

2018 Annual Security Report

SAN FRANCISCO ART INSTITUTE

Table of Contents

INTRODUCTION	4
BUILDING LOCATIONS	4
ON-CAMPUS LOCATIONS—CHESTNUT & FORT MASON BUILDINGS	4
NON-CAMPUS BUILDING LOCATIONS	6
GENERAL SECURITY POLICIES	7
REPORTING CRIMINAL ACTIONS OR EMERGENCIES	7
ENTRANCE AND ACCESS TO CAMPUS FACILITIES	8
CAMPUS LAW ENFORCEMENT	9
CRIME PREVENTION	9
WORKPLACE VIOLENCE POLICY	9
CRIME STATISTICS	11
INFORMATIONAL PROGRAMS TO INFORM STUDENTS AND EMPLOYEES OF CAMPUS SECURITY PROCEDURES AND PRACTICES	14
SECURITY AWARENESS PROGRAMS FOR STUDENTS AND EMPLOYEES	14
COMMUNICATION WITH VICTIM OF VIOLENT CRIME	14
REGISTERED SEX OFFENDERS INFORMATION	14
EMERGENCY RESPONSE AND EVACUATION PROCEDURES	14
EMERGENCY PROCEDURES.....	16
TIMELY WARNING	17
EMERGENCY NOTIFICATION.....	17
LOCATIONS WHERE EMERGENCY RESPONSE PLANS AND PROCEDURES ARE PUBLISHED AND WHEN THEY ARE DISTRIBUTED.....	17
DRILLS, TESTING AND TRAINING OF EMERGENCY RESPONSE AND EVACUATION PROCEDURES ON ANNUAL BASIS.....	17
CRIME LOG	18
EQUAL OPPORTUNITY, HARRASMENT AND NONDISCRIMINATION POLICY + EQUITY RESOLUTION PROCESS (INCLUDING CIVIL RIGHTS, TITLE IX AND ADA/SECTION 504)	18
TITLE IX COORDINATOR	18
<i>Reporting Discrimination</i>	19
<i>Nondiscrimination and Equal Educational Opportunity Statement</i>	19
<i>College Policy on Accommodation of Disabilities</i>	20
<i>Discriminatory and Bias-Related Harassment</i>	21
<i>Sexual Harassment</i>	21
<i>Quid Pro Quo Sexual Harassment:</i>	21
<i>Retaliatory Harassment:</i>	21
<i>Relationship Disclosure Policy</i>	22
<i>Sexual Misconduct</i>	22
<i>Sexual Exploitation</i>	23
<i>Force and Consent</i>	23
<i>Other Civil Rights Offenses</i>	25
<i>Intimate Partner Violence</i>	25
STALKING	26
<i>Retaliation</i>	26

<i>Remedial Action</i>	27
<i>Confidentiality and Reporting of Offenses Under This Policy</i>	27
<i>Equity Resolution Process (ERP) for Allegations of Harassment, Sexual Misconduct and Other Forms of Discrimination</i>	29
<i>Reporting Misconduct</i>	30
<i>Preliminary Inquiry</i>	30
<i>Interim Remedies/Actions</i>	31
<i>Advisors</i>	32
<i>Conflict Resolution</i>	33
<i>Investigation</i>	33
<i>Informal Resolution: Resolution Without a Hearing</i>	35
<i>Formal Hearing Procedures</i>	36
<i>Employee Sanctions</i>	39
<i>Withdrawal or Resignation While Charges Pending</i>	39
<i>Appeals</i>	40
<i>Long-Term Remedies/Actions</i>	41
<i>Failure to Complete Sanctions/Comply with Interim and Long-term Remedies/Responsive Actions</i>	41
<i>Records</i>	41
<i>Statement of the Rights of the Parties</i>	41
<i>Statement of the Responding Party's Rights:</i>	43
<i>Disabilities Accommodation in the Equity Resolution Process</i>	44
<i>Revision</i>	44
<i>Resources</i>	44
MISSING STUDENT PROCEDURES AND POLICIES	46
CAMPUS SAFETY AUTHORITIES (CSA'S)	47
REQUIRED REPORTERS AND CAMPUS SECURITY AUTHORITIES.....	47
GUIDELINES FOR MANDATORY REPORTING.....	47
ADDRESSING CRIMINAL ACTIVITY OFF CAMPUS	49
ALCOHOL & DRUG POLICIES	49
STANDARDS OF CONDUCT	49
<i>Alcohol Use Policy</i>	49
<i>Disciplinary Sanction for Violations of the Alcohol and Other Drugs Policy</i>	50
<i>Federal Legal Sanctions for the Unlawful Possession or Distribution of Alcohol and Illicit Drugs</i>	50
<i>State Legal Sanctions for the Unlawful Possession or Distribution of Alcohol and Illicit Drugs</i>	50
<i>Local Legal Sanctions for the Unlawful Possession or Distribution of Alcohol and Illicit Drugs</i>	51
HEALTH RISKS ASSOCIATED WITH ALCOHOL ABUSE AND THE USE OF ILLICIT DRUGS.....	51
ALCOHOL.....	51
DRUGS	51
SUBSTANCE ABUSE EDUCATION	51
RESOURCES.....	51
CRISIS INTERVENTION	51
PREPARING ANNUAL DISCLOSURE OF CRIME STATISTICS	52

INTRODUCTION

The San Francisco Art Institute is dedicated to the intrinsic value of art and its vital role in shaping and enriching society and the individual. As a diverse community of working artists and scholars, the Institute provides its students with a rigorous education in the fine arts and preparation for a life in the arts through an immersive studio environment, an integrated liberal arts curriculum, and critical engagement with the world.

SFAI seeks to provide students with a rigorous education in the fine arts and preparation for a life in the arts through an innovative, intensive studio environment; a vital liberal arts experience and engagement with the world at large. To support this mission, SFAI has an obligation to maintain conditions under which the work of its students, faculty, staff, and larger campus community can go forward freely, in accordance with the highest standards of quality, institutional integrity, and freedom of expression, and with full recognition by all concerned of the rights, privileges, and responsibilities of those who comprise the campus community.

SFAI's policies and procedures are designed to:

- Protect and promote the rights of members of SFAI, prevent interference with campus functions or activities, and assure compliance with all pertinent state and federal laws and other applicable SFAI policies.
- Address the rights and responsibilities of members of the SFAI community as well as others while on SFAI property.
- Provide standards for implementing procedures as a means of sustaining this community.

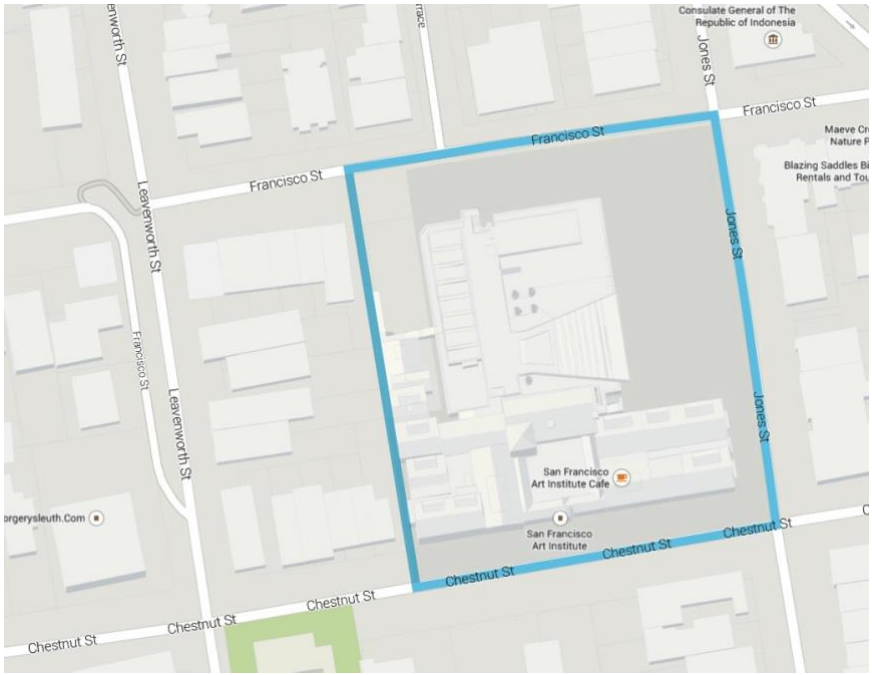
Community members cannot use ignorance of these policies as justification for violating community standards, and should understand that procedural expectations may be modified to best serve the involved parties of any given situation. All campus community members share in the responsibility for maintaining this unique community so that SFAI's mission can be achieved.

BUILDING LOCATIONS

ON-CAMPUS LOCATIONS—CHESTNUT & FORT MASON BUILDINGS

For the purposes of crime reporting for the 2018 calendar year, SFAI's campuses are at 800 Chestnut Street and Pier 2, 2 Marina Boulevard in the Fort Mason Center for Arts & Culture campus.

SFAI's Chestnut on-campus property includes the buildings and extends from midway down Chestnut Street to the corner of Jones Street, down Jones to the Corner of Francisco and back up Francisco until slightly past the mid-point of the block. This area includes the public sidewalk adjacent to SFAI's building, the street and the sidewalk on the other side.



800 Chestnut Street, SF, CA 94133

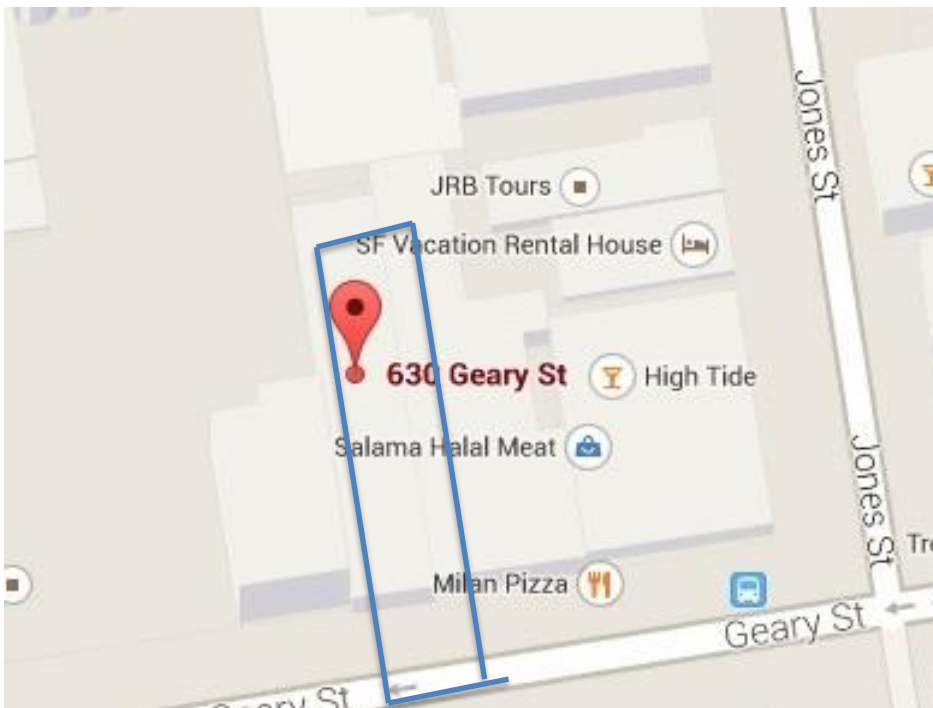


OPENED AUGUST, 2017: 2 Marina Blvd, Pier 2, San Francisco, CA 94123

SFAI leases approximately 2/3rds of the middle pier located at 2 Marina Blvd from Fort Mason Center for Arts & Culture. The on campus area includes the aprons adjacent to the to the service road adjacent to the parking area.

NON-CAMPUS BUILDING LOCATIONS

The residence halls at 630 Geary Street, SF, CA 94102 and 717 Sutter Street, SF, CA 94109, are not considered to be on-campus housing locations because they are not in the same geographically contiguous area of the city.



CAMPUS SECURITY POLICY

The security of SFAI's campuses are affected and influenced by the following realities and constraints:

- SFAI is an urban campus. Our buildings are located in densely populated and desirable neighborhoods such as Russian Hill, near Fisherman's Wharf; Lower Nob Hill, near Union Square.
- The unique architectural qualities of the main campus with its irregular shape, openness, and numerous access points make it difficult to secure.
- Institutional policies actively encourage public access and involvement.
- Institutional philosophy encourages freedom of expression.
- Institutional policies provide for 24-hour, 365-days-per-year access to some facilities, subject to departmental limitation, for enrolled students.

Despite these constraints and realities, it is the policy of SFAI to provide as safe and secure an environment as possible.

GENERAL SECURITY POLICIES

Effective campus security is the concern of all SFAI staff, faculty, students, and visitors. SFAI encourages the active participation of all staff, faculty, and students in campus security activities as the most effective means of preventing crimes on campus. All staff, faculty, students, and visitors are strongly encouraged to report any security concerns or problems, including disruptive persons, as soon as possible to responsible personnel as defined in the Reporting Criminal Actions or Emergencies section of this document. Such reports facilitate timely investigation, response, and resolution of the reported concern or problem. All staff, faculty, students, and visitors are encouraged to submit comments or suggestions regarding campus security procedures to the Director for Operations & Facilities or to the VP for Operations & Facilities, who has primary administrative responsibility for campus security. The Director for Operations & Facilities has direct administrative responsibility for the security staff.

During regular business hours, campus security is the responsibility of all SFAI staff and faculty. Problems should be reported immediately to the Director for Operations & Facilities or the security staff. Security guards are on duty 24 hours a day, including weekends and holidays. Security guards make periodic rounds of the SFAI campus to ensure campus security, permit access to studios, classrooms, and other SFAI facilities by authorized persons in accordance with departmental and institutional policies, enforce SFAI policies, investigate and report security problems, and act as liaisons to local authorities in the event of criminal action and/or other emergencies. All staff, faculty, and students are responsible for the safekeeping of their personal belongings. SFAI encourages everyone to keep all valuables on their person or locked in a secure place. SFAI cannot be responsible for personal belongings of any person. SFAI's Campus Security Policy will be reviewed, revised, and circulated to all SFAI staff, faculty, and students on an annual basis. SFAI will make timely reports to the SFAI community in the event of a crime on campus that is considered to be a threat to SFAI students or personnel. Provision of information about such crimes shall be intended to aid in the prevention of similar occurrences. A campus security plan for improving campus security will be developed and updated on an annual basis. Improvements in campus security will be funded as feasible in the annual budgeting process.

PHOTO ID REQUIREMENT

All students, staff, and faculty must possess a valid SFAI ID while on the campus premises. Cards can be obtained from Student Affairs. ID cards must be presented to security staff upon request.

REPORTING CRIMINAL ACTIONS OR EMERGENCIES

Any staff, faculty, student, or visitor at SFAI who witnesses or is informed about a crime or emergency occurring or having occurred on SFAI's campus should immediately inform appropriate SFAI staff. During regular office

hours (Monday–Friday, 9:00 am–5:00 pm), crimes or emergencies should be reported to the **Director for Operations & Facilities** at x4570 or x4506, or the **security guard** at x4537. If the situation warrants immediate emergency personnel (such as paramedics), dial **911** immediately. During evenings, nights, weekends, and holidays, criminal actions or emergencies should be reported, after dialing **911** immediately, to the **security guard** on duty. The security guard sits in the security office on the main level when not on rounds. Guards can be reached from an internal phone either at x4537 or at **9.624.5529** (mobile); or, from an outside line, either at **415.749.4537** or at **415.624.5529** (mobile).

The SFAI staff person receiving the report of a crime or emergency shall report it to local authorities. SFAI staff will determine whether to verify or investigate the reported crime or emergency before reporting it to local authorities, depending on whether the crime or emergency has already occurred or is in progress, the nature of the reported crime or emergency, or the perceived reliability of the report. SFAI encourages persons reporting crimes or emergencies to identify themselves when making such reports. SFAI will act on reports made anonymously although lack of identification may impair the verifiability of the incident. The SFAI staff person receiving the report shall gather all information available with regard to the reported crime or activity, including the nature of the crime or activity, the person(s) involved, the time of occurrence, witness(es), and any other information. Such information will be recorded in writing and shall also be made available to local authorities. Written records of reported crimes or emergencies shall be maintained by the Director for Operations & Facilities.

SFAI policies encourages individuals to report all crimes in an accurate and timely manner to campus security and law enforcement.

Other ways to report:

- Always call 911 to report life threatening emergencies or crimes in progress.
- Anonymous reports can be made by submitting the [Silent Witness Form](#) on the Campus Safety & Security page at <http://www.sfai.edu/about-sfai/campus-safety-and-security>.
- Submit the [Report a Threat](#) form at <http://www.sfai.edu/about-sfai/campus-safety-and-security/report-threat>
- Email: security@sfai.edu

ENTRANCE AND ACCESS TO CAMPUS FACILITIES

800 Chestnut Street

The campus is generally open to staff, faculty, and enrolled students until 2am. Access to departmental facilities is subject to departmental policies and schedules. Public areas of the campus are generally open to the public 8:00 am to 6:00 pm daily throughout the year. Public access hours are extended until 10:30 pm, Monday through Thursday when classes are in session during the fall and spring semesters. Public hours may be extended for other special public events or curtailed during SFAI vacation times, construction, or for private SFAI functions. Disruptive, vagrant, or threatening persons will be denied access to the facilities or required to leave the facilities by SFAI personnel. Access to the campus may be gained through the 800 Chestnut Street entrance only. Individuals entering the campus after hours must present a valid SFAI ID and sign in and out with the security guard on duty. In the interest of personal and property safety, all doors except the Chestnut Street door are locked in the exit-only position. Also, after 8:00pm opening any doors in response to knocking is prohibited. In recognition of the increased safety risks present late at night, leaving campus between 11:00 pm and 6:30am is limited to the Chestnut Street exit. State and local fire codes prohibit propping doors open at any time during the day or night. In compliance with these regulations and in the interest of fire and personal safety, propping doors open is prohibited at any time of the day or night. Chaining, locking, or barring doors so that they cannot open readily from the inside is prohibited.

Opened in August of 2017, Fort Mason Campus, 2 Marina Blvd, Pier 2

SFAI's Fort Mason campus is accessible to students 24/7 during the semester periods. Public hours to the galleries and other public spaces on campus are Wednesday – Sunday, 11am – 7pm. Visitors should check in with the security reception desk upon arrival.

Campus facilities staff are responsible for the testing, maintenance and performance of all campus safety equipment including but not limited to fire extinguishers, exit lighting, emergency communication devices, strobes and other life/safety infrastructure.

CAMPUS LAW ENFORCEMENT

SFAI's contract security personnel, including staff in other departments who substitute for security personnel, have authority and responsibility for enforcing all SFAI policies and regulations and shall report any violations of such policies and regulations to the appropriate SFAI authorities. SFAI's contract security personnel, including staff in other departments who substitute for security personnel, shall report all crimes and emergencies to local police authorities as stated in the Reporting Criminal Actions section in this report.

SFAI cooperates with the San Francisco Police Department to investigate crimes. Campus security personnel do not have the authority to make arrests. SFAI does not have any written memoranda on file with SFPD or other local agencies.

SFAI employs a variety of technology solutions, including CCTV to assist campus security in monitoring and securing campus property. SFAI does not allow local authorities to monitor or record on SFAI property. In addition, SFAI does not have any student organizations in non-campus locations.

CRIME PREVENTION

SFAI's Campus Security Policy describes security procedures designed to prevent crimes on campus. This policy will be distributed to all staff and faculty when they are hired and annually thereafter and to all students upon enrollment so that they can familiarize themselves with campus security procedures. From time to time or as necessary, the SFAI Director for Operations & Facilities will distribute advisories and suggestions for security procedures or activities designed to prevent crimes on campus. SFAI may hold special training or information sessions to inform students and employees about prevention of crimes. SFAI shall make timely reports to the SFAI community of violent crimes that occur on campus and that are considered to pose a potential threat to students and employees. Such reports shall be intended to increase vigilance among the SFAI community in an effort to prevent similar occurrences of such crimes.

WORKPLACE VIOLENCE POLICY

SFAI promotes a safe and secure working environment for all students and employees. Acts or threats of physical violence, whether express or implied, including intimidation, harassment and/or coercion, which involve or affect SFAI or which occur on Institute property, will not be tolerated. This prohibition against threats and acts of violence (including domestic violence) applies to all enrolled students and persons involved in the operation of SFAI, including but not limited to, SFAI personnel, contract and temporary workers and anyone else on SFAI property. Violations of this policy, by any individual, will lead to disciplinary and/or other legal action as appropriate. Examples of workplace violence include, but are not limited to the following:

- Threats or acts of violence occurring on Institute premises, regardless of the relationship between SFAI and the parties involved in the incident.
- Threats or acts of violence occurring off Institute premises involving someone who is acting in the capacity of a representative of SFAI.

- Threats or acts of violence occurring off Institute premises involving an employee of SFAI if the threats or acts affect the business interests of SFAI.
- Threats or acts of violence occurring off Institute premises of which an employee of SFAI is a victim if SFAI determines that the incident may lead to an incident of violence on Institute premises
- Threats or acts resulting in the conviction of an employee, agent of SFAI, or of individual performing services for SFAI on a contract or temporary basis, under any criminal code provision relating to violence or threats of violence (including domestic violence) which adversely affect the legitimate business interests of SFAI.

Specific examples of conduct which may be considered threats or acts of violence under this policy include, but are not limited to, the following:

- Threatening physical or aggressive contact directed toward another individual or engaging in behavior that causes fear of such contact.
- Threatening an individual or his/her family, friends, associates or property with physical harm.
- The intentional destruction or threat of destruction of Institute property or another's property
- Harassing or threatening physical, verbal, written or electronic communications, including verbal statements, phone calls, emails, letters, faxes, website materials, diagrams or drawings, gestures and any other form of communication that causes a reasonable fear or intimidation response in others.
- Surveillance
- Stalking is defined as a pattern of conduct over a period of time, however short, which evidences a continuity of purpose and includes physical presence, telephone calls, emails and any other type of correspondence sent by any means.
- Veiled threats of physical harm or like intimidation
- Domestic violence is defined as a pattern of coercive tactics carried out by an abuser against an intimate partner (the victim) with the goal of establishing and maintaining power and control over the victim. Where the abuser's tactics include any of the above-described conduct on SFAI premises, this policy applies. Where such tactics include any of the above-described behaviors off SFAI premises, this policy applies where the abuser is someone who is acting as an employee or representative of SFAI at the time, where the victim is an employee who is exposed to the conduct because of work for the SFAI, or where there is a reasonable basis for believing that violence may occur against the victim or others in the workplace. The term "intimate partner" includes people who are legally married to each other, people who were once married to each other, people who have had a child together, people who live together or who have lived together, and people who have or have had a dating or sexual relationship, including same sex couples.

Any person who engages in a threat or violent action on Institute property may be removed from the premises as quickly as safety permits and may be required, at SFAI's discretion, to remain off Institute premises pending the outcome of an investigation into the incident.

When threats are made or acts of violence are committed by a SFAI student or employee, a judgment will be made by SFAI as to what actions are appropriate, including possible medical evaluation and/or possible disciplinary action.

Once a threat has been substantiated, it is SFAI's policy to put the threat-maker on notice that he/she will be held accountable for his/her actions and then follow through with the implementation of a decisive and appropriate response.

Under this policy, decisions may be needed to prevent a threat from being carried out, a violent act from occurring, or a life-threatening situation from developing. Decisions under this policy will be made by a team comprised of the President, VP for Operations & Facilities and a Human Resources representative. No existing Institute policy or procedure should be interpreted in a manner that prevents the above from occurring.

Additionally, where an employee is convicted of a crime of violence or threat of violence under any criminal code provision, SFAI reserves the right to determine whether the conduct involved may adversely affect the legitimate business interests of SFAI, and may implement corrective action up to and including discharge as a result. Any employee convicted of such a crime must report the conviction to SFAI absent a court order to the contrary.

Failure to do so is a violation of this policy and subjects the employee to disciplinary action, including termination from employment.

CRIME STATISTICS

SFAI maintains statistics concerning the following criminal offenses occurring on campus at 800 Chestnut Street, at the Third Street Graduate Center, and at the SFAI residence halls: murder and non-negligent manslaughter, negligent manslaughter, forcible and nonforcible sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, and arson. These offenses are reported to campus or local police authorities, and the statistics are kept in a crime log in the Facilities Office. In addition, statistics are kept concerning the number of on-campus arrests or referrals for campus disciplinary action for liquor law violations, drug law violations, and illegal weapons possession. As required by the Higher Education Amendments of 1998, SFAI also tracks whether any of the following reported crimes was determined to be a hate crime.

The following is an annual security report for the last three calendar years as required by the Crime Awareness and Campus Security Act of 1990.

CRIME STATISTICS

OFFENSE	YEAR	GEOGRAPHY							
		ON CAMPUS 800 CHESTNUT	PUBLIC	ON CAMPUS 2565 THIRD (CLOSED IN 2017)	PUBLIC	ON CAMPUS 2 MARINA	PUBLIC 2 MARINA	NON CAMPUS 717 SUTTER	NON CAMPUS 630 GEARY
Murder/Non-Negligent Manslaughter	2018	0	0	n/a	n/a	0	0	0	0
	2017	0	0	0	0	0	0	0	0
	2016	0	0	0	0	0	0	0	0
Manslaughter by Negligence	2018	0	0	n/a	n/a	0	0	0	0
	2017	0	0	0	0	0	0	0	0
	2016	0	0	0	0	0	0	0	0
Rape	2018	0	0	n/a	n/a	0	0	0	0
	2017	0	0	0	0	1	0	0	0
	2016	0	0	0	0	0	0	0	0
Fondling	2018	0	0	n/a	n/a	0	0	0	0
	2017	0	0	0	0	0	0	0	0
	2016	0	0	0	0	0	0	1	0
Incest	2018	0	0	n/a	n/a	0	0	0	0
	2017	0	0	0	0	0	0	0	0
	2016	0	0	0	0	0	0	0	0
Statutory Rape	2018	0	0	n/a	n/a	0	0	0	0
	2017	0	0	0	0	0	0	0	0
	2016	0	0	0	0	0	0	0	0
Robbery	2018	0	0	n/a	n/a	0	0	0	0
	2017	0	1	0	1	0	1	0	0
	2016	0	1	0	2	0	0	0	0
Aggravated Assault	2018	0	1	n/a	n/a	0	0	0	0
	2017	0	0	0	0	0	0	0	0
	2016	0	1	0	0	0	0	0	0
Burglary	2018	1	2	n/a	n/a	0	0	1	0
	2017	0	0	0	0	0	1	0	0
	2016	0	0	0	0	0	0	0	0
Motor Vehicle Theft	2017	0	3	n/a	n/a	0	0	0	0
	2017	1	1	0	4	0	0	0	0
	2016	0	2	0	2	0	0	0	0
Arson	2018	0	0	n/a	n/a	0	0	0	0
	2017	0	0	0	0	0	0	0	0
	2016	0	1	0	0	0	0	0	0
Domestic Violence	2018	0	0	n/a	n/a	0	1	0	0
	2017	0	0	0	1	0	0	0	0
	2016	0	0	0	0	0	0	0	0

OFFENSE	YEAR	800 Chestnut	Public	2565 Third (Closed in 2017)	Public	2 Marina	Public	717 Sutter	630 Geary
Dating Violence	2018	0	0	n/a	n/a	0	0	0	0
	2017	0	0	0	0	0	0	0	0
	2016	1	0	0	0	0	0	0	0
Stalking Incidents	2018	0	0	n/a	n/a	0	0	0	0
	2017	1	0	1	0	0	0	0	0
	2016	2	0	0	0	0	0	0	0
Arrests: Weapons, Carrying, Possessing, Etc.	2018	0	0	n/a	n/a	0	0	0	0
	2017	0	0	0	0	0	0	0	0
	2016	0	0	0	0	0	0	0	0
Disciplinary Referrals: Weapons, Carrying, Possessing, Etc.	2018	0	0	n/a	n/a	0	0	0	0
	2017	0	0	0	0	0	0	0	0
	2016	1	0	0	0	0	0	0	0
Arrests: Drug Abuse Violations	2018	0	0	n/a	n/a	0	0	0	0
	2017	0	0	0	1	0	1	0	0
	2016	0	0	0	0	0	0	0	0
Disciplinary Referrals: Drug Abuse Violations	2018	2	0	n/a	n/a	0	0	0	0
	2017	1	0	0	0	1	1	3	0
	2016	1	0	0	0	0	0	11	0
Arrests: Liquor Law Violations	2018	0	0	n/a	n/a	0	0	0	0
	2017	0	0	0	0	0	0	0	0
	2016	0	0	0	0	0	0	0	0
Disciplinary Referrals: Liquor Law Violations	2018	2	0	n/a	n/a	0	0	0	0
	2017	6	0	0	0	1	0	6	1
	2016	3	0	0	0	0	0	11	0
Theft (Hate Crime)	2018	0	0	n/a	n/a	0	0	0	0
	2017	0	0	0	0	0	0	0	0
	2016	0	0	0	0	0	0	0	0
Simple Assault (Hate Crime)	2018	0	0	n/a	n/a	0	0	0	0
	2017	0	0	0	0	0	0	0	0
	2016	0	0	0	0	0	0	0	0
Intimidation (Hate Crime)	2018	0	0	n/a	n/a	0	0	0	0
	2017	1	0	0	0	0	0	0	0
	2016	0	0	0	0	0	0	0	0
Destruction, Damage to Property (Hate Crime)	2018	1	0	n/a	n/a	0	0	0	0
	2017	1	0	0	0	0	0	0	0
	2016	0	0	0	0	0	0	0	0

The Campus Sex Crimes Prevention Act of 2003 requires sex offenders, who must register under state law, to provide notice of enrollment or employment at any institution of higher education in the state where the offender resides, as well as notice of each change of enrollment or employment status at the institution of higher education.

This information will be made available by the state authorities to the local law enforcement agency that has jurisdiction where the institution is located. SFAI is not required to request this data from the state, but is responsible for advising the campus community where information concerning registered sex offenders can be obtained. Please refer to the following website for information on Megan's Law and how to contact state-wide police departments for sex offender registration information: www.klaaskids.org.

INFORMATIONAL PROGRAMS TO INFORM STUDENTS AND EMPLOYEES OF CAMPUS SECURITY PROCEDURES AND PRACTICES

SFAI conducts drills of its emergency procedures and provides annual training on reporting crimes and incidents to the appropriate channels. Policies are updated and shared on an annual basis and can be found in the Student and Campus Handbook or the Campus Safety and Security page on www.sfai.edu and the SFAI Intranet page.

SECURITY AWARENESS PROGRAMS FOR STUDENTS AND EMPLOYEES

SFAI is committed to providing effective educational and training programs to students, faculty and staff as a key component in maintaining an environment free from discrimination, harassment, and sexual misconduct. Educational programs on discrimination, harassment, and sexual misconduct will be provided for all new faculty and staff, including student employees and will occur, whenever possible within the first four (4) weeks of the fall and spring term. Periodic refresher programs will also be provided, as will training to individuals with specific responsibilities, such as Campus Security Authorities, to ensure their ability to carry out those responsibilities effectively.

Student Affairs staff leads security awareness workshops on an annual basis as part of Orientation. Periodically, groups such as [SF SAFE](#) and [WAR](#) perform additional trainings and workshops.

COMMUNICATION WITH VICTIM OF VIOLENT CRIME

SFAI 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 the crime or offense, the next of kin of such victim shall be treated as the alleged victim.

REGISTERED SEX OFFENDERS INFORMATION

As required by the federal Campus Sex Crimes Prevention Act, institutions of higher education must issue a statement advising SFAI community members where information concerning registered sex offenders may be obtained. Persons convicted of certain sex offenses are required by law to register with the State. Information on registered sex offenders is available at: <http://meganslaw.ca.gov/index.htm>. The Department of Justice National Sex Offender Public Website is also a source for sex offender information. For information on registered sex offenders attending or employed at SFAI, contact the local police department.

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

If a life-threatening situation or emergency arises, dial 911 immediately.

In case of an accident or medical emergency at SFAI, notify the Area Manager or nearest staff person and the security guard and refer to the Medical Emergency Procedures posted throughout the facilities. Fire alarms are located throughout campus, and students should become familiar with their locations. School closures and re-openings due to emergencies will be publicized on the SFAI website and in the local media.

Fire and Earthquake Safety Emergency evacuation drills are held regularly in accordance with fire department guidelines.

EMERGENCY PROCEDURES

LIFE THREATENING ACCIDENTS OR MEDICAL EMERGENCIES

- Call 911 (or 9-911 from a campus phone) immediately. Ask for ambulance or immediate medical assistance.
- Call the Security Office at Ext. 4537 or the Security Cell phone at 415-624-5529 with the location of accident/emergency.
- Stay with injured person until help arrives. If possible, ask someone to wait at the main entrance for the arrival of the ambulance to take them to the injured person.

FIRE

- Pull fire alarm immediately.
- Call 911 (or 9-911 from a campus phone) and give the Fire Department the location and type of fire. Call the Security Office at Ext. 4537 or the Security Cell phone at 415-624-5529 with the location and type of fire.
- When the alarm sounds, all employees and students should leave building quickly and quietly by the nearest exit and remain outside until instructed to return. If possible, turn off equipment and close windows. Do not use the elevator. Evacuees from the old building should gather across the street from the Chestnut Street entrance. Evacuees from the new building should gather across the street from the Francisco Street entrance. Remain at these assembly areas until you are instructed to leave.
- Do not attempt to put out any fires unless you are trained in the use of fire extinguishers and there is no threat to personal safety.

EARTHQUAKE

- Stay indoors. Take cover under a table, desk or door frame and hang on to it. Stay clear of windows, heavy furniture and appliances. Do not leave cover until the earthquake is over.
- Do not rush outside. Falling glass, building parts, or electrical wires can be extremely hazardous. When possible, turn off lights and electrical equipment to minimize danger of fire. Do not strike matches.
- If an evacuation order is given, leave building via nearest exit. WALK, DO NOT RUN. Leave building area entirely.
- Evacuees from the old building should gather across the street from the Chestnut Street entrance. Evacuees from the new building should gather across the street from the Francisco Street entrance. Remain at these assembly areas until you are instructed to leave.

ACTIVE THREAT OF VIOLENCE—SHELTER IN PLACE

- Seek immediate shelter.
- Lock yourself in the room that you are in and barricade the door. If possible, lock windows, close blinds or curtains. Take cover and barricade yourself (with others if possible) by placing as much material as possible between you and the threat. If possible, block windows with furniture.
- Silence cell phones but do not turn them completely off. Turn off radios and computer monitors.
- Keep occupants calm, quiet, and out of sight
- If communication is available, call 911. Identify your exact location on campus. Remain calm and answer the dispatcher's questions. Stay on the phone only if it is safe to do so. If not, keep phone on so it can be monitored by the dispatcher. If possible, contact Security at 415-624-5529.
- Don't stay in the open hall.
- Do not sound the fire alarm unless there is a fire. A fire alarm will signal the building occupants to evacuate the building and thus place them in potential harm as they attempt to exit.
- Instruct students and employees to (Shelter in Place) drop to the ground immediately, face down as flat as possible. If within 15-20 feet of a safe place or cover, duck and run to it.

Remain under cover until the threat has passed or you have been advised by law enforcement that it is safe to exit.

TIMELY WARNING

When there is a fire or other major emergency requiring evacuation, employees and other people within the facility will be alerted by a horn/strobe alarm system. In lesser or localized emergencies, SFAI has a public address system able to reach all areas of the school.

In the event that a situation arises, whether on campus or off, that in the judgment of the Director of Operations, constitutes an ongoing or continuing threat, a campus wide timely warning will be issued. This warning will be issued through Everbridge, our emergency alert system, which delivers messages in real time through text message, phone call, and email message. These electronic communications will alert community members to the type of emergency and how to respond. Any person who has information about an incident that might warrant a timely warning should contact the Chestnut Street Security Office at 415.624.5529.

We will occasionally issue emergency notifications through this same system to notify the campus community of emergencies that do not pose a threat but about which community members should be informed. You can update your contact preferences for timely warnings and emergency notifications by logging in to WebAdvisor and selecting Everbridge.

School closures and reopenings due to emergencies will be publicized online at www.sfai.edu and through alerts using the campus mass notification system.

The receptionist will have current information regarding SFAI program closures and re-openings. If the switchboard is not functioning due to lack of power, 415-771-7020 will function as a single line for emergency calls into and out of SFAI. If students are dislocated temporarily due to an emergency situation, they should attempt to notify the Student Affairs office.

EMERGENCY NOTIFICATION

When there is a fire, employees and other people within the facility will be alerted by a horn/strobe alarm system. In the event of other major emergencies requiring evacuation, the fire alarm system will be used. In lesser or localized emergencies, The San Francisco Art Institute has a public address system able to reach all areas of the school.

SFAI has also invested in an emergency alert system that will notify students, staff and faculty by text and email in the event of an emergency. These electronic communications will alert community members to the type of emergency and will direct occupants whether to evacuate or shelter in place.

LOCATIONS WHERE EMERGENCY RESPONSE PLANS AND PROCEDURES ARE PUBLISHED AND WHEN THEY ARE DISTRIBUTED

Emergency Response plans can be found on the SFAI website and the SFAI Intranet site. In addition, copies are distributed to employees on an annual basis. Students may receive a copy upon request to the Director of Operations.

DRILLS, TESTING AND TRAINING OF EMERGENCY RESPONSE AND EVACUATION PROCEDURES ON ANNUAL BASIS

Drills are performed on an annual basis at all SFAI facilities. Staff and students receive training in hazardous materials handling and storage on an annual basis. Operations, Studio and Student Affairs staff receive annual training and certification for First Aid, CPR and Blood Borne Pathogens.

Operations staff participate in Neighborhood Emergency Response Team (NERT) training and certification every two years. Training includes basic disaster preparedness, light search and rescue, first aid and firefighting techniques.

CRIME LOG

SFAI logs the daily activity reports (DAR's) from the Security team. Hard copies of these reports are kept on file for each location and may be reviewed upon request to the Director of Operations.

EQUAL OPPORTUNITY, HARRASMENT AND NONDISCRIMINATION POLICY + EQUITY RESOLUTION PROCESS (Including Civil Rights, Title IX and ADA/Section 504)

POLICY: Equal Opportunity, Harassment and Nondiscrimination

As used in this document, the term "reporting party" refers to the person impacted by alleged discrimination. The term "responding party" refers to the person who has allegedly engaged in discrimination.

Applicable Scope

San Francisco Art Institute (SFAI) affirms its commitment to promote the goals of fairness and equity in all aspects of the educational enterprise. All policies below are subject to resolution using the College's Equity Resolution Process (ERP) as detailed below. When the responding party is a member of the SFAI community, the ERP is applicable regardless of the status of the reporting party who may be a member of the campus community, including students (as defined in the Student Code of Conduct), student organizations, alumni, faculty, administrators, staff, guests, visitors, campers, etc. or any non-member of the campus community.

Title IX Coordinator

The Vice President and Dean of Student Affairs serves as the Title IX Coordinator and ADA/504 Coordinator and oversees implementation of the College's Affirmative Action and Equal Opportunity plan, disability compliance, and the College's policy on equal opportunity, harassment and nondiscrimination. The Title IX Coordinator heads the Title IX Team and acts with independence and authority free of conflicts of interest. To raise any concern involving a conflict of interest by the Title IX Coordinator, contact the College President, Gordon Knox, at gknox@sfai.edu. To raise concerns regarding a potential conflict of interest with any other administrator involved in the ERP, please contact the Title IX Coordinator.

Inquiries about and reports regarding this policy and procedure may be made internally to:

Yasmin Lambie-Simpson
Vice President and Dean of Student Affairs & Title IX Coordinator
Office of Student Affairs
800 Chestnut Street
San Francisco, CA 94133
(415) 749-4524
titleix@sfai.edu

Additionally, reports can be made by victims and/or third parties using the online reporting form posted at <http://www.sfai.edu/about-sfai/campus-safety-and-security/silent-witness>. Reports via this form can be made anonymously. Note that these reports may prompt a need for the institution to investigate.

Inquiries may be made externally to:

Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-1100
Customer Service Hotline #: (800) 421-3481
Facsimile: (202) 453-6012
TDD#: (877) 521-2172
Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr>

Office for Civil Rights (OCR)
San Francisco Office
U.S. Department of Education
50 United Nations Plaza
San Francisco, CA 94102
Telephone: (415) 486-5555
Facsimile: (415) 486-5570
Email: OCR.SanFrancisco@ed.gov
Web: <http://www.ed.gov/ocr>
Equal Employment Opportunity Commission (EEOC)
Contact: <http://www.eeoc.gov/contact/>

Reporting Discrimination

Reports of discrimination, harassment and/or retaliation may be made using any of the following options. There is no time limitation on the filing of allegations. However, if the responding party is no longer subject to the College's jurisdiction, the ability to investigate, respond and provide remedies may be more limited:

- 1) Report directly to the Title IX Coordinator, Yasmin Lambie-Simpson, (415) 749-4524, titleix@sfai.edu; and/or
- 2) Report online, using the reporting form posted at <http://www.sfai.edu/about-sfai/campus-safety-and-security/silent-witness>

All reports are acted upon promptly while every effort is made by the College to preserve the privacy of reports. Such reports may also be anonymous. Anonymous reports will be investigated to determine if remedies can be provided. Additionally, all employees of the College are designated as mandated reporters and will share a report with the Title IX Coordinator promptly. Confidentiality and mandated reporting is addressed more specifically below. Reports of misconduct or discrimination committed by the Title IX Coordinator should be reported to the College President, Gordon Knox, gknox@sfai.edu.

Jurisdiction

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

- a) Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state or federal law;
- b) Any situation where it appears that the responding party may present a danger or threat to the health or safety of self or others;
- c) Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or
- d) Any situation that is detrimental to the educational interests of the College.

Nondiscrimination and Equal Educational Opportunity Statement

San Francisco Art Institute (SFAI) adheres to all federal and state civil rights laws prohibiting discrimination in private institutions of higher education. SFAI will not discriminate against any employee, applicant for employment, student or applicant for admission on the basis of race, religion, hearing status, personal appearance, color, sex, (including pregnancy and conditions related to pregnancy), political affiliation, source of income, place of business, residence, religion, creed, ethnicity, national origin (including ancestry), citizenship status, physical, emotional or mental disability, age, marital status, family responsibilities, sexual orientation, gender, gender identity, gender expression, veteran or military status (including special disabled veteran, Vietnam-era veteran, or recently separated veteran), predisposing genetic characteristics, domestic violence victim status or any other protected category under applicable local, state or federal law, including protections for those opposing discrimination or participating in any resolution process on campus or within the Equal Employment Opportunity Commission or other human rights agencies.

This policy covers nondiscrimination in employment (and, therefore, applies to employees) and nondiscrimination in access to educational opportunities. Therefore, any member of the campus community who acts to deny, deprive or limit the educational, employment, residential and/or social access, benefits and/or opportunities of any member of the campus community, guest or visitor on the basis of their actual or perceived membership in the protected classes listed above is in violation of the College policy on nondiscrimination. When brought to the attention of the College, any such discrimination will be appropriately addressed and remedied by the College according to the Equity Resolution Process described below. Non-members of the campus community who engage in discriminatory actions within College programs or on College property are not under the jurisdiction of this policy, but can be subject to actions that limit their access and/or involvement with College programs as the result of their misconduct. All vendors serving the College through third-party contracts are subject by those contracts to the policies and procedures of their employers and include an obligation to investigate and remedy on the part of the College.

College Policy on Accommodation of Disabilities

San Francisco Art Institute (SFAI) is committed to full compliance with the Americans With Disabilities Act of 1990 (ADA and ADAAA) and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws pertaining to individuals with disabilities. Under the ADA and its amendments, a person has a disability if they have a physical or mental impairment that substantially limits a major life activity. The ADA also protects individuals who have a record of a substantially limiting impairment or who are regarded as disabled by the institution whether qualified or not. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking or caring for oneself.

The Vice President and Dean of Student Affairs has been designated as the ADA/504 Coordinator responsible for coordinating efforts to comply with these disability laws, including investigation of any allegation of noncompliance.

a. Students with Disabilities

SFAI is committed to providing qualified students with disabilities with reasonable accommodation(s) and support needed to ensure equal access to the academic programs and activities of the College.

All accommodations are made on a case-by-case basis. A student requesting any accommodation should first contact Accessibilities Services who coordinates services for students with disabilities. Accessibilities Services reviews documentation provided by the student and, in consultation with the student, determines which accommodations are appropriate to the student's particular needs and academic programs.

Employees with Disabilities

Pursuant to the ADA, SFAI will provide reasonable accommodation(s) to all qualified employees with known disabilities, where their disability affects the performance of their essential job functions, except where doing so would be unduly disruptive or would result in undue hardship.

An employee with a disability is responsible for requesting an accommodation in writing to Human Resources and providing appropriate documentation. Human Resources will work with the employee's supervisor to identify which essential functions of the position are affected by the employee's disability and what reasonable accommodations could enable the employee to perform those duties.

College Policy on Discriminatory Harassment

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

Discriminatory and Bias-Related Harassment

Harassment constitutes a form of discrimination that is prohibited by College policy and federal and state law. SFAI condemns and will not tolerate discriminatory harassment against any employee, student, visitor or guest on the basis of any status protected by policy or law. SFAI will remedy all forms of harassment when reported, whether or not the harassment rises to the level of creating a hostile environment. When harassment rises to the level of creating a hostile environment, SFAI may also impose sanctions on the harasser through application of the Equity Resolution Process. SFAI's harassment policy explicitly prohibits any form of harassment, defined as unwelcome conduct on the basis of actual or perceived membership in a protected class, by any member or group of the community.

A hostile environment may be created by harassing verbal, written, graphic, or physical conduct that is severe or persistent/pervasive, and objectively offensive such that it interferes with, limits or denies the ability of an individual to participate in or benefit from the College's educational, employment, social, and/or residential programs.

The College reserves the right to address offensive conduct and/or harassment that

- 1) does not rise to the level of creating a hostile environment, or
- 2) that is of a generic nature not on the basis of a protected status. Addressing such behaviors may not result

in the imposition of discipline under College policy, but will be addressed through respectful confrontation, remedial actions, education and/or effective conflict resolution mechanisms. For assistance with conflict resolution techniques, employees should contact Human Resources and students should contact Student Affairs.

Sexual Harassment

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC) and the State of California regard sexual harassment as a form of sex/gender discrimination and, therefore, as an unlawful discriminatory practice. SFAI has adopted the following definition of sexual harassment, in order to address the special environment of an academic community, which consists not only of employer and employees, but of students as well.

Sexual harassment is:

- . unwelcome,
- . sexual, sex-based and/or gender-based,
- . verbal, written, online and/or physical conduct.

Anyone experiencing sexual harassment in any College program is encouraged to report it immediately to the Title IX Coordinator or a deputy. Remedies, education and/or training will be provided in response. Individuals may be subject to discipline for sexually harassing conduct when it takes the form of quid pro quo harassment, retaliatory harassment and/or creates a hostile environment.

Quid Pro Quo Sexual Harassment:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a person having power or authority over another constitutes sexual harassment when submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual's educational development or performance.

Retaliatory Harassment:

If the adverse action required by the definition of retaliation takes the form of harassment, the conduct can be both sexual harassment and retaliation. It is also possible that retaliatory actions can take the form of hostile environment harassment.

Hostile Environment:

A hostile environment may be created by harassing verbal, graphic, or physical conduct that is:

- Severe, or
- persistent or pervasive, and

- objectively offensive, such that it unreasonably interferes with, limits or denies the ability of an individual to participate in or benefit from the College's educational, employment, social and/or residential program.

Some examples of possible Sexual Harassment include, but are not limited to:

- A professor insists that a student have sex with them in exchange for a good grade. This is harassment regardless of whether the student accedes to the request and irrespective of whether a good grade is promised or a bad grade is threatened.
- A student repeatedly sends sexually oriented jokes around on an email list they created, even when asked to stop, causing one recipient to avoid the sender on campus and in the residence hall in which they both live.
- Explicit sexual pictures are displayed in a professor's office or on the exterior of a residence hall door.
- Two supervisors frequently 'rate' several employees' bodies and sex appeal, commenting suggestively about their clothing and appearance.
- A professor engages students in her class in discussions about their past sexual experiences, yet the conversation is not in any way germane to the subject matter of the class. She probes for explicit details, and demands that students answer her, though they are clearly uncomfortable and hesitant.
- An ex-partner widely spreads false stories about their sex life with their former partner to the clear discomfort of the partner.
- A student grabbed another student by the hair, then grabbed her breast and put his mouth on it. While this is sexual harassment, it is also a form of sexual violence.

Relationship Disclosure Policy

In order to avoid possible complaints of favoritism, claims of sexual harassment and employee morale concerns that may result from personal relationships between employees, faculty, or students, SFAI has a "Relationship Disclosure Policy". While these personal, intimate relationships are not prohibited, the College requires two employees, or the faculty/staff in the case of relationships with students, who become romantically involved to disclose their relationship to the Dean of Academic Affairs or Human Resources administrator. Because their personal relationships may create a potential conflict of interest, or present concerns regarding classroom interactions, grading, and/or supervision, the College will address the situation by transferring the student to another classroom or employee to another department. If this is not feasible, comparable arrangements will be decided.

If two employees, or an employee and student marry, become related, or romantically involved, they may not remain in a reporting relationship or in positions where one individual may affect the educational experience, grades, compensation or other terms or conditions of employment of the other individual. The Institute will attempt to identify other available positions or opportunities, and the individuals affected will have 30 days to decide which individual will remain in his/her current position, department, or class. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

Sexual Misconduct

State law defines various violent and/or non-consensual sexual acts as crimes. While some of these acts may have parallels in criminal law, SFAI has defined categories of sex/gender discrimination as sexual

misconduct, as stated below, for which action under this policy may be imposed. Generally speaking, SFAI considers Non-Consensual Sexual Intercourse violations to be the most serious of these offenses, and therefore typically imposes the most severe sanctions, including suspension or dismissal for students and termination for employees. However, SFAI reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or dismissal/termination, for any act of sexual misconduct or other sex/gender-based offenses, including intimate partner (dating and/or domestic) violence, non-consensual sexual contact and/or stalking based on the facts and circumstances of the particular allegation. Acts of sexual misconduct may be committed by any person upon any other person, regardless of the sex, gender, sexual orientation and/or gender identity of those involved. Violations include:

- Sexual Harassment (as defined above)
- Non-Consensual Sexual Intercourse, defined as:
 - any sexual intercourse, however slight, with any object, by a person upon another person, that is without consent and/or by force
 - Sexual intercourse includes: vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation (mouth to genital contact) no matter how slight the penetration or contact.
- Non-Consensual Sexual Contact, defined as:
 - any intentional sexual touching, however slight, with any object, by a person upon another person, that is without consent and/or by force
 - Sexual touching includes: intentional contact with the breasts, groin, genitals, or mouth or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; or any other bodily contact in a sexual manner.

Sexual Exploitation

Sexual Exploitation refers to a situation in which a person takes non-consensual or abusive sexual advantage of another, and that behavior does not otherwise fall within the definitions of Sexual Harassment, Non-Consensual Sexual Intercourse or Non-Consensual Sexual Contact. Examples of Sexual Exploitation include, but are not limited to:

- Sexual voyeurism (such as watching a person undressing, using the bathroom or engaged in sexual acts without the consent of the person observed).
- Invasion of sexual privacy.
- Taking pictures or video or audio recording another in a sexual act, or in any other private activity without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent).
- Prostitution.
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV), a sexually transmitted disease (STD) or infection (STI) without informing the other person of the infection.
- Administering alcohol or drugs (such as "date rape" drugs) to another person without their knowledge or consent (assuming the act is not completed).
- Exposing one's genitals in non-consensual circumstances.
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation.

Force and Consent

Force: Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent ("Have sex with me or I'll hit you." "Okay, don't hit me, I'll do what you want.").

Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

NOTE: Silence or the absence of resistance alone is not consent. There is no requirement on a party to resist the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of consent is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.

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

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous dating relationship is not sufficient to constitute consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced.

Incapacitation: Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction). This policy also covers a person whose incapacity results from mental disability, involuntary physical restraint and/or from the taking of incapacitating drugs.

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

It is not an excuse that the responding party was intoxicated and, therefore, did not realize the incapacity of the reporting party.

Age of Consent: In the State of California, a minor (meaning a person under the age of 18 years) cannot consent to sexual activity. This means that sexual contact by an adult with a person younger than 18 years old may be a crime, and a potential violation of this policy, even if the minor wanted to engage in the act. Examples of lack of consent include, but are not limited to the following scenarios:

Chris and Taylor meet at a party. They spend the evening dancing and getting to know each other. Chris convinces Taylor to come up to Chris' room. From 11:00pm until 3:00am, Chris uses every line they can think of to convince Taylor to have sex with them, but Taylor adamantly refuses. Chris keeps at Taylor, and begins to question Taylor's religious convictions, and accuses Taylor of being “a prude.” Finally, it seems to Chris that Taylor's resolve is weakening, and Chris convinces Taylor to give them a “hand job” (hand to genital contact). Taylor would never had done it but for Chris' incessant advances. Chris feels that Taylor was successfully seduced, and that Taylor wanted to do it all along, but was playing shy and hard to get. Why else would Taylor have come up to Chris' room alone after the party? If Taylor really didn't want it, Taylor could have left. Chris is responsible for violating the college Non-Consensual Sexual Contact policy. It is likely that campus decision-makers would find that the degree and duration of the pressure Chris applied to Taylor are unreasonable. Chris coerced Taylor into performing unwanted sexual touching upon him. Where sexual activity is coerced, it is forced. Consent is not valid when forced. Sex without consent is sexual misconduct.

Jiang is a junior at the university. Kelsey is a sophomore. Jiang comes to Kelsey's residence hall room with some mutual friends to watch a movie. Jiang and Kelsey, who have never met before, are attracted to each other. After the movie, everyone leaves, and Jiang and Kelsey are alone. They hit it off, and are soon becoming more intimate. They start to make out. Jiang verbally expresses their desire to have sex with Kelsey. Kelsey, who was abused by a baby-sitter when Kelsey was five, and has not had any sexual relations since, is shocked at how quickly things are progressing. As Jiang takes Kelsey by the wrist over to the bed, lays Kelsey down, undresses Kelsey, and begins to have intercourse with Kelsey, Kelsey has a severe flashback to their childhood trauma. Kelsey wants to tell Jiang to stop, but cannot. Kelsey is stiff and unresponsive during the intercourse. Is this a policy violation? Jiang would be held responsible in this scenario for Non Consensual Sexual Intercourse. It is the duty of the sexual initiator, Jiang, to make sure that they have mutually understandable consent to engage in sex. Though consent need not be verbal, it is

the clearest form of consent. Here, Jiang had no verbal or non-verbal mutually understandable indication from Kelsey that Kelsey consented to sexual intercourse. Of course, wherever possible, it is important to be as clear as possible as to whether or not sexual contact is desired, and to be aware that for psychological reasons, or because of alcohol or drug use, one's partner may not be in a position to provide as clear an indication as the policy requires. As the policy makes clear, consent must be actively, not passively, given.

Bailey and Drew are at a party. Bailey is not sure how much Drew has been drinking, but Bailey is pretty sure it's a lot. After the party, Bailey walks Drew to Drew's room, and Drew comes on to Bailey, initiating sexual activity. Bailey asks Drew if Drew is really up to this, and Drew says yes. Clothes go flying, and they end up in Drew's bed. Suddenly, Drew runs for the bathroom. When Drew returns, their face is pale, and Bailey thinks Drew may have thrown up. Drew gets back into bed, and they begin to have sexual intercourse. Bailey is having a good time, though Bailey can't help but notice that Drew seems pretty groggy and passive, and Bailey thinks Drew may have even passed out briefly during the sex, but Bailey does not stop. When Bailey runs into Drew the next day, Bailey thanks Drew for the wild night. Drew remembers nothing, and decides to make a report to the Dean. This is a violation of the Non-Consensual Sexual Intercourse Policy. Bailey should have known that Drew was incapable of making a rational, reasonable decision about sex. Even if Drew seemed to consent, Bailey was well aware that Drew had consumed a large amount of alcohol, and Bailey thought Drew was physically ill, and that Drew passed out during sex. Bailey should be held accountable for taking advantage of Drew in their condition. This is not the level of respectful conduct SFAI expects.

Other Civil Rights Offenses

In addition to the forms of sexual misconduct described above, the following behaviors are also prohibited as forms of discrimination when the act is based upon the reporting party's actual or perceived membership in a protected class:

- Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;
- Discrimination, defined as actions that deprive, limit or deny other members of the community of educational or employment access, benefits or opportunities;
- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
- Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the university community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity;
- Bullying, defined as
 - Repeated and/or severe
 - Aggressive behavior
 - Likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally
 - That is not speech or conduct otherwise protected by the 1st Amendment.

Intimate Partner Violence

defined as violence or abuse between those in an intimate relationship to each other;

Examples include but are not limited to:

- An individual pressures their partner to stay away from friends or family or pressure them to quit their job or other activities. This type of isolation is a violation of the Intimate Partner Violence policy.
- An individual threatens to harm their partner's friends or family. This type of threat is a violation of the Intimate Partner Violence policy.
- A boyfriend shoves his girlfriend into a wall upon seeing her talking to a male friend. This physical assault based in jealousy is a violation of the Intimate Partner Violence policy.

- An ex-girlfriend shames her female partner, threatening to out her as a lesbian if she doesn't give the ex another chance. Psychological abuse is a form of Intimate Partner Violence.
- A graduate student refuses to wear a condom and forces his girlfriend to take hormonal birth control though it makes her ill, in order to prevent pregnancy.
- Married employees are witnessed in the parking lot, with one partner slapping and scratching the other in the midst of an argument.

Stalking

Stalking 1:

- A course of conduct, directed at a specific person, on the basis of actual or perceived membership in a protected class, that is unwelcome, AND would cause a reasonable person to feel fear

Stalking 2:

- Repetitive and menacing pursuit, following, harassing and/or interfering with the peace and/or safety of another

Examples of Stalking include, but are not limited to:

- A student repeatedly shows up at another student's on-campus residence, always notifying the front desk attendant that they are there to see the resident. Upon a call to the resident, the student informs residence hall staff that this visitor is uninvited and continuously attempts to see them, even so far as waiting for them outside of classes and showing up to their on-campus place of employment requesting that they go out on a date together (Stalking 1).
- A graduate student working as a on-campus tutor received flowers and gifts delivered to their office. After learning the gifts were from a student they recently tutored, the graduate student thanked the student and stated that it was not necessary and would appreciate if the gift deliveries stop. The student then started leaving notes of love and gratitude on the graduate assistant's car, both on-campus and at home. Asked again to stop, the student stated by email: "You can ask me to stop, but I'm not giving up. We are meant to be together, and I'll do anything necessary to make you have the feelings for me that I have for you." When the tutor did not respond, the student emailed again, "You cannot escape me. I will track you to the ends of the earth. We are meant to be together" (Stalking 2).

Any other College policies may fall within this section when a violation is motivated by the actual or perceived membership of the reporting party's sex or gender.

Sanctions for the behaviors constituting the above-listed "Other Civil Rights Offenses" range from reprimand through dismissal (students) or termination of employment (faculty or staff).

Retaliation

Retaliation is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity. Retaliation against an individual for alleging harassment, supporting a party bringing an allegation or for assisting in providing information relevant to a claim of harassment is a serious violation of College policy and will be treated as another possible instance of harassment or discrimination. Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. SFAI is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

Examples of Retaliation include, but are not limited to:

- Student A files an allegation against a faculty member for sexual harassment; the faculty member subsequently cuts the student's access to a studio in half without a legitimate justification.
- A faculty member complains of gender inequity in pay within her department; the Department Chair then revokes his prior approval allowing her to attend a national conference, citing the

faculty member's tendency to "ruffle feathers." If the revocation of the approval is because of the complaint, this decision would be considered retaliatory.

- A student from Organization A participates in a sexual misconduct hearing against the responding individual –also a member of Organization A; the student is subsequently removed as a member of Organization A because he participated in the hearing.

Remedial Action

Upon notice of alleged discrimination, harassment and/or retaliation, SFAI will implement initial remedial, responsive and/or protective actions. Such actions could include but are not limited to: active avoidance policies, providing counseling and/or medical services, academic support, living arrangement adjustments, transportation accommodations, visa and immigration assistance, student financial aid counseling, providing a campus escort, academic or work schedule and assignment accommodations, safety planning, referral to campus and community support resources in Section 12.

SFAI will take additional prompt remedial and/or disciplinary action with respect to any member of the community, guest or visitor upon a finding that they have engaged in harassing or discriminatory behavior or retaliation.

The College will maintain as confidential any accommodations or protective measures, provided confidentiality does not impair the College's ability to provide the accommodations or protective measures. Procedures for handling reported incidents are fully described below.

Confidentiality and Reporting of Offenses Under This Policy

All College employees (faculty, staff, administrators) are expected to report actual or suspected discrimination or harassment to appropriate officials immediately, though there are some limited exceptions. In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality –meaning they are not required to report actual or suspected discrimination or harassment to appropriate university officials –thereby offering options and advice without any obligation to inform an outside agency or campus official unless a reporting party has requested information to be shared. Other resources exist for reporting parties to report crimes and policy violations and these resources will take action when an incident is reported to them. The following describes the reporting options at SFAI:

Confidential Reporting

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

- On-campus licensed professional counselors and interns (for students)
- Employee Assistance Program (for faculty, staff, and administrators)
- Off-campus (non-employees):
 - Licensed professional counselors
 - Local rape crisis counselors
 - Domestic violence resources
 - Local or state assistance agencies
 - Clergy/Chaplains

All of the above-listed individuals will maintain confidentiality except in extreme cases of immediacy of threat or danger or abuse of a minor. Campus counselors and/or the Employee Assistance Program are available to help free of charge and can be seen on an emergency basis during normal business hours.

Formal Reporting Options

All College employees (faculty, staff, and administrators) have a duty to report, unless they fall under the "Confidential Reporting" section above. Reporting parties may want to consider carefully whether they share personally identifiable details with non-confidential employees, as those details must be shared with the Title IX Coordinator. Employees must promptly share all details of the reports they receive. Generally, climate surveys, human subjects research, or events such as Take Back the Night marches or speak-outs do not provide notice that must be reported to the Coordinator by employees, unless the reporting party

clearly indicates that they wish a report to be made. Remedial actions may result from such disclosures without formal College action.

If a reporting party does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, the reporting party may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and comply with federal law. Note that the College's ability to remedy and respond to a reported incident may be limited if the reporting party does not want the institution to proceed with an investigation and/or the Equity Resolution Process.

In cases indicating pattern, predation, threat, weapons and/or violence, the College will likely be unable to honor a request for confidentiality. In cases where the reporting party requests confidentiality and the circumstances allow the College to honor that request, the College will offer interim supports and remedies to the reporting party and the community, but will not otherwise pursue formal action. A reporting party has the right, and can expect, to have allegations taken seriously by SFAI when formally reported, and to have those incidents investigated and properly resolved through these procedures.

Formal reporting still affords privacy to the reporter, and only a small group of officials who need to know will be told, including but not limited to: the Title IX Coordinator, the Threat Assessment Team, and the Director of Equity, Access, and Inclusion. Information will be shared as necessary with investigators, witnesses and the responding party. The circle of people with this knowledge will be kept as tight as possible to preserve a reporting party's rights and privacy. Additionally, anonymous reports can be made by victims and/or third parties using the online reporting form posted at <http://www.sfai.edu/about-sfai/campus-safety-and-security/silent-witness>. Note that these anonymous reports may prompt a need for the institution to investigate. Anonymous reports may make it difficult for SFAI to fully investigate and remedy any inappropriate conduct.

Failure of a non-confidential employee, as described in this section, to report an incident or incidents of sex/gender harassment or discrimination of which they become aware is a violation of College policy and can be subject to disciplinary action for failure to comply.

Timely Warning Obligations

Parties reporting sexual misconduct should be aware that under the Clery Act, College administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. The College will ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

False Allegations

Deliberately false and/or malicious accusations under this policy, as opposed to allegations which, even if erroneous, are made in good faith, are a serious offense and will be subject to appropriate disciplinary action.

Amnesty for Reporting Party and Witnesses

The College community encourages the reporting of misconduct and crimes by reporting parties and witnesses. Sometimes, reporting parties or witnesses are hesitant to report to College officials or participate in resolution processes because they fear that they themselves may be accused of policy violations, such as underage drinking at the time of the incident. It is in the best interests of this community that reporting parties choose to report to College officials, and that witnesses come forward to share what they know. To encourage reporting, SFAI pursues a policy of offering reporting parties and witnesses amnesty from minor policy violations related to the incident.

Students: Sometimes, students are hesitant to offer assistance to others for fear that they may get themselves in trouble (for example, a student who has been drinking underage might hesitate to help take a sexual misconduct victim to the staff in Housing & Residential Life). The College pursues a policy of amnesty for students who offer help to others in need. While policy violations cannot be overlooked, the College will provide educational options, rather than punishment, to those who offer their assistance to others in need.

Employees: Sometimes, employees are also hesitant report harassment or discrimination they have experienced for fear that they may get themselves in trouble. For example, an employee who has violated

the consensual relationship policy and is then assaulted in the course of that relationship might hesitate to report the incident to College officials. The institution may, at its discretion, offer employee reporting parties amnesty from such policy violations (typically more minor policy violations) related to the incident. Amnesty may also be granted to witnesses on a case-by-case basis.

Parental Notification (allegations involving students)

The College reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, change in student status or conduct situation, particularly alcohol and other drug violations. The College may also notify parents/guardians of non-dependent students who are under age 21 of alcohol and/or drug policy violations. Where a student is non-dependent, the College will contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk. The College also reserves the right to designate which officials have a need to know about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act.

Federal Statistical Reporting Obligations

Certain campus officials –those deemed Campus Security Authorities -have a duty to report sexual assault, domestic violence, dating violence and stalking for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept confidential, but statistical information must be passed along to Heather Hickman Holland, Associate Vice President for Operations and Facilities, regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given) for publication in the Annual Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety. Campus Security Authorities include: Staff in Student Affairs, student conduct, residence life, human resources staff, operations and facilities, security staff, employees, local police, advisors to student organizations, and any other official with significant responsibility for student and campus activities. The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the victim and may be done anonymously.

Equity Resolution Process (ERP) for Allegations of Harassment, Sexual Misconduct and Other Forms of Discrimination

San Francisco Art Institute (SFAI) will act upon receipt of any formal or informal allegation or notice of violation of the policy on Equal Opportunity, Harassment and Nondiscrimination, that is received by the Title IX Coordinator or a member of the administration, faculty, or other employee.

Allegations under the policy on nondiscrimination are resolved using the Equity Resolution Process (ERP). The procedures described below apply to all allegations of harassment or discrimination on the basis of protected class involving students, staff or faculty members. Unionized employees will be subject to the terms of their respective collective bargaining agreements/employees' rights to the extent those agreements do not conflict with federal or state compliance obligations. These procedures may also be used to address collateral misconduct occurring in conjunction with harassing or discriminatory conduct (e.g.: vandalism, physical abuse of another, etc.). All other allegations of misconduct unrelated to incidents covered by this policy will be addressed through the applicable procedures in the respective student, faculty and staff handbooks.

Overview

Upon notice to the Title IX Coordinator, this resolution process involves a prompt preliminary inquiry to determine if there is reasonable cause to believe the nondiscrimination policy has been violated. If so, the College will initiate a confidential investigation that is thorough, reliable, impartial, prompt and fair. The investigation and the subsequent resolution process determines whether the nondiscrimination policy has been violated. If so, the College will promptly implement effective remedies designed to end the discrimination, prevent its recurrence and address its effects.

Equity Resolution Process (ERP) Pool

SFAI maintains a pool of trained staff members to assist in executing this process ("ERP pool"). Members of the ERP pool are announced in an annual distribution of this policy to campus, prospective students, their parents and prospective employees. Members of the ERP pool are trained in all aspects of the resolution process, and can serve in any of the following roles, at the direction of the Title IX Coordinator:

- Provide sensitive intake for and initial advice pertaining to allegations
- Investigate allegations
- Act as process advisors to those involved in the Equity Resolution Process
- Serve as hearing administrators for allegations
- Serve as appeal administrators for allegations

ERP pool members also recommend proactive policies, and serve in an educative role for the community. The President, in consultation with the Title IX Coordinator, appoints the ERP pool, which reports to the Title IX Coordinator. ERP pool members receive annual training organized by the Title IX Coordinator, including a review of College policies and procedures as well as applicable federal and state laws and regulations so that they are able to appropriately address allegations, provide accurate information to members of the community, protect safety and promote accountability. This training will include, but is not limited to: how to appropriately remedy, investigate, render findings and determine appropriate sanctions in reference to all forms of harassment and discrimination allegations; the College's Equal Opportunity, Harassment, and Nondiscrimination Policy (including Sexual Misconduct); confidentiality and privacy; and applicable laws, regulations and federal regulatory guidance. All ERP pool members are required to attend this annual training to be eligible to serve.

The Equity Resolution Process pool includes:

- Members of the President's Cabinet
- Members of the Management Team
- Members of Student Affairs, with the exception of Counseling Services
- Members of Enrollment Management
- Representatives from Academic Affairs
- Representatives from Human Resources
- Representatives from Facilities and Operations
- Representatives from Exhibitions and Public Programs

Appointments to the pool should be made with attention to representation of groups protected by the harassment and nondiscrimination policy. Individuals who are interested in serving in the pool are encouraged to contact the Title IX Coordinator. No member of the pool may be a practicing attorney.

Reporting Misconduct

Any member of the community, guest or visitor who believes that the policy on Equal Opportunity, Harassment and Nondiscrimination has been violated should contact the Title IX Coordinator.

It is also possible for employees to notify a supervisor, or for students to notify an administrative advisor or faculty member. Any member of the community, including visitors, may contact Security to make a report. These individuals will in turn notify the Title IX Coordinator. The College website also includes a reporting form at <http://www.sfai.edu/about-sfai/campus-safety-and-security/silent-witness> which may serve to initiate the resolution process.

All employees receiving reports of a potential violation of College policy are expected to promptly contact the Title IX Coordinator, within 24 hours of becoming aware of a report or incident. All initial contacts will be treated with privacy: specific information on any allegations received by any party will be reported to the Title IX Coordinator, but, subject to the College's obligation to redress violations, every effort will be made to maintain the privacy of those initiating an allegation. In all cases, SFAI will give consideration to the reporting party with respect to how the reported misconduct is pursued, but reserves the right, when necessary to protect the community, to investigate and pursue a resolution even when a reporting party chooses not to initiate or participate in the resolution process.

Preliminary Inquiry

Following receipt of notice or a report of misconduct, the Title IX Coordinator, or designee, engages in a preliminary inquiry to determine if there is reasonable cause to believe the nondiscrimination policy has been violated. This inquiry may also serve to help the Title IX Coordinator, or designee, to determine if the allegations evidence violence, threat, pattern, predation and/or weapon, in the event that the reporting

party has asked for no action to be taken. In any case where violence, threat, pattern, predation, and/or weapon is not evidenced, the Title IX Coordinator may respect a reporting party's request for no action, and will investigate only so far as necessary to determine appropriate remedies. As necessary, the College reserves the right to initiate resolution proceedings without a formal report or participation by the reporting party.

In the case of less serious offenses, and when agreed to by the reporting party, a report may be addressed through conflict resolution (see item 5, below). In such a case, the report does not proceed to investigation, unless a pattern of misconduct is suspected or there is an actual or perceived threat of further harm to the community or any of its members.

In cases where the reporting party wishes to proceed with an investigation or the College determines it must proceed, and the preliminary inquiry shows that reasonable cause exists, the Title IX Coordinator will direct an investigation to commence and the allegation will ultimately be resolved through one of two processes discussed briefly here and in greater detail below:

Informal Resolution—an investigation and resolution without a hearing. The parties can elect for Informal Resolution, but Informal Resolution may also apply if the responding party accepts responsibility for all alleged violations of policy.

Formal Resolution—an investigation and resolution of contested allegations with a hearing. Either party or both parties may select Formal Resolution, or the Title IX Coordinator may determine that Formal Resolution is appropriate.

The process followed considers the preference of the parties, but is ultimately determined at the discretion of the Title IX Coordinator.

Once an investigation is commenced, the Title IX Coordinator will provide written notification of the investigation to the parties at an appropriate time during the investigation. The College aims to resolve all complaints within a sixty (60) calendar daytime period, which can be extended as necessary for appropriate cause by the Title IX Coordinator with notice to the parties as appropriate.

If, during the preliminary inquiry or at any point during the formal investigation, the Title IX Coordinator determines that there is no reasonable cause to believe that policy has been violated, the process will end unless the reporting party requests that the Title IX Coordinator makes an extraordinary determination to re-open the investigation or to forward the matter for a hearing. This decision lies in the sole discretion of the Title IX Coordinator.

Interim Remedies/Actions

The Title IX Coordinator may provide interim remedies intended to address the short-term effects of harassment, discrimination and/or retaliation, i.e., to redress harm to the reporting party and the community and to prevent further violations.

These remedies may include, but are not limited to:

- Referral to counseling
- Referral to the Employee Assistance Program
- Referral to medical treatment
- Education to the community
- Altering the housing situation of an the responding party (resident student or resident employee (or the reporting party, if desired))
- Altering work arrangements for employees
- Providing campus escorts
- Providing transportation accommodations
- Implementing contact limitations between the parties
- Offering adjustments to academic deadlines, course schedules, etc.

The College may interim suspend a student, employee or organization pending the completion of ERP investigation and procedures, particularly when in the judgment of the Title IX Coordinator the safety or well-being of any member(s) of the campus community may be jeopardized by the presence on-campus of the responding party or the ongoing activity of a student organization whose behavior is in question. In all

cases in which an interim suspension is imposed, the student, employee or student organization will be given the option to meet with the Title IX Coordinator prior to such suspension being imposed, or as soon thereafter as reasonably possible, to show cause why the suspension should not be implemented. The Title IX Coordinator has sole discretion to implement or stay an interim suspension and to determine its conditions and duration. Violation of an interim suspension under this policy will be grounds for dismissal or termination.

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

The institution will maintain as confidential any interim actions or protective measures, provided confidentiality does not impair the institution's ability to provide the interim actions or protective measures.

Advisors

Each party is allowed to have an advisor of their choice present with them for all ERP meetings and proceedings, from intake through to final determination. The parties may select whomever they wish to serve as their advisor as long as the advisor is eligible and available, and not otherwise involved in the resolution process, such as serving as a witness. The advisor may be a friend, mentor, family member, attorney or any other supporter a party chooses. Witnesses cannot also serve as advisors. The parties may choose advisors from inside or outside the campus community. The Title IX Coordinator or deputy will also offer to assign a trained ERP pool member to work as an advisor for any party. The parties may choose their advisor from the ERP pool, choose a non-trained advisor from outside the pool, if preferred, or proceed without an advisor.

The parties may be accompanied by their advisor in all meetings at which the party is entitled to be present, including intake and interviews. Advisors should help their advisees prepare for each meeting, and are expected to advise ethically, with integrity and in good faith. The College cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other party does not, or cannot afford an attorney, the College is not obligated to provide one. Additionally, responding parties may wish to contact organizations such as:

FACE (<http://www.facecampusequality.org>)

SAVE (<http://www.saveservices.org>).

Reporting parties may wish to contact organizations listed at the end of this policy.

All advisors are subject to the same campus rules, whether they are attorneys or not. Advisors may not address campus officials in a meeting or interview unless invited to. The advisor may not make a presentation or represent the reporting party or the responding party during any meeting or proceeding and may not speak on behalf of the advisee to the investigators or hearing administrators. The parties are expected to ask and respond to questions on their own behalf, without representation by their advisor.

Advisors may confer quietly with their advisees or in writing as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their advisors should ask for breaks or step out of meetings to allow for private conversation. Advisors will typically be given an opportunity to meet in advance of any interview or meeting with the administrative officials conducting that interview or meeting. This pre-meeting will allow advisors to clarify any questions they may have, and allows the College an opportunity to clarify the role the advisor is expected to take.

Advisors are expected to refrain from interference with the investigation and resolution. Any advisor who steps out of their role will be warned once and only once. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave the meeting. When an advisor is removed from a meeting, that meeting will typically continue without the advisor present. Subsequently, the Title IX Coordinator will determine whether the advisor may be reinstated, may be replaced by a different advisor, or whether the party will forfeit the right to an advisor for the remainder of the process.

The College expects that the parties will wish to share documentation related to the allegations with their advisors. The College provides a consent form that authorizes such sharing. The parties must complete this form before the College is able to share records with an advisor, though parties may share the information

directly with their advisor if they wish. Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by the College. The College may seek to restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by the College's privacy expectations. The College expects an advisor to adjust their schedule to allow them to attend College meetings when scheduled. The College does not typically change scheduled meetings to accommodate an advisor's inability to attend. The College will, however, make reasonable provisions to allow an advisor who cannot attend in person to attend a meeting by telephone, video and/or virtual meeting technologies as may be convenient and available.

A party may elect to change advisors during the process. Where an employee is a member of a union and entitled to a union representative in the process, that employee may be accompanied by the union representative as their advisor or may choose an advisor in addition to their union representative. In such cases, the other party may have two advisors as well.

The parties must advise the investigator of the identity of their advisor at least one (1) day before the date of their first meeting with investigators (or as soon as possible if a more expeditious meeting is necessary or desired). The parties must provide timely notice to the investigator if they change advisors at any time.

Conflict Resolution

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

Conflict Resolution will not be the primary resolution mechanism used to address reports of violent behavior of any kind or in other cases of serious violations of policy, though it may be made available after the formal process is completed should the parties and the Title IX Coordinator believe that it could be beneficial. Conflict Resolution will not be used in cases of sexual violence. It is not necessary to pursue Conflict

Resolution first in order to pursue Informal or Formal Resolution, and either party participating in Conflict Resolution can stop that process at any time and request a shift to either Informal or Formal Resolution.

Investigation

Once the decision is made to commence an investigation, the Title IX Coordinator appoints ERP pool members to conduct the investigation. Investigations are completed expeditiously, normally within ten to fifteen (10-15) days, though some investigations take weeks or even months, depending on the nature, extent and complexity of the allegations, availability of witnesses, police involvement, etc.

At any point during the investigation, if it is determined there is no reasonable cause to believe that College policy has been violated, the Title IX Coordinator has authority to terminate the investigation and end resolution proceedings.

When criminal charges on the basis of the same behaviors that invoke this process are being investigated, the College may undertake a short delay its investigation (several days to weeks, to allow evidence collection). The College will promptly resume its investigation and resolution processes once notified by law enforcement that the initial evidence collection process is complete. College action will not typically be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

All investigations will be thorough, reliable, impartial, prompt and fair. Investigations entail interviews with all relevant parties and witnesses, obtaining available evidence and identifying sources of expert information, as necessary.

The investigators will typically take the following steps, if not already completed (not necessarily in order):

- Determine the identity and contact information of the reporting party;
- In coordination with campus partners (e.g., the Title IX Coordinator), initiate or assist with any necessary remedial actions;
- Identify all policies allegedly violated;
- Assist the Title IX Coordinator with an immediate preliminary inquiry to determine if there is reasonable cause to believe the responding party has violated policy;
- If there is insufficient evidence to support reasonable cause, the inquiry should be closed with no further action.
- Meet with the reporting party to finalize their statement;
- Prepare the notice of allegations on the basis of the preliminary inquiry;
- Commence a thorough, reliable and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the responding party, who may be given notice prior to or at the time of the interview;
- Provide written notification to the parties prior to their interviews that they may have the assistance of an ERP pool member or other advisor of their choosing present for all meetings attended by the advisee;
- Provide the parties with a written description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures and a statement of the potential sanctions/responsive actions that could result;
- Provide the reporting party and the responding party with a list of witnesses whose information will be used to render a finding;
- Allow each party the opportunity to suggest questions they wish the investigators to ask of the other party and witnesses;
- Provide the parties with all relevant evidence to be used in rendering a determination and provide each with a full and fair opportunity to address that evidence prior to a finding being rendered;
- Provide regular updates to the reporting party throughout the investigation, and to the responding party, as appropriate;
- Complete the investigation promptly, and without unreasonable deviation from the intended timeline;
- Write an investigation report that includes making a finding, based on a preponderance of the evidence (whether it is more likely than not that the responding party violated policy as alleged);
- Share a redacted draft report with the parties for their review and comment. The investigators may incorporate feedback from the parties as appropriate;
- Complete the report and submit it to the Title IX Coordinator.

Once the investigator has completed and submitted their report, the Title IX Coordinator presents the findings to the responding party, who may accept the findings, accept the findings in part and reject them in part, or may reject all findings.

The Title IX Coordinator or designee then shares the findings and updates the reporting party on the status of the investigation and responding party's decision on the findings, without undue delay.

At this point, the Title IX Coordinator will proceed to the Informal Resolution procedure (see item 8, below).

Other Considerations for Conducting Investigations

An investigator has the authority to address all collateral misconduct, meaning that they hear all allegations of discrimination, harassment and retaliation, but also may address any additional alleged policy violations that have occurred in concert with the discrimination, harassment or retaliation, even though those collateral allegations may not specifically fall within the policy on Equal Opportunity, Harassment and Nondiscrimination. Accordingly, investigations should be conducted with as wide a scope as necessary.

Any evidence that the investigator believes is relevant and credible may be considered, including history and pattern evidence. The investigator may exclude irrelevant or immaterial evidence and may choose to disregard evidence lacking in credibility or that is improperly prejudicial.

Unless the investigator determines it is appropriate, the investigation and the finding will not consider: (1) incidents not directly related to the possible violation, unless they show a pattern, (2) the sexual history of the reporting party (though there may be a limited exception made in regards to the sexual history between the parties), (3) or the character of the reporting party. While previous conduct violations by the responding party are not generally admissible as information about the present allegation, the investigators may consider information about previous good faith allegations and/or findings to consider as evidence of pattern and/or predatory conduct.

Witnesses (as distinguished from the parties) are expected to cooperate with and participate in the College's investigation and the Equity Resolution Process. Any witness who declines to participate in or cooperate with an investigation will not be permitted to offer evidence or testimony later in a hearing (if a hearing is held). Failure of a witness to cooperate with and/or participate in the investigation or Equity Resolution Process may constitute a violation of policy and may be subject to discipline. Witnesses may provide written statements in lieu of interviews during the investigation and may be interviewed remotely by phone or Skype (or similar technology), if they cannot be interviewed in person or if the investigators determine that timeliness or efficiency dictate a need for remote interviewing. Parties who elect not to participate in the investigation or to withhold information from the investigation will not have the opportunity to offer evidence during any hearing and/or appeal stages of the process if it could have been offered during the investigation. Failure to offer evidence prior to an appeal does not constitute grounds for appeal on the basis of new evidence.

No unauthorized audio or video recording of any kind is permitted during investigation meetings or other Equity Resolution Process proceedings.

Informal Resolution: Resolution Without a Hearing

Informal Resolution can be pursued for any behavior that falls within the policy on Equal Opportunity, Harassment and Nondiscrimination, at any time during the process. This option may be used when:

- A responding party admits responsibility for all or part of the alleged policy violations at any point in the process;
- When the investigation reaches a finding that the parties accept;
- When both parties elect to resolve the allegation using the Informal Resolution process and the Title IX Coordinator assents;

Typically, within ten (10) days of the close of an investigation which determines that a responding party is in violation of policy, the Title IX Coordinator or the investigator or both will meet with the responding party to explain the finding(s) of the investigation. Once informed, the responding party may choose to admit responsibility for all or part of the alleged policy violations.

If the responding party admits to the violation(s), in whole or in part, the Title IX Coordinator will pass along the investigative report to a sanctioning administrator to determine an appropriate sanction or responsive action. The Title IX Coordinator will notify both parties of the resulting sanction or responsive action.

If the sanction/responsive action is accepted by both the reporting party and responding party, the Title IX Coordinator will implement the finding and sanction, and act promptly and effectively to stop the harassment or discrimination, prevent its recurrence and remedy the effects of the discriminatory conduct. No appeal is permitted.

If either party rejects the sanction/responsive action, a formal hearing will be held on the sanction/responsive action only, according to the Formal Resolution procedures below.

At any point during the Informal Resolution process, including at its conclusion, either party may request that the matter be referred to the Formal Resolution Process for presentation before a hearing administrator.

Formal Hearing Procedures

For all contested allegations that are not resolved through either Conflict Resolution or Informal Resolution, the Title IX Coordinator will initiate a formal hearing within ten (10) days of the conclusion of the investigation, barring unusual circumstances. The hearing process will be conducted in a prompt, fair, and impartial manner.

Hearing

The Title IX Coordinator will refer the investigation findings to a hearing administrator from the available pool who has not been previously involved with the allegation. The investigator for the case will be a witness in the hearing of the allegation and therefore may not serve as a hearing administrator. Those who are serving the parties as process advisors, if any, are not eligible to serve as a hearing administrator.

Notice of Hearing

At least two (2) days prior to the hearing, or as far in advance as is reasonably possible if an accelerated hearing is scheduled with the consent of the parties, the hearing administrator will send a letter to the parties containing the following information. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures and a statement of the potential sanctions/responsive actions that could result.
- The time, date and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities. If any party does not appear at the scheduled hearing, the hearing will be held in their absence. For compelling reasons, the hearing administrator may reschedule the hearing.
- Notification that the parties may have the assistance of a process advisor or other advisor of their choosing at the hearing (See Section 5: "Advisors" above).
- Hearings for possible violations that occur near or after the end of an academic term and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by the College and remain within the sixty (60) day goal for resolution.

Hearing Procedures

Hearings will usually be convened within ten (10) days of the completion of the investigation, and will be conducted in private. The hearing administrator has the authority to hear all collateral misconduct, meaning that the hearing administrator hears all allegations of discrimination, harassment and retaliation, but also may hear any additional alleged policy violations that have occurred in concert with the discrimination, harassment or retaliation, even though those collateral allegations may not specifically fall within jurisdiction. Accordingly, investigations should be conducted with as wide a scope as necessary. Participants will include the hearing administrator, the investigator who conducted the investigation, the reporting party, responding party (or three (3) organizational representatives where an organization is charged), advisors to the parties and any called witnesses. Witnesses called will be at the discretion of the hearing administrator.

Pre-Hearing

The Title IX Coordinator will give the parties the name of the hearing administrator at least three (3) days in advance of the hearing. All objections to the hearing administrator must be raised in writing to the Title IX Coordinator as soon as possible. Hearing administrators will only be unseated if the Title IX Coordinator concludes that their bias precludes an impartial hearing of the allegation.

The Title IX Coordinator will give the hearing administrator a list of the names of all parties and witnesses at least three (3) days in advance of the hearing. Any hearing administrator who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties and all witnesses in advance of the hearing.

The hearing administrator will determine the names of witnesses who will be participating in the hearing, all pertinent documentary evidence, and review the investigation report at least two (2) days prior to the hearing. Any witness scheduled to participate in the hearing must have been interviewed first by

investigators (or have proffered a written statement), unless all parties consent to the participation of that witness in the hearing.

The hearing administrator, in consultation with the parties and investigators, may decide in advance of the hearing that certain witnesses do not need to be physically present if their testimony can be adequately summarized by the investigator(s) in the investigation report or during the hearing. All parties will have ample opportunity to present facts and arguments in full and question all present witnesses during the hearing, though formal cross-examination is not used between the parties. If alternative attendance or questioning mechanisms are desired (screens, Skype, conference phone, questions directed through a third party, etc.), for reasons such as the reporting party not wanting to be in the same room as the responding party for the hearing, the parties should request them from the Title IX Coordinator at least two (2) days prior to the hearing. In the case of documented disabilities for which accommodations in the process are necessary, SFAI will make reasonable accommodations for the parties when requested in advance.

Investigator Presents the Report

Once the procedures are explained and the participants are introduced, the investigator will present the report of the investigation first, and be subject to questioning by the parties and the hearing administrator. The investigator will be present during the entire hearing process. The findings of the investigation are not binding on the hearing administrator, though any undisputed conclusions of the investigation report will not be revisited, except as necessary to determine sanctions/responsive actions. Once the investigator presents their report and is questioned, the hearing administrator will permit the parties to provide relevant information in turn and permit questioning of and by the parties. The hearing administrator will then permit all present witnesses to provide relevant information and the hearing administrator and the parties will each be allowed to ask questions of the witnesses. Questions are usually directed to the parties and witnesses through the hearing administrator.

Evidence Presented at the Hearing

Formal rules of evidence do not apply. Any evidence that the hearing administrator believes is relevant and credible may be considered, including history and pattern evidence. The hearing administrator will address any evidentiary concerns prior to and/or during the hearing, may exclude irrelevant or immaterial evidence and may disregard evidence lacking in credibility or that is improperly prejudicial. The hearing administrator will determine all questions of procedure and evidence. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

Unless the hearing administrator determines it is appropriate, no one will present information or raise questions concerning: (1) incidents not directly related to the possible violation, unless they show a pattern, (2) the sexual history of the reporting party (though there may be a limited exception made in regards to the sexual history between the parties), (3) or the character of the reporting party. While previous conduct violations by the responding party are not generally admissible as information about the present allegation, the investigators will supply the hearing administrator with information about previous good faith allegations and/or findings to consider as evidence of pattern and/or predatory conduct.

There will be no observers in the hearing. The hearing administrator may allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the hearing administrator or the parties involved, and then be excused.

In hearings involving more than one responding party or in which two (2) or more reporting parties have accused the same individual of substantially similar conduct, the standard procedure will be to hear the allegations jointly; however, the Title IX Coordinator may permit the hearing pertinent to each responding party to be conducted separately. In joint hearings, separate determinations of responsibility will be made for each responding party.

Proceedings are private. All persons present at any time during the hearing are expected to maintain the privacy of the proceedings in accord with College policy. While the contents of the hearing are private, the parties have discretion to share their own experiences if they so choose, and should discuss doing so with their advisors.

Hearings (except for deliberations) may be recorded for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted. Hearing Administrators, the parties, and appropriate administrative officers of the College will be allowed to listen

to the recording in a location determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

Alternative Testimony Options

For sexual misconduct reports, and other reports of a sensitive nature, the reporting party will be offered alternative testimony options, such as placing a privacy screen in the hearing room, or testifying outside the physical presence of the responding party, such as by Skype or phone. While these options are intended to help make the reporting party more comfortable, they are not intended to work to the disadvantage of the responding party.

Deliberation and Decisions

The hearing administrator will take any time necessary, without the presence of the parties, to determine whether the responding party is responsible or not responsible for the policy violation(s) in question. The hearing administrator will base their determination(s) on a preponderance of the evidence (i.e., whether it is more likely than not that the responding party committed each alleged violation).

The hearing administrator will prepare a written deliberation report and deliver it to the Title IX Coordinator, detailing the recommended finding, the information cited in support of their recommendation and any information the hearing administrator excluded from their consideration and why. If a responding party or organization is found responsible by the hearing administrator, the report will conclude with any recommended sanctions. This report should not exceed two (2) pages in length and must be submitted to the Title IX Coordinator within two (2) days of the end of hearing, unless the Title IX Coordinator grants an extension.

The Title IX Coordinator, or designee, will finalize the recommendations and will inform the parties of the final determination—both the finding(s) and applicable sanction(s)—within three (3) days of the hearing, without significant time delay between notifications. Notification will be made in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in official College records; or emailed to the parties' College-issued email account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered. The notification of outcome will specify the finding on each alleged policy violation, any sanctions that may result which the College is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the College is permitted to share under state or federal law. The notice will also include information on when the results are considered by the College to be final, any changes that occur prior to finalization and any appeals options that are available.

Sanctions

The hearing administrator assigned to the resolution will recommend sanctions or responsive actions to the Title IX Coordinator. Factors considered when determining a sanction/responsive action may include:

- The nature, severity of, and circumstances surrounding the violation
- An individual's disciplinary history
- Previous allegations or allegations involving similar conduct
- Any other information deemed relevant by the hearing administrator
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment and/or retaliation
- The need to remedy the effects of the discrimination, harassment and/or retaliation on the reporting party and the community

Student Sanctions

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

Warning: A formal statement that the behavior was unacceptable and a warning that further infractions of any College policy, procedure or directive will result in more severe sanctions/responsive actions.

Probation: A written reprimand for violation of the Code of Student Conduct, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any College policy, procedure or directive within a specified period of time. Terms of the probation will be specified and may include denial of specified social privileges, exclusion from co-curricular activities, active avoidance policies and/or other measures deemed appropriate.

Suspension: Termination of student status for a definite period of time not to exceed two years, and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure at College. This sanction may be noted as a Conduct Suspension on the student's official transcript, at the discretion of the Title IX Coordinator.

Dismissal: Permanent termination of student status, revocation of rights to be on campus for any reason or attend College-sponsored events. This sanction will be noted as a Dismissal on the student's official transcript.

Organizational Sanctions: Deactivation, de-recognition, loss of all privileges (including College registration), for a specified period of time.

Other Actions: In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.

Employee Sanctions

Responsive actions for an employee who has engaged in harassment, discrimination and/or retaliation include:

- Warning –Verbal or Written
- Performance Improvement/Management Process
- Required Counseling
- Required Training or Education
- Probation
- Loss of Annual Pay Increase
- Loss of Oversight or Supervisory Responsibility
- Demotion
- Suspension with pay
- Suspension without pay
- Termination
- Other Actions: In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.

Withdrawal or Resignation While Charges Pending

Students: The College does not permit a student to withdraw if that student has an allegation pending for violation of the policy on Equal Opportunity, Harassment and Nondiscrimination. Should a student decide to leave and/or not participate in the ERP, the process will nonetheless proceed in the student's absence to a reasonable resolution and that student will not be permitted to return to SFAI unless all sanctions have been satisfied. The student will not have access to an academic transcript until the allegations have been resolved.

Employees: Should an employee resign with unresolved allegations pending, the records of the Title IX Coordinator will reflect that status, and any College responses to future inquiries regarding employment references for that individual will indicate the former employee is ineligible for rehire.

Appeals

All requests for appeal consideration must be submitted in writing to the Title IX Coordinator within five (5) working days of the delivery of the written finding of the hearing. Any party may appeal the findings and/or sanctions, but appeals are limited to the following grounds:

- A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.).
- To consider new evidence, unknown or unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.
- The sanctions imposed fall outside the range of sanctions the College has designated for this offense and the cumulative record of the responding party.

When any party requests an appeal, the Title IX Coordinator will share the appeal request with the other party. The requesting party must show that the grounds for an appeal request have been met. The other party may show that the grounds have not been met, and/or bring their own appeal on separate grounds, by filing a response within two (2) days. If new grounds are raised, the original appealing party will be permitted to submit a written response to these new grounds within two (2) days. Any response or appeal request will be shared with each party.

An appeals administrator chosen from the ERP pool will be designated by the Title IX Coordinator from those who have not been involved in the process previously. The appeals administrator will review the appeal request(s).

The original finding and sanction/responsive actions will stand if the appeal is not timely or is not based on the grounds listed above, and such a decision is final.

Where the appeals administrator finds that at least one of the grounds is met by at least one party, additional principles governing the hearing of appeals will include the following:

- Decisions by the appeals administrator are to be deferential to the original decision, making changes to the finding only where there is clear error and to the sanction/responsive action only if there is a compelling justification to do so.
- Appeals are not intended to be full re-hearings (de novo) of the allegation. In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal. An appeal is not an opportunity for appeals administrators to substitute their judgment for that of the original hearing administrators merely because they disagree with its finding and/or sanctions.
- Appeals granted based on new evidence should normally be remanded to the original hearing administrator or investigators for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, heard by the appeals administrator.
- Sanctions imposed as the result of the Informal or Formal Resolution processes are implemented immediately unless the Title IX Coordinator or designee stays their implementation in extraordinary circumstances, pending the outcome of the appeal.

For students: Graduation, study abroad, internships/ externships, etc. do NOT in and of themselves constitute exigent circumstances, and students may not be able to participate in those activities during their appeal.

The Title IX Coordinator will confer with the appeals administrator, incorporate the results of any remanded grounds, and render a written decision on the appeal to all parties within three (3) days from hearing of the appeal or remand.

All parties should be informed of whether the grounds for an appeal are accepted and the results of the appeal decision or remand, without significant time delay between notifications, and in accordance with the standards for notice of outcome as defined above.

Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing, below).

- In rare cases where a procedural error cannot be cured by the original hearing administrator (as in cases of bias), the appeals administrator may recommend a new hearing with a new hearing

administrator. The results of a remand to a hearing administrator cannot be appealed. The results of a new hearing can be appealed, once, on any of the three applicable grounds for appeals.

- In cases where the appeal results in reinstatement to the College or resumption of privileges, all reasonable attempts will be made to restore the responding party to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

Long-Term Remedies/Actions

Following the conclusion of the Equity Resolution Process and in addition to any sanctions implemented, the Title IX Coordinator may utilize long-term remedies or actions to stop the harassment or discrimination, remedy its effects and prevent their reoccurrence. These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the community
- Permanently altering the housing situation of an the responding party (resident student or resident employee (or the reporting party, if desired))
- Permanently altering work arrangements for employees
- Providing campus escorts
- Climate surveys
- Policy modification
- Providing transportation accommodations
- Implementing long-term contact limitations between the parties
- Offering adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, long-term remedies may also be provided even when the responding party is found not responsible.

The institution will maintain as confidential any long-term remedies/actions or protective measures, provided confidentiality does not impair the institution's ability to provide the actions or protective measures.

Failure to Complete Sanctions/Comply with Interim and Long-term Remedies/Responsive Actions

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

Records

In implementing this policy, records of all allegations, investigations, resolutions, hearings, and appeals will be kept by the Title IX Coordinator indefinitely.

Statement of the Rights of the Parties

Statement of the Reporting Party's Rights:

- The right to investigation and appropriate resolution of all credible allegations of sexual misconduct or discrimination made in good faith to College officials;
- The right to be informed in advance of any public release of information regarding the incident;
- The right not to have any personally identifiable information released to the public, without their consent;
- The right to be treated with respect by College officials.

- The right to have College 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 College officials from reporting sexual misconduct or discrimination to both on-campus and off-campus authorities;
- The right to be informed by College 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 reporting party so chooses. This also includes the right not to be pressured to report, as well;
- 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, mental health, victim advocacy, health, legal assistance, student financial aid, visa and immigration assistance, or other student services, both on campus and in the community;
- The right to an active avoidance policy (or a trespass order against a non-affiliated third party) when someone has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the reporting party or others;
- The right to notification of and options for, and available assistance in, changing academic and living situations after an alleged sexual misconduct incident, if so requested by the reporting party and if such changes are reasonably available (no formal report, or investigation, campus or criminal, need occur before this option is available). Accommodations may include:
 - Change of an on-campus student's housing to a different on-campus location;
 - Assistance from College support staff in completing the relocation;
 - Transportation accommodations;
 - Arranging to dissolve a housing contract and pro-rating a refund;
 - Exam (paper, assignment) rescheduling;
 - Taking an incomplete in a class;
 - Transferring class sections;
 - Temporary withdrawal;
 - Alternative course completion options.
- The right to have the College 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 be fully informed of campus policies and procedures as well as the nature and extent of all alleged violations contained within the report;
- The right to ask the investigators to identify and question relevant witnesses, including expert witnesses;
- The right to review all documentary evidence available regarding the report, subject to the privacy limitations imposed by state and federal law, at least 48 hours prior to a hearing;
- The right to be informed of the names of all witnesses who will be called to give testimony, at least two (2) days prior to the hearing, except in cases where a witness's identity will not be revealed to the responding party for compelling safety reasons (this does not include the name of the reporting party, which will always be revealed);
- The right not to have irrelevant prior sexual history admitted as evidence;
- The right to regular updates on the status of the investigation and/or resolution.
- The right to have reports heard by hearing and appeals officers who have received at least eight hours of annual sexual misconduct training;
- The right to preservation of privacy, to the extent 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 College representative in the process be recused on the basis of demonstrated bias and/or conflict of interest;
- The right to bring a victim advocate or advisor of the reporting party's choosing 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 have the College compel the participation of student, faculty and staff witnesses, and the opportunity to ask questions, directly or indirectly, of all present witnesses, including the responding party, and the right to challenge documentary evidence;
- The right to be present for all testimony given and evidence presented during any resolution-related hearing;
- The right to submit an impact statement in person or in writing to the hearing administrators following determination of responsibility, but prior to sanctioning;
- The right to be promptly 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 by the College is considered final, any changes to the sanction to occur before the decision is finalized, to be informed of the right to appeal the finding and sanction of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by the College;

Statement of the Responding Party's Rights:

- The right to investigation and appropriate resolution of all credible reports of sexual misconduct and/or discrimination made in good faith to College administrators;
- The right to be informed in advance, when possible, of any public release of information regarding the report;
- The right to be treated with respect by College officials;
- The right to have College 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 timely written notice of all alleged violations, including the nature of the violation(s), the applicable policies and procedures and possible sanctions;
- The right to a hearing on the report, including timely notice of the hearing date, and adequate time for preparation;
- The right to review all documentary evidence available regarding the report, subject to the privacy limitations imposed by state and federal law, at least two (2) 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 two (2) days prior to the hearing, except in cases where a witness's identity will not be revealed to the responding party for compelling safety reasons (this does not include the name of the reporting party, which will always be revealed);
- The right not to have irrelevant prior sexual history admitted as evidence in a campus resolution process;
- The right to have reports heard by hearing and appeals officers who have received at least 8 hours of annual training;
- The right to petition that any College representative be recused from the resolution process on the basis of demonstrated bias and/or conflict of interest;
- The right to meetings, interviews and hearings that are closed to the public;
- The right to have the College compel the participation of student, faculty and staff witnesses, and the opportunity to ask questions, directly or indirectly, of all present witnesses, and the right to challenge documentary evidence;

- The right to have an advisor of their choice to accompany and assist in the campus resolution process;
- The right to a fundamentally fair resolution, as defined in these procedures;
- The right to submit an impact statement in person or in writing 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 promptly 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 the College is considered final, any changes to the sanction to occur before the decision is finalized, to be informed of the right to appeal the finding and sanction of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by the College.

Disabilities Accommodation in the Equity Resolution Process

SFAI is committed to providing qualified students, employees or others with disabilities with reasonable accommodations and support needed to ensure equal access to the Equity Resolution Process at the College. Anyone needing such accommodations or support should contact the Director of Equity, Access & Inclusion, who will review the request and, in consultation with the person requesting the accommodation, and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation.

Revision

These policies and procedures will be reviewed and updated annually by the Title IX Coordinator. The College reserves the right to make changes to this document as necessary and once those changes are posted online, they are in effect. The Title IX Coordinator may make minor modifications to procedure that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules, etc. The Title IX Coordinator may also vary procedures materially with notice (on the institutional web site, with appropriate date of effect identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedure. Procedures in effect at the time of the resolution will apply to resolution of incidents, regardless of when the incident occurred. Policy in effect at the time of the offense will apply even if the policy is changed subsequently but prior to resolution, unless the parties consent to be bound by the current policy. If government regulations change in a way that impacts this document, this document will be construed to comply with government regulations in their most recent form.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such codes generally.

Resources

The Victim Rights Law Center (<http://www.victimrights.org>)

The National Center for Victims of Crime (<http://www.victimsofcrime.org>), which maintains the Crime Victim's Bar Association

San Francisco Women Against Rape (SF WAR) (www.sfwar.org)

Hotline Phone: 415-647-RAPE(7273)

Business Phone: 415-861-2024

RAINN (Rape Abuse Incest National Network)-National Hotline 24/7: 1-800-HOPE(4673)

Trauma Recovery Center/Rape Treatment Center -415-437-3000

W.O.M.A.N., Inc. (www.womanic.org) -415-864-4722

SF Asian Women's Shelter (www.sfaws.org/home.aspx) -1-877-751-0880

Community United Against Violence (www.cuav.org) -415-333-4357 -Special Services: combat hate crimes and violence in the LGBTQ community

Planned Parenthood -415-821-1282

La Casa de las Madres -1-877-503-1850

Bay Area Women Against Rape -Oakland -510-845-7273
 Highland Sexual Assault Center -Oakland -510-534-9290
 Rape Trauma Services -Burlingame -650-652-0598
 SafeQuest Solano -Fairfield -866-487-7233
 Volunteer Center of Napa Valley Inc. -Napa -707-255-6397
 YWCA Rape Crisis Center -San Jose -408-287-3000
 Tri-Valley Haven for Women -Livermore -925-449-5842
 Women's Crisis Support and Shelter Services -Santa Cruz -888-900-4232
 Local Immigration/Resource Offices:
 African Advocacy Network (AAN) <http://www.aansf.org>
 Arab Resource and Organizing Center (AROC) <http://www.arabborganizing.org/>
 Asian Law Caucus (ALC) <http://www.advancingjustice-alc.org/>
 Asian Pacific Islander and Legal Outreach <http://www.apilegaloutreach.org/>
 Black Alliance for Just Immigration (BAJI) <http://blackalliance.org/http://blackalliance.org/>
 Causa Justa/Just Cause <http://cjjc.org/http://cjjc.org/>
 Central American Resource Center (CARECEN) <http://carecensf.org/http://carecensf.org/>
 Chinese for Affirmative Action <http://www.caasf.org/http://www.caasf.org/>
 Dolores Street Community Services <http://www.dscs.org/http://www.dscs.org/>
 Filipino Community Center (FCC) <http://filipinocc.org/>
 La Raza Centro Legal <http://www.lrcl.org/>
 Mujeres Unidas Y Activas (MUA) <http://mujeresunidas.net/>
 People Organizing to Demand Environmental and Economic Rights (PODER!) <http://www.podersf.org/>
 Immigrant Legal Resource Center Community Resources: <https://www.ilrc.org/know-your-rights-and-what-immigrant-families-should-do-now>
 Trans Relief Project <http://transrelief.com/>
 Gender spectrum <https://www.genderspectrum.org/> -Provides education and support for families with transgender and gender diverse children and youth
 Human Rights Campaign www.hrc.org -HRC advocates for LGBTQ equality and educates the public about LGBTQ issues
 Lambda Legal Defense and Education Fund www.lambdalegal.org -National organization that focuses on civil rights for LGBT persons and people with HIV/AIDS, including school-based victimization of LGBT youth, through impact litigation, education, and public policy work
 LGBT Center <http://www.sfcenter.org/> -Connects diverse community to opportunities, resources, and each other to achieve our vision of a stronger, healthier, and more equitable world for LGBT people and our allies
 LGBT Youth Project -National Center for Lesbian Rights
www.nclrights.orgwww.nclrights.orgwww.nclrights.org -National non-profit law firm focusing on lesbian civil rights and legal rights for LGBT persons, including school-based victimization of LGBT youth, through impact litigation, public advocacy, public education, and direct legal services
 Lyric <http://www.lyric.org/> -Services for LGBT and questioning youth, hotline, recreation program, activities
 SMAAC members.aol.com/smaacyouth/ -Support and recreation services for LGBT youth, health education and counseling
 Trevor Helpline 866-488-7386-Crisis prevention and support helpline
 Jewish Community Center of San Francisco www.jccsf.org -Oldest Jewish center on the West Coast, providing educational, social, cultural and fitness programs to the community since 1877
 Muslim Community Association www.mcabayarea.org -Islamic counseling, free legal clinic, congregational prayers and services for over 2000 people, educational programs for adult and school age children, financial assistance to needy families
 San Francisco Buddhist Meditation Center sfbuddhistcenter.org -Relaxed and friendly place for people who want to participate in a Buddhist community -or want clear instruction about Buddhism and meditation and how they can apply it in their life
 African American Chamber of Commerce sfacc.org -One of California's most influential minority business organizations, representing and promoting African American business owners in San Francisco

Chinese Culture Center of San Francisco www.c-c-c.org -Elevates under served communities and gives voice to equality through process driven contemporary art and education

Japanese Cultural and Community Center of Northern California www.jccnc.org -Strives to meet the evolving needs of the Japanese American community through offering programs, affordable services and facility usage

Latino Community Foundation www.latinocf.org -Inspires philanthropy, invests in Latino communities, and leads transformative solutions for change

Mission Cultural Center for Latino Arts missionculturalcenter.org -Venue for presenting Latin American arts from ancient to contemporary, including a gallery & events

Women of Color Resource Center <http://www.coloredgirls.org> -Promotes the political, economic, social and cultural well being of women and girls of color in the United States

San Francisco County Veterans Services Office -<http://www.sfhsa.org/134.htm> -Staff can help veterans understand and apply for benefits and entitlements and will advocate and case manage you through the claim process

This policy and procedure was implemented in August 2017.

USE AND ADAPTATION OF THIS MODEL WITH CITATION TO THE NCHERM GROUP, LLC/ATIXA IS PERMITTED THROUGH A LICENSE TO SAN FRANCISCO ART INSTITUTE.

ALL OTHER RIGHTS RESERVED.

©2017. THE NCHERM GROUP, LLC/ATIXA

MISSING STUDENT PROCEDURES AND POLICIES

Practice:

- Upon check-in to the residence hall, all students will have the opportunity to identify an individual to be contacted by the Institute in case the student is determined to be missing.
- For students under the age of 18, that notification will be made to the student's parent or legal guardian within 24 hours of the time that the student is determined to be missing.
- There is no waiting period for reporting a student missing and a student shall be deemed missing when he or she is reportedly absent from the Institute for more than 24 hours without any known reason.
- All reports of missing residential students shall be directed to the Residence Director. The Residence Director, in conjunction with the Assistant Dean of Students, will determine whether the student is missing in accordance with this policy.
- The San Francisco Police Department will be notified within 24 hours of a student being determined missing.

Procedure:

- Any report of a missing student should immediately be directed to the Residence Director.
- The Residence Director will immediately notify the Assistant Dean of Students and the two will work in conjunction, attempting to do the following:
- Make contact with the student reported missing by calling the student's cell phone number on file, going to the student's room (keying in if no answer), interviewing the student's roommate(s) and floormates to find out the last time the student was seen and find any known plans.
- Check social media sites for activity.
- Check the building access log to determine when the student last entered the residence hall using their building entrance card.
- Contact the Cashiers Office to check when the student last used their meal plan.
- Check the student's class schedule and look for the student in the classroom.
- Contact the student's faculty members regarding attendance in the classroom.

- Determine a timeline of when the student was last heard from or seen.

The Assistant Dean of Students will notify the Dean of Students who will initiate whatever action deemed appropriate under the specific incident's circumstances.

If the Dean of Students, after investigation, determines that a residential student has been missing for more than 24 hours, the Institute will, within 24 hours after making such a determination, notify both the student's designated contact person and local law enforcement that the student is missing. If such student is under the age of 18 and is unemancipated, the Institute will also notify the student's parent or legal guardian within the 24 hour period after the Dean of Students has determined that the student is missing.

Any notification to parents, legal guardians, designated contacts, or local law enforcement will be made by the Dean of Students or their designee.

If it has been less than 24 hours, and the student's absence does not appear irregular or suspicious, a note will be left at the student's room requesting that they contact a staff member immediately upon their return. If at the 24 hour mark the student still has not returned or contacted a staff member, then the above stated actions will take place.

Reports of students missing from off-campus will be referred to the police department having jurisdiction over the student's local residence, if known, or the student's permanent residence if a local residence cannot be determined. For students who do not reside in campus provided housing, they will have the option of filling out a Missing Person's Form.

CAMPUS SAFETY AUTHORITIES (CSA'S)

Required Reporters and Campus Security Authorities

Required reporters under Title IX are responsible school officials who can affect action. We include in this definition all faculty, both visiting and permanent; all professional staff members, with the exception of clinicians in Counseling Services; and Resident Advisors.

Under the Clery Act, we define all faculty, both visiting and permanent; all professional staff members, with the exception of clinicians in Counseling Services; and Resident Advisors as Campus Security Authorities, as all professional employees develop relationships with students in the course of their work. All professional staff and faculty members are given an annual training on their responsibilities in these roles as reporters. In addition, Resident Advisors are trained each fall in advance of job responsibilities beginning on their requirements in reporting.

GUIDELINES FOR MANDATORY REPORTING

1. When an employee learns of a student alleging any of the acts listed below, the employee must promptly contact Heather Groninger (Title IX Coordinator). Employees are required to disclose the nature of the incident as well as the names of those involved.
 - a. **Sexual harassment:** unwelcome conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, and physical conduct of a sexual nature.
 - b. **Gender-based harassment:** acts of verbal, nonverbal, or physical aggression, intimidation, stalking, or hostility based on gender or gender-stereotyping.
 - c. **Domestic Violence:** felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a

person who is cohabitating with or has cohabitated with the victim as a spouse, or by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

- d. **Dating Violence:** violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
 - e. **Stalking:** engaging in a course of conduct directed at a specific person, including following, harassing, and/or threatening someone, that would cause a reasonable person to: (a) fear for their safety or the safety of others; or (b) suffer substantial emotional distress.
 - f. **Sexual Assault:** non-consensual physical contact of a sexual nature, including rape, acts using force, threat, intimidation, or coercion or using advantage gained by the victim's inability (temporary or permanent) to make rational, reasonable decisions about sex of which the respondent was aware or should have been aware.
 - g. **Sexual Exploitation:** when a person takes non-consensual, unjust, or abusive sexual advantage of another person for their own benefit or for the benefit of anyone other than the person being exploited and which conduct does not otherwise constitute sexual harassment or assault under this policy.
2. Employees are also required to report the following serious crimes to the Security Office immediately upon learning about them:
- a. **Murder and Manslaughter:** killing of one human being by another, either willfully or through gross negligence
 - b. **Robbery:** taking or attempting to take anything of value from the care, custody, or control of a person by force or threat of force or violence and/or by putting the victim in fear
 - c. **Aggravated Assault:** unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm.
 - d. **Burglary:** the unlawful entry of a structure to commit a felony or a theft.
 - e. **Motor Vehicle Theft:** theft or attempted theft of a motor vehicle.
 - f. **Arson:** willful or malicious burning or attempt to burn, with or without the intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.
 - g. **Weapon Law Violation:** violation of laws or ordinances dealing with weapon offenses
 - h. **Drug Abuse Violation:** violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs and dangerous nonnarcotic drugs
 - i. **Liquor Law Violation:** violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages
 - j. **Hate Crimes:** criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias towards the target's race, religion, gender, gender-identity, sexual orientation, ethnicity, disability, or national origin.
 - k. **Sex Offenses:** any sexual act directed against another person, forcibly and/or against that person's will, or non-forcibly where the victim is incapable of giving consent.

An employee should never promise a student confidentiality in any conversation. Employees can promise privacy and discretion, but complete confidentiality, in many cases, is not possible, as referenced above. If the student wishes to speak to someone confidentially, refer or accompany the student to Counseling Services.

ADDRESSING CRIMINAL ACTIVITY OFF CAMPUS

Off-campus criminal activity at SFAI sponsored events or other activities associated with instruction or employment at SFAI must be reported to campus authorities immediately.

ALCOHOL & DRUG POLICIES

In conjunction with the directive of the U.S. Department of Education as set forth in Title 34 of the Code of Federal Regulations (CFR), part 86 to maintain and run drug-free schools and campuses, SFAI has established the following policies and procedures regulating the possession, use, and sale of alcoholic beverages; the enforcement of underage drinking laws; the possession, use, and sale of illegal drugs; the enforcement of federal and state drug laws; and drug and alcohol abuse education programs.

Standards of Conduct

In line with federal and state laws, the underage (under 21 years of age) possession and use of alcoholic beverages and/or sale or distribution of alcohol to the underage is prohibited. Unlawful manufacture, possession, use, sale, or distribution of illicit drugs by students or employees on SFAI property (owned, leased, or rented) or at any SFAI activities is also prohibited. Failure to comply with these policies is a direct violation of the Student Code of Conduct and all sanctions therein may be enacted.

Alcohol Use Policy

The following guidelines must be adhered to by all members of the SFAI community at all SFAI functions, including those held at the Chestnut Street campus, the Graduate Center, and at any off-campus venue, especially where SFAI funds are used to purchase the alcohol or to pay for any portion of the event:

1. An event form, available in the Student Affairs Office and in the General Services Office, must be completed whenever alcohol is proposed as part of any event or activity at SFAI. The Assistant Dean of Students must approve the use of alcohol at all events that students are expected to attend.
2. Only faculty or staff members currently employed by SFAI and/or licensed bartenders under contract with SFAI are permitted to serve alcohol at SFAI functions. Alcohol must never be left unattended. If bartenders have been hired to serve at an event, a current faculty or staff member must also be present while alcohol is being served.
3. No alcohol shall be served to individuals who are under 21 years of age. Valid photo identification with proof of age is required. Alcohol will not be served to those who cannot provide identification.
4. Food and non-alcoholic beverages must be provided at all events where alcohol is served.
5. No alcohol will be served to persons who appear to be intoxicated. Security guards may be called to remove intoxicated persons from the premises if they cause a disturbance.
6. Only wine and beer may be served on campus. Hard alcohol and beer served in glass bottles are expressly prohibited.
7. Alcohol may not be served before 4:00 pm on weekdays.
8. All alcohol containers must be cleaned up and removed from public areas at the close of the event.
9. The sale of alcohol is permitted only for approved fundraising events and only after an application for a temporary license has been obtained through the Department of Alcoholic Beverage Control in San Francisco. This includes events where only an entrance fee is collected.
10. Drinking games are expressly prohibited on all property, owned, leased or rented including both campuses, the residence halls, and any location used for SFAI-related functions.

Any exceptions to this policy must be made in writing by the Dean of Students.

Disciplinary Sanction for Violations of the Alcohol and Other Drugs Policy

SFAI's Code of Conduct prohibits the illegal use of drugs and alcohol. Disciplinary sanctions for violations of the Alcohol and Other Drugs Policy include written warning, censure, loss of privileges, exclusion from areas and activities, restitution, interim suspension, suspension, and/or dismissal.

The following reference to federal and state laws and sanctions are not comprehensive of all laws and disciplinary actions pertaining to alcohol and other drugs. Regulations and resulting actions may change over time. The

following is meant to provide a general summary of federal and state laws and possible sanctions pertaining to the illegal use of alcohol and illicit drugs. More information regarding federal, state, and local laws and sanctions can be found online at the U.S. Department of Drug Administration and the State of California websites: www.fda.gov and www.ca.gov, respectively.

Federal Legal Sanctions for the Unlawful Possession or Distribution of Alcohol and Illicit Drugs

Federal law penalizes the manufacture, distribution, possession with intent to manufacture or distribute, and simple possession of drugs ("controlled substances"). Federal penalties and sanctions for the simple possession of a controlled substance are quite severe. The law sets forth sentences and fines that include the following:

- First conviction: up to one-year imprisonment, a fine of at least \$1,000, or both. After one prior drug conviction: at least 15 days in prison, not to exceed two years, and a fine of at least \$2,500. After two or more prior drug convictions: at least 90 days in prison, not to exceed three years, and a fine of at least \$5,000. A special, harsher sentencing provision applies for possession of crack cocaine. (21 U.S.C. Section 844(a))
- Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than one-year imprisonment, as well as forfeiture of vehicles, boats, aircraft, or any other conveyance used to transport or conceal a controlled substance. (21 U.S.C. Sections 853(a) & 881(a))
- Denial of federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to one year for the first offense and up to five years for second and subsequent offenses. (21 U.S.C. Section 862)
- Ineligibility to receive or purchase a firearm. (18 U.S.C. Section 922(g))
- Moreover, revocation of certain federal licenses and benefits (e.g., pilot licenses, public housing tenancy) are vested within the authorities of individual federal agencies.
- These penalties may be doubled, however, when a person at least 18 years old: (1) distributes a controlled substance to a person under 21 years of age (a term of imprisonment for this offense shall not be less than one year), and/or (2)
- distributes, possesses with intent to distribute, or manufactures a controlled substance in or on, or within one thousand feet of, the real property comprising a public or private elementary or secondary school, or a public or private college. (21 U.S.C. Sections 859 & 860).

State Legal Sanctions for the Unlawful Possession or Distribution of Alcohol and Illicit Drugs

- The Uniform Controlled Substances Act is found in California Health and Safety Code, Section 11000, et seq. Sanctions for illegal possession of controlled substances are found at Health and Safety Code, Section 11350, et seq.
- Controlled substances are listed in schedules contained in Health and Safety Code, Sections 11054, 11055, 11056, 11057, and 11058. They include opiates, opium derivatives, hallucinogenic substances, depressants, narcotic drugs, cocaine, heroin, marijuana, peyote, methamphetamine, phencyclidine, and certain mushrooms.
- As set forth in Health and Safety Code, Section 11350, et seq., if convicted under the Uniform Controlled Substance Act, one may be sentenced to terms in state prison from two to five years plus substantial fines. The exact prison term and fine depend upon the number of past convictions and circumstances of each arrest and conviction.

Local Legal Sanctions for the Unlawful Possession or Distribution of Alcohol and Illicit Drugs

- **Medical Cannabis User and Primary Caregiver Identification Cards (28 S.F.H.M.C. Section 1808)**
Any person who shall present false information or falsify, forge, or alter a document to support a request for a medical cannabis user identification card or a primary caregiver identification card or make, create, sell, or use a false medical cannabis user identification card or a primary caregiver identification card shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed \$250, or by imprisonment in the County Jail for not more than three months, or by both such fine and imprisonment.

Health Risks Associated with Alcohol Abuse and the Use of Illicit Drugs

Alcohol

Alcohol consumption causes a number of marked changes in behavior. Even small amounts significantly impair the judgment and coordination required to drive a car safely or operate other machinery, increasing the likelihood that the driver will be involved in an accident. Low to moderate consumption of alcohol also increases the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high consumption of alcohol causes marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described. Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and liver. Women who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk for becoming alcoholics than their peers.

Drugs

The use of any amount of drug—prescription, illicit, or legal—will alter the chemical balance of the body. Misuse of drugs may lead to lifelong chemical dependency, the disease of addiction, and possible death. Abuse and addiction to drugs often cause serious damage to major body organs such as brain, stomach, lungs, liver, kidneys, and heart, as well as the immune and reproductive systems. The sharing of needles when using drugs is known to be a major cause of the spread of HIV. A detailed list of health risks associated with various controlled substances can be found on the U.S. Department of Justice website.

SUBSTANCE ABUSE EDUCATION

ALCOHOL AND DRUG COUNSELING, TREATMENT/REHABILITATION PROGRAMS, AND EDUCATION

SFAI's Counseling Center is available to provide services and/or referrals for substance abuse and recovery issues. Following are additional resources available to the SFAI community. SFAI does not endorse any particular treatment program or organization.

Resources

The National Council on Alcoholism and Drug Dependence 415.296.9900
San Francisco Drug Line 415.362.3400

Crisis Intervention

Alcohol Helpline 800.252.6465, 24-hour phone
Alcoholics Anonymous 415.674.1821

Cocaine Anonymous 415.821.6155
Haight-Ashbury Alcohol Treatment 415.487.5634
Iris Project/Women's Counseling and Recovery Center 415.864.2364
Narcotics Anonymous 415.621.8600
National Council on Alcoholism and Other Drug Addiction 415.296.9900
Poison Control Center 800.876.4766
San Francisco General Hospital 415.206.8125, or Opiate Treatment Outpatient Program 415.206.8412
Suicide Prevention 781.0500 or TYY, 781.2224
Walden House 415.554.1130; 415.703.9702
Women's Alcoholism Center 415.282.8900 or 415.776.1001

PREPARING ANNUAL DISCLOSURE OF CRIME STATISTICS

SFAI requests that crimes are reported to Security immediately. In addition, SFAI makes an annual call for statistics from CSA's and combines the data with the San Francisco Police Department statistics for the reportable locations in and around SFAI's on-campus and non-campus facilities.