's genitals in non-consensual circumstances, or inducing another to expose their genitals. Sexually-based stalking and/or bullying may also be forms of sexual exploitation.

Retaliation

Retaliation is any kind of reprisal, adverse action, or negative action taken against an individual because he or she has reported alleged discrimination or harassment, participated as a party or witness in an investigation relating to such allegations, or participated as a party or witness in a proceeding regarding such allegations. Retaliation can occur contemporaneously during the report process or subsequent to it, once the retaliator is aware of the recipient's participation in the process. An individual is protected from retaliation even when the report at issue is ultimately found to lack merit, as long as the report was made in good faith.

TUN does not allow, nor tolerate, any conduct by any TUN community member that may be regarded as retaliatory. Retaliation against any individual for any reason will not be tolerated.

CONFIDENTIALITY

TUN has independent obligations to report or investigate potential misconduct, even if a reporter does not wish to initiate an official process. Therefore, confidentiality cannot be promised with respect to a report of discrimination, harassment, sexual harassment, or retaliation received. TUN wishes, however, to create an environment in which legitimate reports are encouraged, while also protecting the privacy of all involved in an investigation. Reports about violations of these policies will therefore be handled in confidence, with facts made available only to those who need to know, in order for TUN to promptly and thoroughly investigate and resolve a Title IX matter.

PROCEDURES & IMPLEMENTATION

TITLE IX INVESTIGATION AND RESOLUTION PROCESS

For the purposes of Title IX investigations and operations, the following conventions shall be used:

- *Reporting Party*: In this process, the person alleging a violation of policy is referred to as the reporting party.
- *Responding Party*: In this process, the person who is alleged to have violated Title IX policy is referred to as the responding party.

Reporting Process

Reports concerning sexual harassment and/or sexual discrimination should be sent to Zack Shapiro, Title IX Coordinator, at zshapiro@touro.edu or (707) 638-5459. Alternatively, reports may be sent to the Dean of Students or the Director of Human Resources, contact information contained within this document. Those reports involving Title IX issues shall be shared with the Title IX Coordinator.

Reports should be filed as soon as possible after the date of the alleged misconduct. A written report is the preferable manner of reporting a potential Title IX

violation. A Report of a Possible Title IX Violation **must** be submitted within 180 days of the alleged misconduct. The report should include the following information:

- a) Reporter's full name, home address, email, telephone number, and TUN
- b) Student/Employee ID number.
- c) Name of the person against whom the report was made, including job title or student status, if known.
- d) The protected status that is the basis for the alleged discrimination, harassment, or retaliation based on the Reporter's gender.
- e) A clear statement of the facts that constitute the alleged discrimination, harassment, or retaliation, including dates on which the acts were committed and any information to identify witnesses.
- f) Reporter should include the term and year of his/her most recent active employment, academic, or student status within the university.
- g) A student who is seeking admission to TUN should include the term and year in which he/she sought admission to the university.
- h) The full name, address, and telephone number of Reporter's advisor or supervisor, if any.
- i) The specific harm that resulted from the alleged act and the remedy sought.
- j) The Reporter's signature and the date on which the report was submitted.

Intake Interview, Preliminary Inquiry, and Interim Sanctions

The Title IX Coordinator will conduct a preliminary inquiry to determine if there is reasonable cause to believe a Title IX policy infraction has occurred. If so, TUN will initiate an investigation that is thorough, reliable, impartial, prompt and fair. The investigation is intended to determine whether TUN's Title IX policy has likely been violated and whether the Respondent is likely a violator. TUN's fundamental Title IX policy is to stop, prevent and remedy Title IX violations.

Any time after the Report is made, the Title IX Coordinator may initiate interim measures to stop and prevent inappropriate conduct. Interim measures are most likely to be taken when there is a reasonable concern for the personal safety of any party. Such measures are at the discretion of the Title IX Coordinator in consultation with the Director of Human Resources, if the parties are faculty and/or staff. If a student is involved, consultation will occur with the Dean of Student Affairs. Interim measures are not intended or designed to abridge any rights of the Reporter, Respondent, or any party, but are designed to stop and prevent further Title IX violations and ameliorate the adverse effects of possible misconduct. Interim actions which may be initiated include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the community
- Altering work arrangements for employees, in consultation with the Director of Human Services, or his designee
- Providing campus escorts

- Suspension of a student, with or without campus privileges, in consultation with the Dean of Students of his designee
- Suspension of an employee, with consultation with the Department of Human Resources, or his designee
- Implementing contact limitations between the parties
- Offering adjustments to academic deadlines, course schedules, etc. in consultation with the Dean of Students
- Contacting law enforcement or Touro-contracted outside counsel for temporary legal remedies

TUN will keep interim remedies and actions as private as reasonably possible subject to any party's safety as a paramount consideration. Violation of a restrictive interim action or suspension under this policy constitutes grounds for expulsion or termination.

TUN aspires to bring Report allegations to a **resolution** within sixty (60) school days of the filing of the Report, however, such time may be extended as necessary by the Title IX Coordinator, with notice to the parties.

Investigation and Informal Resolution

Upon finding jurisdiction applies, the Title IX Coordinator will offer the Reporter and any alleged victim amelioration services available at TUN, and take interim measures as indicated for the safety of the parties. The Title IX Coordinator shall inform the Respondent, in writing, of the allegations made as soon as reasonably possible after the preliminary inquiry. The Title IX Coordinator shall assign the investigation either to the Department of Human Resources if only faculty or staff employees are involved, or to Student Affairs if a student is involved as a party. Investigations are ideally to be completed within 30 school days unless circumstances preclude this time limit. The parties will be notified by the Title IX Coordinator of time extensions and the reasons necessitating time extensions. The parties shall be regularly apprised by the investigator of the status of the investigation.

The investigator will take the following steps (not necessarily in order):

- Determine the identity and contact information of the reporting party;
- Meet with the reporting party to finalize their statement
- Identify the exact policies allegedly violated;
- Prepare the notice of charges on the basis of the reporting party's writing;
- Meet with and present the final charges to the Respondent;
- Conduct the initial interview with the Respondent;
- In concert with the Title IX Coordinator, initiate any further preventive or remedial actions based upon evidence discovered at any time during the investigation, particularly if there is reasonable cause to suspect violence or a personal safety issue;
- Commence a thorough, reliable and impartial investigation by developing an investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses, including the Respondent;
- Complete the investigation promptly, and without unreasonable deviation from the intended timeline of 30 school days;

- Provide regular updates to the Title IX Coordinator, and the reporting and responding parties, as appropriate, throughout the investigation; and
- Prepare a written report of the investigation including a statement of which allegations, if any should proceed to a formal hearing.

The investigator's written report must conclude whether it is more likely than not that a Title IX violation occurred, and if so, recommend the case proceed to a formal hearing against the Respondent. If the investigator's concludes there is no credible evidence of a Title IX violation, or concludes there is no credible evidence that the Respondent committed a Title IX violation, the case shall be closed. The Reporter, within 3 three school days may appeal the conclusions of the investigator, and request, in a writing to the Title IX Coordinator, that the dispute continue to a formal hearing.

The investigator's report recommending that the case proceed to a formal hearing may be subject to a written reply by either party, within 3 school days of receipt of notice of the availability of the investigator's report. This reply shall be presented to the Title IX Coordinator. The replies, if any, shall not be presented to the other party more than 3 school days prior to the date of the formal hearing.

Any time prior to submission of the investigator's written report to the Title IX Coordinator, the parties and the investigator may agree to an informal resolution of the complaint, with notice to the Title IX Coordinator. Both parties must sign the informal resolution and the investigator must sign the informal resolution. Presenting the signed informal resolution to the Title IX Coordinator will constitute satisfaction and accord of the complaint, and the case will be considered closed, subject to any stipulations within the agreement. There is no appeal of a signed informal resolution. To the degree reasonably possible, TUN shall hold the terms of the informal resolution confidential.

An informal resolution occurring after submission of the investigator's written report must be approved and signed by the parties, the investigator, and the Title IX Coordinator. In exceptional circumstances, a hearing panel commencement may be delayed, at the request of the parties and at the sole discretion of the Title IX Coordinator, pending final negotiations of an informal resolution agreement.

The formal hearing panel hearing shall commence no sooner than 6 school days after notice to the parties of the investigator's report.

Formal Hearing Resolution process

The investigator's report having been received by the Title IX Coordinator, the Title IX Coordinator shall select three faculty members for the hearing panel. The hearing panel shall consist of three faculty and/or staff selected from various Departments in TUN. Every reasonable effort will be made to have both genders represented on the hearing panel. To the degree reasonably possible, no panel member shall be from the same Department as the Reporter or the Respondent.

The Title IX Coordinator shall report to the parties, within 2 school days, the names of the selected members of the hearing panel. Either party may file a written notice, within one school day, with the Title IX Coordinator requesting preemption of a panel member on the basis of bias against the party. Such request for preemption for bias, with the stated basis for the bias, being determined to be reasonable by the Title IX Coordinator, that panel member shall be excused from the panel, and another panel member selected by the Title IX Coordinator.

Panel Members and the Due Process Hearing

The hearing panel members' pool, approximately ten (10) in number, shall be volunteers from the faculty and staff who have been trained in TUN's Title IX policies and in due process hearings. The hearing panel members will decide among themselves who will chair the panel. If the three (3) members of the panel cannot agree on a chair, the Title IX coordinator will arbitrarily select a chair among the three.

The parties will have access to the information to be presented by the investigator at least two (2) school days before the commencement of the hearing. At the hearing, the investigator will present evidence and witnesses, followed by questions by the Respondent to items of evidence presented, and after each witness presented by the investigator. Following the presentations by the investigator, the Respondent may present evidence and witnesses. The investigator may ask questions of the Respondent's proffered evidence and after the Respondent's witnesses have testified. Objections to evidence and witness testimony shall be ruled upon by the chair of the panel.

The Reporter need not attend the hearing. The Reporter may ask written questions of the Respondent through the investigator. The Respondent may ask questions of the Reporter. If the Reporter is not present, the questions may be in writing, via telephone or by other electronic means. Neither the Reporter nor the Respondent may be compelled to answer any question. Members of the hearing panel may ask questions at any time, after recognition by the panel chair.

At the end of the testimony and presentation of evidence, the investigator and the Respondent may summarize, for no more than 10 minutes each.

During the pendency of the investigation and the formal hearing, each party may have an advisor present. An advisor is any individual who provides the accuser or accused support, guidance, or advice. The advisor shall not speak to the investigator unless requested to do so by the investigator. The advisor may not speak at the hearing but may communicate in written notes with the party.

At the end of the hearing, the room shall be cleared and the hearing panel shall deliberate in closed session. The hearing panel must decide, unanimously, if the preponderance of the evidence presented established the Respondent as a violator of Title IX policy. The hearing panel may also, in a unanimous vote, determine that there was not a preponderance of the evidence establishing the respondent violated TUN's Title IX policy. If the panel, after a concerted effort, cannot make a unanimous decision, the hearing panel shall be dismissed and a second panel appointed for another hearing. If the second panel is unable to reach a unanimous finding, the case shall be dismissed.

If the panel makes a unanimous finding that the Respondent violated Title IX, the panel shall continue convening to decide the penalty for the violation(s). At this time, the panel may hear evidence of prior school violations by the Respondent. The panel's decision on the penalty shall be by majority vote. Should the panel be unable to decide upon a penalty, after concerted effort, the Title IX Coordinator shall assess the penalty.

Sanctions which May be Imposed

The following sanctions, without limitation, may be imposed by a hearing panel upon finding, by a preponderance of the evidence⁸ the Respondent a violated Title IX provision(s):

Student Sanctions for Title IX violations,

Warning

Probation

Suspension

Expulsion

Transcript Notation

Organizational Sanctions

Educational Programs

Employee Sanctions for Title IX violations,

Warning – Written or Verbal

Performance Improvement Plan

Required Counseling

Required Training or Education

Demotion

Loss of Annual Pay Increase

Suspension without Pay

Suspension with Pay

Termination

Reporting to the Parties

The Reporter and the Respondent will receive simultaneous notification, in writing, as to the result of any institutional disciplinary proceeding, any changes made to the result, and when the results become final.

Appeal

⁸ Preponderance of the evidence means when weighing all the evidence, slightly more evidence in favor of a determination than against a determination. This frequently is described as 51% of the evidence weighing toward a finding or decision.

The decision of the hearing panel is final, except either party may appeal a decision of the hearing panel to the Provost, but only on one or more of the following bases:

- a. a procedural irregularity that affected the outcome of the matter;
- b. new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter;
- c. the Title IX Coordinator, Investigator, or Decision-maker had a conflict of interest or bias for or against Complainants or Respondents generally, or the individual Complainant or Respondent that affected the outcome of the matter; or
- d. the sanction imposed is disproportionate to the violation.

The written appeal to the Provost must occur within five (5) school days of the hearing panel's decision and assessed penalty. The Provost, or the Provost's designee in the absence of the Provost, must rule on the appeal within ten (10) school days of receipt of the appeal. The Provost shall find:

- a. The hearing panel's findings and penalty assessed are sustained, or
- b. A panel member was biased against a party, and concealed this bias from the panel, or
- c. The hearing panel did not consider relevant new evidence, not available at the time of the hearing, and the new evidence would likely affect the hearing panel's findings or the penalty assessed; or
- d. There was a gross deviation of TUN's procedure by the investigator or the hearing panel which creating substantial prejudice to the appealing party; or
- e. The penalty was excessively harsh or excessively mild, such as to shock the conscience of an ordinary, reasonable, prudent person.

The Provost may remand the case for re-hearing by a new panel, or by the same hearing panel subject to the hearing panel members' availability. The Provost alternatively may alter the penalty upon finding compelling evidence or circumstances justifying the penalty alteration. Should the Provost order a new hearing, such hearing shall not occur less than 5 school days of the Provost's written order.

Confidentiality

TUN shall keep all records, panel findings, and penalties accessed confidential subject to requirements for reporting or disclosure in law. TUN shall encourage all parties to keep confidential the same.

TUN Reserves Rights to Amend this Policy or Procedures

TUN reserves the right to make changes to this document as necessary and once those changes are posted online, they are in effect. Students are encouraged to check TUN's website for the updated versions of all policies and procedures, including Title IX policies and procedures.

If government regulations are modified in a manner to impact the provisions in the TUN Policy and Procedures, the contemporary governmental regulations will apply to preempt any conflicting provisions contained herein. This document does not create legally enforceable protections beyond the protections of Nevada and Federal law.

Recordkeeping

In implementing these procedures, records of all allegations, investigations, and resolutions will be kept by the Title IX Coordinator indefinitely in a paper or electronic format. .

STATEMENT OF THE RIGHTS OF THE REPORTING PARTY

The right to an investigation and appropriate resolution of all credible reports or notice of sexual misconduct, or discrimination made in good faith to university officials;

The right to be informed in advance of any public release of information regarding the incident;

The right of the reporting party not to have any personally identifiable information released to the public, without his or her consent.

The right to have university policies and procedures followed without material deviation.

The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence.

The right not to be discouraged by university officials from reporting sexual misconduct or discrimination to both on-campus and off-campus authorities.

The right to be informed by university officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the student so chooses. This also includes the right not to report, if this is the victim's desire.

The right to have reports of sexual misconduct responded to promptly and with sensitivity by campus law enforcement and other campus officials.

The right to be notified of available counseling or other student services for victims of sexual assault.

The right to a campus "no contact" order when someone has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to a party or others;

The right to notification of and options for, and available assistance in, changing academic situations after an alleged sexual misconduct incident, if so requested by the victim and if such changes are reasonably available.

The right to have the institution maintain such accommodations for as long as is necessary, and for protective measures to remain confidential, provided confidentiality does not impair the institution's ability to provide the accommodations or protective measures.

The right to ask the investigators to identify and question relevant witnesses.

The right to review all documentary evidence available regarding the allegation, including the investigative report, subject to the privacy limitations imposed by state and federal law, at least 48 hours prior to the hearing.

The right to be informed of the names of all witnesses who will be called to give testimony, at least two school days prior to the hearing, except in cases where a witness' identity will not be revealed to the responding party because of a concern for the safety of the witness (this does not include the name of the alleged victim/reporting party, which will always be revealed).

The right not to have irrelevant prior sexual history admitted as evidence in a campus hearing.

The right to regular updates on the status of the investigation and/or resolution.

The right to preservation of privacy, to the extent reasonably possible and permitted by law.

The right to meetings, interviews and/or hearings that are closed to the public.

The right to petition that any member of the conduct body be recused on the basis of demonstrated bias.

The right to bring a companion to all phases of the investigation and resolution proceeding.

The right to provide evidence by means other than being in the same room with the responding party.

The right to be present for all testimony given and evidence presented during any resolution-related hearing.

The right to make or provide an impact statement in person or in writing to the hearing officers following determination of responsibility, but prior to sanctioning.

The right to be informed of the outcome and sanction of the resolution process in writing, without undue delay between the notifications to the parties.

The right to be informed in writing of when a decision of TUN is considered final, to be informed of the right to appeal the sanction of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by TUN;

STATEMENT OF THE RESPONDENT PARTY'S RIGHTS

The right to investigation and appropriate resolution of all credible Title IX allegations made in good faith to university administrators.

The right to be informed in advance, when reasonably possible, of any public release by TUN of information regarding any report, finding or penalty.

The right to have university policies and procedures followed without material deviation.

The right to be informed of and have access to campus resources for medical, health, counseling, and advisory services.

The right to be fully informed of the policies and procedures of the campus resolution process and to timely written notice of all alleged violations within the report, including the nature of the violation(s).

The right to a hearing on the investigator's report, including timely notice of the hearing date, and adequate time for preparation.

The right to review all documentary evidence available regarding the allegation, including the investigative report, subject to the privacy limitations imposed by state and federal law, at least 2 school days prior to the hearing.

The right to be informed of the names of all witnesses who will be called to give testimony, at least 2 school days prior to the hearing, except in cases where a witness' identity will not be revealed to the responding party because of a concern for safety.

The right not to have irrelevant prior sexual history admitted as evidence in a campus resolution process prior to a decision by the hearing panel.

The right to petition that any member of the hearing panel be recused on the basis of demonstrated bias.

The right to have a companion of their choice to accompany and assist in the resolution process.

The right to a fundamentally fair resolution, as defined in these procedures.

The right to make or provide an impact statement to the hearing officers board following any determination of responsibility, but prior to sanctioning.

The right to a decision based solely on evidence presented during the resolution process. Such evidence shall be credible, relevant, based in fact, and without prejudice.

The right to be informed of the outcome and sanction of the resolution process in writing, without undue delay.

The right to be informed in writing of when a decision of TUN is considered final, to be informed of the right to appeal the hearing panel's finding or penalty, and the procedures for doing so in accordance with the standards for appeal established by TUN.

Duty to Report Violations

Any "responsible employee" of TUN, defined as faculty and administrative staff, including supervisory adjunct faculty, is a "mandatory reporters" and **must** report possible Title IX violations to the Title IX Coordinator. Housecleaning staff, students, and non-supervisory adjunct faculty **may** report possible Title IX violations, but are not "mandatory reporters." Exceptions to mandatory reporting are an individual's personal health care providers, including a licensed psychologist, and clergy, including TUN clergy. Anyone may report a possible Title IX violation. A report form for reporting Title IX violations can be found on the TUN website. Anonymous reports may be submitted and will be acted upon if sufficient material information is included on the form.

Duty to Cooperate and Facilitate

All members of the TUN community are required to cooperate fully with any investigations of discrimination or harassment. A faculty member, staff member, or student who has relevant information and refuses to cooperate with an ongoing investigation may be subject to disciplinary action for violations of the TUN College Code of Conduct. Likewise, all TUN employees are required to ensure that reports about

discrimination, harassment, or retaliation are directed to the appropriate administrative office for evaluation and investigation. TUN is committed to conducting an inquiry that is thorough, prompt and impartial.

Protective Measures

The university has a range of protective measures the institution may offer a victim, including, but not limited to: escorts, flexed working hours, assigned parking, no contact orders, etc.

Registered Sex Offenders

TUN must make available to the public over the internet information about certain sex offenders required to register under Megan's Law. These sex offender internet registry laws can be found at the following address:

- www.nvsexoffenders.gov/ (Nevada)

Policy on Bias Related Crimes

TUN is committed to safeguarding the rights of its students, faculty, and staff, and to provide an environment free of bias and prejudice. Criminal activity motivated by bias and hatred toward another person or group based upon a belief or perception concerning race, color, national origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation is illegal and punishable not only for the underlying crime, but, additionally, as a hate crime pursuant to the Nevada Revised Statute #200.

The following are specific offenses that constitute a hate crime. While the offenses themselves are not hate crimes, they can be considered hate crimes under certain conditions:

1. Assault (1st, 2nd and 3rd Degree)
2. Aggravated Assault on a Person Less than 11 Years Old
3. Menacing (1st, 2nd and 3rd Degree)
4. Reckless Endangerment (1st and 2nd Degree)
5. Manslaughter (2nd Degree)
6. Stalking (1st, 2nd, 3rd, and 4th Degree)
7. Criminal Sexual Acts (1st Degree)
8. Sexual Abuse (1st Degree)
9. Aggravated Sexual Abuse (1st and 2nd Degree)
10. Unlawful Imprisonment (1st and 2nd Degree)
11. Kidnapping (1st and 2nd Degree)
12. Coercion (1st and 2nd Degree)
13. Burglary (1st, 2nd and 3rd Degree)
14. Criminal Mischief (1st, 2nd, 3rd, and 4th Degree)
15. Arson (1st, 2nd, 3rd, and 4th Degree)
16. Petty Larceny

17. Grand Larceny (1st, 2nd, 3rd, and 4th Degree)
18. Robbery (1st, 2nd and 3rd Degree)
19. Harassment (1st Degree)
20. Aggravated Harassment

In addition, any attempt or conspiracy to commit any of these crimes is also punishable as a hate crime. A person convicted of a hate crime will be subject to certain sentencing guidelines for felonies that impose a more severe penalty than similar but non-hate crime offense. A hate crime conviction may also subject the offender to monetary penalties pursuant to the laws of the state of Nevada.

Any incident or attempt to commit a hate crime should be reported to TUN Security or any other University official at (702) 358-6701.

Reported incidents of hate crimes and attempts to commit hate crimes will be referred to the Henderson Police Department and/or other Law Enforcement Agencies for further investigation and legal action. TUN treats all hate crimes as serious offenses which need to be prosecuted with the full force of the legal system.

Policy on Weapons

TUN is a **WEAPON FREE CAMPUS**. Firearms, air guns, and other hazardous items or weapons of any kind, including ammunition, fireworks, gunpowder and chemicals, are strictly prohibited. If said items are found, they will be confiscated and the owner(s) subjected to disciplinary action, including expulsion and/or termination. Use of lighted candles or kerosene lamps for any purposes is prohibited.

Policy on Workplace Violence

TUN has a **ZERO** tolerance on workplace violence. Any incidents or occurrences relating to violence in the workplace by employees will be referred to Human Resources, as stated in the Employee Handbook. Any incidents or occurrences relating to students will be handled by the Dean of Students as stated in the Student Handbook.

Policy on Alcohol, Drugs & Controlled Substances

TUN seeks to safeguard the health and well-being of all members of the University community: students, faculty and staff. All members of the University community are accountable to the law and to the regulations of the University. Students, faculty, and staff who distribute or use illegal drugs or illicitly use legal drugs, including alcohol, on the TUN campus College are violating Federal Laws, Nevada State Laws and the regulations of TUN.

TUN is committed to educating and informing students, faculty, and staff about the dangers and effects of substance abuse. TUN recognizes that drug addiction and

alcoholism are illnesses that are not easily resolved and may require professional assistance and treatment.

TUN will provide confidential counseling and referral services to students, faculty, and staff with drug and/or alcohol problems. These services are available through the Office of the Dean of Students and/or Human Resources. All inquiries and requests for assistance will be handled with strict confidentiality.

Disciplinary Standards for Students Possessing, Using, Distributing and/or Selling Drugs & Controlled Substances

It is the policy of TUN that the unlawful use, possession, distribution, or manufacture of drugs or controlled substances on University property is strictly prohibited. Individuals, who possess use, distribute, or manufacture drugs or controlled substances are subject to University disciplinary action as well as possible criminal prosecution.

Students found in violation of these policies will be subject to disciplinary proceedings in accordance with the procedures outlined in the Student Handbook.

Disciplinary Standards for Faculty & Staff Possessing, Using, Distributing and/or Selling Drugs & Controlled Substances

Each faculty and staff member of the University is expected to abide by the University's policies for maintaining a drug-free workplace. The policy statement on drug abuse pertaining to students also applies to faculty and staff. Furthermore, all faculty and staff are required to notify the Director of Human Resources of any criminal conviction relating to his or her own drug activity within five (5) days of such conviction.

Faculty and staff (part-time and full-time) who violate University policies on drugs and controlled substances will be subject to disciplinary sanctions.

Regulations on Alcohol Use/Abuse

The following regulations apply to students, faculty, and staff of the University:

- The consumption of alcoholic beverages by individuals under the age of 21 is illegal.
- Persons under the age of 21 are prohibited from consuming alcoholic beverages on the premises of TUN.
- Any student who falsely represents himself/herself as being of age to consume alcohol is subject to disciplinary action as outlined in the Code of Conduct.
- Any faculty and/or staff member of the University who transmits alcohol to a minor on University premises shall be subject to full penalty under the laws of their perspective state.
- Alcohol abuse does not excuse any faculty and/or staff member of the University from neglect of their responsibilities to the University. Individuals whose work

performance is impaired as a result of the use/abuse of alcohol may be required to participate in an appropriate evaluation/treatment program.

- TUN observes the culpability laws for serving drinks to the mentally-impaired and to individuals who are already inebriated.

Each semester the Offices of Student Activities and Student Health sponsor educational drug and alcohol abuse programs for all faculty staff and students. Please see this report for a description of these programs.

Local Alcohol and Drug Abuse Treatment Facilities

Henderson Drug Abuse Treatment Programs 800.943.0566

ABC Therapy 702.568.5971

Seven Hills Hospital 877.774.4557

Mission Treatment Centers 702.558.8600

Resources

There are many outside sources of support available on campus and in the community for individuals who have been a victim of a crime:

University Resources:

Campus Security (702) 358-6701 or 007 from any University Landline Phone

Student Counseling Services (702) 777-2095

Dean of Students (702) 777-3073

Office of Academic Services and Institutional Support (702) 777-3065

COO and Vice President for Finance (702) 777-3135

Title IX Coordinator (973) 615-8458

Student Health (702) 777-9973

Outside Resources:

The Rape Crisis Center: www.rcclv.org (702) 366-1640

Safe Nest: www.safenest.org (702) 646-4981 or (800) 486-7282

www.rainn.org (800) 656-HOPE

www.peaceoverviolence.org (310) 392-8381, (213) 626-3393, (626) 793-3385

24 Hour Hotline: (702) 366-1640

Henderson Police Department: (702) 267-5000 **Toll Free:** (866) 473-4911 Emergency: 911

St. Rose Hospital: 102 Lake Mead Pkwy, Henderson, NV 89015; **Phone:**(702) 564-2622

Employee Assistance Program (800) 865-1044 (Free Confidential Line) Anthemear.com

National Sexual Assault Hot Line (800) 656-4673

National Domestic Violence Hotline (800) 799-SAFE (7233)

Touro University Nevada
874 American Pacific Drive
Henderson, NV 89014
(702) 777-8687

Andrew Priest, Ed.D. Campus President and Provost, Touro University Nevada
(702) 777-3225

Student, Faculty, & Staff IDs: Information Technology Department
(702) 777-4781

Philip J. Tompkins, Ed.D., Dean of Students
(702) 777-1761

Law Enforcement Affiliation:
Henderson Police Department
225 E. Sunset Road
Henderson, NV 89011
(702) 267-5000

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