

## Student Safety Statement

UEI College is committed to creating and maintaining a community in which students can work and study in an atmosphere free of sexual violence, including dating violence, domestic violence, sexual assault and stalking.

In accordance with California Education Code § 67386, UEI College has adopted a policy concerning sexual assault, domestic violence, dating violence, and stalking, as defined in the federal Higher Education Act of 1965 ( 20 U.S.C. Sec. 1092(f) ), involving a student, both on and off campus. The policy includes all of the following:

Definition of Consent: California Education Code § 67386: “**Affirmative Consent**” means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

In the evaluation of complaints in any disciplinary process, it shall not be a valid excuse to alleged lack of affirmative consent that the accused believed that the complainant consented to the sexual activity under either of the following circumstances:

- (A) The accused's belief in affirmative consent arose from the intoxication or recklessness of the accused.
- (B) The accused did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain whether the complainant affirmatively consented.

If the accused is subject to sanctions, the institution shall use the **preponderance of evidence** standard (meaning that the party presenting the evidence must, by the evidence presented, establish that what he or she is required to prove is more likely to be true than not true) in deciding to initiate formal conduct procedures or not and will use such standard during the disciplinary proceeding arising from an allegation of dating violence, domestic violence, sexual assault, or stalking.

In the evaluation of complaints in the disciplinary process, it shall not be a valid excuse that the accused believed that the complainant affirmatively consented to the sexual activity if the accused knew or reasonably should have known that the complainant was unable to consent to the sexual activity under any of the following circumstances:

- (A) The complainant was asleep or unconscious.
- (B) The complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the complainant could not understand the fact, nature, or extent of the sexual activity.
- (C) The complainant was unable to communicate due to a mental or physical condition.

UEI College’s policies and protocols regarding sexual assault, domestic violence, dating violence, and stalking are as follows:

- 1) Information may be provided in confidence to the campus Executive Director and/or Title IX Coordinator. He/she will make every attempt to maintain privacy in accordance with FERPA regulations unless required by law to disclose the victim's identity to protect the safety of others. UEI College will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations and protective measures. The victim will be informed if the institution cannot maintain the requested confidentiality of the information.
- 2) The student will be provided with the requirements specific to assisting the victim based upon the circumstances of the incident, provide information in writing about the importance of preserving evidence, and the identification and location of witnesses. If possible, do not shower, bathe, douche, change clothes or go to the bathroom prior to a forensic medical exam. Doing so may lose valuable evidence that could be used if the case is prosecuted.
- 3) Stranger sexual assault is committed by someone that the victim does not know. Non-stranger sexual assault (formerly referred to as acquaintance rape), including rape, occurs when someone the victim knows, or is familiar with, forces, coerces and/or manipulates the victim to participate in unwanted sexual activity. A perpetrator of non-stranger sexual assault can be a friend, a neighbor, someone the victim met at a party, someone a friend knows, a dating partner, or someone the victim has known for a long time. The perpetrators are 100% responsible for their actions.
- 4) The Title IX Coordinator has primary authority for investigating sex offenses. The Title IX Coordinator, campus Executive Director or designee will meet with the victim privately.
  - He/she will act thoughtfully without prejudging or blaming the victim.
  - The victim will be treated with courtesy, sensitivity, dignity and understanding.
  - He/she will accommodate the victim's request to speak to a law enforcement officer of the same gender.
  - They he/she will help in arranging hospital and/or counseling services or other assistance.
  - The school may change the victim's academic situations after an alleged sex offense if requested and if the changes are reasonable and available.
  - The victim and the accused will have the same opportunities to have others present during a disciplinary meeting and both of you will be informed of the final results and actions taken against the accused.
- 5) The victim and accused shall receive simultaneous written notification throughout all aspects institutional investigation and disciplinary proceedings arising from an allegation of dating violence, domestic violence, sexual assault or stalking.
- 6) The school will make every attempt to seek the identification and location of witnesses.
- 7) The school will provide written notification to the victim about the availability of, and contact information for, on- and off-campus resources and services, and coordination with law enforcement, as appropriate.
- 8) The participation of victim advocates and other supporting people is encouraged. Advocates offer sexual assault victims information and emotional support. The school will offer assistance to the victim in obtaining an advocate.
- 9) The school will investigate any allegation that alcohol or drugs were involved in the incident.

- 10) An individual who participates as a complainant or witness in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for a violation of the institution's student conduct policy at or near the time of the incident, unless the institution determines that the violation was egregious, including, but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty.
- 11) A campus Executive Director who receives a report of a sexual offense (dating violence, domestic violence, sexual assault and stalking), will notify the UEI College Title IX Coordinator for further action under the UEI College's Title IX policy and procedures. The Title IX Coordinator has primary authority for investigating sex offenses.
- 12) A comprehensive, trauma-informed training program is provided for campus officials involved in investigating and adjudicating sexual assault, domestic violence, dating violence, and stalking cases.
- 13) Voluntary Reporting and Confidentiality: Reports about sex offenses do not have to be formal signed complaints. Information may be provided in confidence to the campus Executive Director or Title IX Coordinator. He/she will make every attempt to maintain privacy in accordance with FERPA regulations unless required by law to disclose the victim's identity to protect the safety of others. UEI College will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations and protective measures. The victim will be informed if the institution cannot maintain the requested confidentiality of the information.

## **Additional Information regarding the Intimate Partner and Dating Violence Outreach Program**

### **The warning signs of intimate partner and dating violence**

**Demand details about how you spend your time.** While it's normal for a partner to express interest in your day, it's not okay for a partner to demand to know where you are and who is spending time with you every minute of the day—or to limit with whom you spend time.

**Restrict contact with family or friends. (Isolation)** Sometimes abusive partners will force someone to cut ties with family or friends who don't approve of the relationship. Remember that who you trust and spend time with is your choice.

**Criticize you or what's important to you.** Partners who put you down or belittle your beliefs are not respectful partners. While it's healthy to have challenging conversations about ideas, it's not OK to tell someone that their thoughts, opinions, or bodies are not important.

**Control what you wear or what you look like.** Partners should not place restrictions on your clothes, makeup, hair, or other aspects of your physical body. This includes forcing you to eat a certain way to engage in certain exercise routines.

**Touch you in public without permission.** If a partner grabs or pinches you in front of friends or family when you've asked them not to, or insists on public displays of affection that you're not comfortable with, this is a sign of ignoring your boundaries.

**Coerce or pressure you into physical activity.** Coercion can include using phrases such as "If you really loved me, you would sleep with me." In the LGBTQ community, pressuring someone to "prove" their sexuality is also a form of coercion.

**Ignore or violate your physical boundaries.** Setting clear boundaries about physical intimacy is part of a healthy relationship. If pumping the breaks or asking to stop an activity is seen as "silly" or "lame," these might be warning signs that a partner won't respect your boundaries down the road.

**Control your reproductive choices.** Refusing to use a condom, lying about using forms of birth control, or forcing someone to take a hormonal birth control—these are all signs that a partner does not respect the choices you are making for your body and your future.

Source: <https://www.rainn.org/news/early-warning-signs-dating-violence>

### **Campus policies and resources relating to Intimate Partner and Dating Violence**

UEI College strives to maintain safe campuses and takes any form of sexual harassment or assault seriously. In accordance with California Education Code § 67386, UEI College's has adopted a policy concerning sexual assault, domestic violence, dating violence, and stalking, as defined in the federal Higher Education Act of 1965 ( 20 U.S.C. Sec. 1092(f) ), involving a student, both on and off campus. Additionally, UEI College campuses are in compliance with the Violence Against Women Reauthorization Act of 2013 or VAWA. We have taken steps to prevent any type of sexual violence including, but not limited to, Intimate Partner and Dating Violence from occurring on our campuses.

Intimate Partner and Dating Violence are prohibited at UEI College and any of its campuses.

Resource:

<https://www.breakthecycle.org/learn-about-dating-abuse>

<https://www.rainn.org/articles/intimate-partner-sexual-violence>

### **Off-campus resources and centers relating to Intimate Partner and Dating Violence**

- Please see the Campus Executive Director for Notification of Resources for off-campus agencies.

### **Prevention and bystander intervention training as it related to Intimate Partner and Dating Violence**

**Tools for the Prevention of Intimate Partner and Dating Violence:**

- **Know the warning signs of intimate partner and dating violence (Stated Above)**

- **Build Positive and Healthy Relationships**
  - All healthy relationships – family, friendship, classmate, work and romantic are important and can help everyone to feel healthier, happier, and more satisfied with their lives. Healthy relationships can offer a person encouragement and support in the bad times and can help celebrate success and accomplishments in the good times. Everyone needs a cheerleader!
  - **Healthy relationships have the following characteristics:**
    - Respect for each other
    - Ability to resolve conflicts
    - Privacy and trust
    - Encourage and support
  - **Healthy relationships do not have the following characteristics:**
    - Disrespectful behavior to others
    - Constant arguing
    - Gossip and talking negatively about each other
    - Discouragement when working towards an accomplishment
    - Having positive and healthy relationships is a way of preventing dating violence and intimate partner violence.

### **Bystander Intervention for Intimate Partner and Dating Violence**

Bystanders are the largest group of people involved in criminal incidents – they greatly outnumber both the perpetrators and the victims. Bystanders have a range of involvement in an incident. Some know that a specific incident is happening or will happen; some see an incident or potential incident in progress.

Regardless of how close to the incident they are, bystanders have the power to stop Intimate Partner and Dating violence from occurring and to get help for people who have been victimized. If you find yourself in this situation, follow the below Tips and Options for intervening in a situation potentially involving a crime.

#### **Tips & Options:**

- Approach everyone as a friend
- Try to split up the parties involved
- Do not be antagonistic
- Redirect the focus of one person somewhere else
- Avoid using violence
- Be honest and direct whenever possible
- Recruit help if necessary
- Keep yourself safe