

# NewSchool of Architecture & Design

## Part I. Annual Security Report

December 1, 2020

(Reflecting Statistics for 2019 Reporting Period)

The NewSchool of Architecture & Design (“NewSchool”) complies with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the “Clery Act”), codified at 20 USC 1092 (f) as a part of the Higher Education Act of 1965 and applicable amendments. The Clery Act is a federal law that requires colleges and universities to disclose annual campus crime statistics and security policies. NewSchool also complies with the Violence Against Women Reauthorization Act of 2013 (“VAWA”). This Annual Security Report is developed in conjunction with NewSchool’s Emergency Response Plan. This report is distributed to all currently enrolled students (including those attending less than full-time), all faculty and all employees by December 31st. Printed copies of this report are also provided upon request. The full text of this report can be located on our web site at <https://newschoolarch.edu/admissions/newschool/campus-facilities/campus-safety/>.

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## **1 Statement Addressing Issuing Timely Warnings**

In the event that a crime or safety-related incident arises, either on- or off-campus that has been reported to campus security authorities or local law enforcement and deemed by the President to constitute a serious or ongoing/continuing threat to students and employees, a campus-wide “timely warning” will be issued. The warning will be issued by the President or designee through the college e-mail system to students, faculty, and staff.

Depending on the particular circumstances of the crime, especially in all situations that could pose an immediate threat to the campus community and individuals, the President’s Office may also post a notice on the campus-wide electronic bulletin board or Everbridge Emergency Notification System providing the campus community with more immediate notification. The electronic bulletin board is immediately accessible via computer by all faculty, staff and students.

The decision to issue a timely warning is made, without delay, on a case-by-case basis in consideration of all the factors surrounding an incident. These factors include, but are not limited to, the nature of the crime, the nature of a continuing threat to the campus community, whether a report of the crime is received in a timely manner and mitigating any risk of compromising law enforcement efforts.

Anyone with information warranting a timely warning should report the circumstances to the Facilities Manager or Director of Human Resources, or in person at the main reception desk at 705 Park Blvd, San Diego, CA 92101.

## **2 Emergency Response and Evacuation Procedures**

NewSchool of Architecture & Design is committed to supporting the welfare of its students, faculty, staff, and visitors. Preparing a Campus Crisis/Incident Response Plan and allocating resources to respond to possible emergencies is one way in which NewSchool offers this support. To accomplish these objectives, NewSchool has developed an Emergency Response Plan (“ERP”).

The plan is fashioned in accordance with appropriate laws, regulations and policies that govern crisis/emergency preparedness and reflects the best and current thinking in this area. The Emergency Response Plan is designed to maximize human survival and preservation of property, minimize danger, restore normal operations of the university, and assure responsive communications with the campus, surrounding community, and the City of San Diego. The plan is set in operation whenever a natural or induced emergency affecting NewSchool reaches proportions that cannot be handled by established measures. A crisis may be sudden and unforeseen, or there may be varying periods of warning. This plan is intended to be sufficiently flexible to accommodate contingencies of all types, magnitudes, and duration.

As soon as NewSchool has confirmed that a significant emergency or dangerous situation exists, the safety of the campus community will be taken into account, a determination of what information to release about the situation will be made, and the notification process will be initiated. NewSchool will not immediately issue a notification for a confirmed emergency or dangerous situation only if doing so in the professional judgment of responsible authorities would compromise efforts to assist the victim, contain or respond to the emergency, or otherwise mitigate the emergency. NewSchool will without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgement of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

The Emergency Response and Recovery Team (“ERRT”) Leaders are responsible for the overall development, review, update, and execution of the Emergency Response Plan. The full ERRT responds and coordinates as directed by the ERRT Leader and each ERRT member has pre-identified roles, responsibilities and duties which are outlined in the ERP. The Director of Human Resources and Facilities Manager are responsible for the oversight and facilitation of NewSchool emergency preparedness training, exercises, and drills. NewSchool Key Personnel for emergency response and recovery includes the President, Director of Student Affairs, Facilities, Security, Public Relations, Human Resources, and Information Technology.

Every situation is unique and must be assessed on a case-by-case basis using the information that is known and/or becomes available as the event and circumstances unfold. All decisions concerning the discontinuation of NewSchool functions, cancellation of classes, or cessation of operations rest with the President/CAO or his/her designee.

### **Emergency Notification System**

The most important function of any emergency plan is the ability to quickly communicate information to potentially affected individuals. To that end, NewSchool has implemented a notification system that simultaneously sends e-mail, voice announcements, and text messages. NewSchool utilizes Everbridge as its emergency notification software to notify all students, faculty, staff, visitors, and parents of emergency events and critical information and updates. This externally hosted, web-based system allows administrators to record and immediately transmit messages to phone numbers and e-mail addresses

through text, voice and fax. In the event of a campus emergency, including weather and campus closings, students, faculty and staff members will receive emergency messages on wired and wireless telephones, cell phones and computers. If no one answers the phone, a message will be left in the end user's voice mail. To ensure that the system is operating properly and contains accurate contact information, NewSchool will test its emergency notification software at least once per calendar year, at which time it will also publicize the overall emergency response and evacuation procedures. During 2019, NewSchool conducted the following tests of its Everbridge emergency notification system:

- Unannounced Fire Drill Notification on March 5, 2019 at 10:00 AM – 10:15 AM, and
- Unannounced Earthquake Drill Notification on October 17, 2019 at 10:17 AM – 10:30 AM

Annual emergency contact information for the Notification System is collected from students, faculty, and staff. Each individual is required to ensure that their emergency contact information is updated. Every member of the NewSchool community is asked to verify and/or update their contact information any time there is a change. Student updates may be made through a link housed on My NewSchool of Architecture & Design at any time at <https://my.newschoollarch.edu>. Employees may update their information at: <https://identity.trinet.com/>.

In addition to Everbridge, NewSchool may also utilize a siren system, public announcement system and/or Floor Captains to communicate an emergency situation.

The NewSchool Director of Marketing and Communications, in conjunction with other teams, coordinates with local media ensuring timely release of available information to the campus community and the larger community. Informational updates and advisories may be disseminated on the NewSchool website and by other means as the situation requires and NewSchool determines is the best to ensure current, factual communications.

### **Site Evacuation Procedures**

NewSchool's campus buildings have established evacuation procedures in place as required by federal and California regulations. Fire evacuation routes, posted at conspicuous locations, serve to mitigate other hazards as well. Building evacuation procedures are implemented any time a hazardous situation exists or may exist within a building jeopardizing the safety of the occupants. The Evacuation Area Team is responsible to ensure everyone is notified of the evacuation and in the process of leaving the building. Each building's evacuation procedures include designated Assembly Points.

## **3 Preparation of Disclosure of Crime Statistics**

NewSchool of Architecture & Design Facilities Department prepares this report in cooperation with local law enforcement agencies to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The full text of this report can be located on our web site NewSchool [Campus Safety](#).

Campus crime, arrest and referral statistics include those reported to designated campus officials (including but not limited to directors, department heads, designated staff, judicial affairs, and advisors to students/student organizations), and local law enforcement agencies.

Each year, an e-mail notification is made to all enrolled students, faculty and staff with the web site to access this report. Copies of the report may also be obtained from the Facilities Manager. Prospective employees

may obtain a copy from Director of Human Resources at 705 Park Blvd, San Diego, CA 92101 or 619-684-8813.

#### **4 How to Report Criminal Offenses**

Dial 9-1-1 for emergencies only. Report a crimes or suspicious activity to the following areas:

Facilities Manager	619-684-8886	Hang Ten building
Campus Security	619-836-9068	All campus 24/7
Non-Emergency Police	619-531-2000	SDPD
Non-Emergency Fire	619-533-4300	SDFD

NewSchool of Architecture & Design encourages anyone who is the victim or witness to any crime to promptly report the incident to the police. Police reports are public records under state law and cannot be held in confidence.

All reports will be investigated. NewSchool of Architecture & Design does not have procedures for voluntary, confidential reporting of crime statistics. Violations of the law will be referred to law enforcement agencies and when appropriate, to the President for review. When a potentially dangerous threat to the school's community arises, timely reports or warnings will be issued through e-mail announcements, the posting of flyers at local campuses, in-class announcements, or other appropriate means.

#### **5 Campus Facilities, Security, Maintenance, and Access**

During business hours, all facilities will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours, access to all facilities is by key, if issued, or by admittance via the staff.

Campus buildings and equipment are maintained by NewSchool Facilities management personnel and are patrolled 24/7 by security officers. The Facilities team is dedicated to maintaining a safe and attractive campus environment through quality maintenance and repair. Campus buildings and equipment are inspected regularly, needed repairs are promptly made, and any potential hazards are promptly addressed.

#### **6 Law Enforcement Authority and Crime Reporting**

Campus security officers have the authority to ask persons for identification and to determine whether individuals have lawful business on campus. However, campus security officers do not have the authority to make arrests. Criminal incidents are referred to the local police, who have jurisdiction on the campus. However, NewSchool does not have a written memorandum of understanding with local law enforcement. The Director of Human Resources and Facilities Manager maintain a highly professional working relationship with the local police. All crime victims and witnesses are strongly encouraged to immediately report a crime. Prompt reporting will assure timely warning notices on-campus and timely disclosure of crime statistics.

All incident reports are forwarded to the Director of Human Resources for review and potential action by the student judicial body. Investigators will investigate a report when it is deemed appropriate. NewSchool does not have procedures to receive voluntary, confidential crime reporting.

The NewSchool Facilities Manager maintains Daily Activity and Incident Reports for the entire campus. The reports are available for viewing at the office of the Facilities Manager.

If a sexual assault or rape should occur, staff on the scene will offer the victim a wide variety of services. Students, staff and faculty may contact the Center for Community Solutions (“CCS”).

CCS is a member of the San Diego County Sexual Assault Response Team (“SART”).

24-Hour Toll Free Crisis Line:	888-DVLINKS (385-4657)
Coastal Location:	858-272-5777
La Mesa Location:	619-697-7477
North County Location:	760-747-6282

## **7 Crime Awareness and Prevention Programs for Students and Employees**

Crime Awareness and Prevention Programs on personal safety and theft prevention are provided for students, parents, faculty, and at student and new employee orientations, providing a variety of educational strategies and tips on how to protect oneself or others from sexual assault, theft and other crimes. Additionally, new and current students are offered Sexual Assault Prevention and Alcohol and Drug Abuse online training. New and current employees are provided Title IX and Clery Act Training as well.

## **8 Policies Regarding Criminal Activity Off Campus**

NewSchool does not have any officially recognized student organizations who engage in off-campus activities. Additionally, the university does not provide security services and does not monitor or record criminal activity of students that occur off-campus.

## **9 Policies Regarding Alcoholic Beverages and Illegal Drugs**

### **NewSchool Alcohol and Other Drug Policy**

The Drug Free Schools and Communities Act Amendments of 1989, as articulated in the Education Department General Regulations (EDGAR) Part 86, the “Drug Free Schools and Campuses Regulations,” require institutions of higher education (IHEs) to develop and implement programs to prevent the abuse of alcohol and the use of illicit drugs by students and employees. In addition, IHEs are required to provide annual notification of the provisions of their alcohol and drug abuse prevention programs to students, faculty, and employees and to conduct biennial reviews of the programs and their effectiveness.

### **Standards of Conduct**

NewSchool maintains a drug-free campus environment. Students, faculty, and staff are strictly prohibited from misusing controlled substances, intoxicants, alcohol, and prescription drugs while working, participating in the on-line classroom, or other university-sponsored activities.

NewSchool recognizes the prevalence of drug and alcohol use and abuse within contemporary North American and world culture. In consideration of NewSchool’s educational mission, we are committed to fostering an environment in which trust, and open dialogue facilitate a mature and responsible engagement with issues, concerns, and problems related to drug and alcohol use. Illegal drug and alcohol use and abuse on campus pose a serious threat to the health, welfare, work, and educational progress of faculty, staff, and

students and conflict with the NewSchool's responsibility to foster a healthy atmosphere for the pursuit of education, research, and service.

### **NewSchool Alcohol and Other Drug Policy**

NewSchool supports the responsible use of alcohol as described herein. NewSchool also supports the occurrence of non-alcoholic and drug-free activities. All students, as a condition of continued registration and enrollment, shall abide by the following:

- Students are expected to obey all state and Federal laws governing alcohol and other drug use, possession, consumption, transfer, sale, and distribution; this policy includes state or federally controlled substances as well as legal prescription drugs.
- Use, possession, or consumption of alcohol is prohibited in, classrooms, academic buildings, studios, or public areas, (e.g., corridors, lobbies, lounge areas, parking lots). The use, possession, or consumption of alcohol is prohibited at events primarily directed at the general student population and/or their families, unless approved in advance in writing by the President or designee pursuant to NewSchool policy.
- The illegal use of drugs is prohibited.
- Open containers of alcohol are prohibited.
- Students shall not attend class, participate in academic out-of-classroom activities or report for scheduled work shifts while under the influence of alcohol and/or other drugs not legally prescribed for them.
- The marketing of alcoholic beverages and/or other drugs on the NewSchool campus is prohibited.
- Any students engaging in an action that is disruptive to the community or violates any other listed NewSchool policies, while under the influence of alcohol or other drugs, shall be in violation of the Alcohol and Other Drug Policy.

Sponsors of NewSchool department and/or off-campus functions, which include faculty, staff, and students, are expected to comply with all provisions of this policy and with state laws governing the consumption by or service of alcohol to minors and persons who appear intoxicated. Faculty and staff are prohibited from hosting events on- or off-campus that include the illegal use of alcohol or other drugs. Failure to comply with the Alcohol and Other Drug Policy may result in disciplinary sanctions as outlined below. See Disciplinary Actions beginning on Page 10.

### **Legal Sanctions**

#### *State and Municipal Laws and Ordinances*

The following provisions of the state and municipal law have guided NewSchool in the formulation of its Drug and Alcohol Prevention Program and its Alcohol and Other Drug Policy. Please note this list is not a complete summary of relevant laws and ordinances.

- The purchase, possession, or consumption of alcoholic beverages (including beer and wine) by any person under the age of 21 is prohibited.
- The selling, either directly or indirectly, of alcoholic beverages (including beer and wine) except under the authority of a California Alcoholic Beverage Control Board license is prohibited. This includes selling glasses, mixes, ice, tickets for admission, etc.
- The serving of alcohol to an intoxicated person is prohibited.

- The serving of alcohol to someone to the point of intoxication is prohibited.
- The manufacture, use, or provision of a false state identification card, driver's license, or certification of birth or baptism is prohibited.
- The act(s) of being drunk and disorderly in public view, including on public sidewalks and walkways, is prohibited.
- The consumption of alcoholic beverages in a public place (unless licensed for consumption of alcohol on the premises) is prohibited. This includes a prohibition of alcoholic beverages in public areas of academic facilities, recreation fields, university housing corridors and lounges.
- The act of driving a motor vehicle or a bicycle while under the influence of alcohol is prohibited.
- The possession of an alcoholic beverage in an open container in a motor vehicle or on a bicycle is prohibited regardless of who is driving or whether one is intoxicated.

### **State and Federal Criminal Sanctions**

The following is a brief summary of the state and federal criminal sanctions that may be imposed upon someone who violates the alcohol and other drug policy at NewSchool or elsewhere in the state of California.

- A violation of California law for the unlawful sale or furnishing of alcohol may include imprisonment in the county jail for a minimum of six months, plus fines and penalties.
- A violation of California law for the use of alcohol by obviously intoxicated individuals will vary with the particular circumstances but may include imprisonment in the county jail and substantial fines and penalties. Additionally, minors who are arrested for violations concerning the use of alcohol run the risk of having their driving privileges suspended or revoked.
- A violation of California law for the possession, use and/or sale of narcotics and/or other illicit drugs includes imprisonment in the county jail or state prison for up to four years, plus fines up to \$2,000 for each count.
- A violation of federal law for the possession, use and/or sale of narcotics, marijuana and/or other illicit drugs may include imprisonment in the federal penitentiary for one to twenty years plus substantial financial penalties.
- The range of penalties for conviction of unlawful distribution of illicit drugs under federal law is summarized in the schedules of federal drug trafficking penalties that can be found online at the following website: <https://www.dea.gov/pr/legis.shtml>

A violation of the law involving an individual being under the influence of a combination of alcohol and other drugs (itself potentially deadly), may result in an increase in criminal sanctions and penalties.

### **HEALTH RISKS**

NewSchool recognizes that alcohol and other drug (including prescription drugs) abuse is a persistent social and health problem of major proportion in society.

- Health risks associated with the use of illicit drugs and the abuse of alcohol can result in, but are not limited to, a lowered immune system, damage to critical nerve cells, physical dependency, lung damage, heart problems, liver disease, physical and mental depression, increased infection, irreversible memory loss, personality changes and thought disorders.
- Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of



alcohol also increases the incidence of a variety of aggressive acts, including spouse and child abuse.

- Moderate to high doses of alcohol cause 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.
- Mothers 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 than other youngsters of becoming alcoholics.
- Marijuana contains THC (Delta-9-tetrahydrocannabinol) which accounts for most of its psychoactive or mind-altering effects. The short-term effects of using marijuana include sleepiness, memory and concentration problems, impaired motor coordination, increased heart rate, dry mouth and throat, and decreased social inhibitions. The long-term effects of using marijuana include impaired lung functioning, sexual problems, breast tissue development in men, and possible immune system damage.
- Stimulants increase the activity of the central nervous system. Examples include amphetamines, methamphetamines, cocaine, and crack which cause short-term elevations in mood, self-confidence, energy, heart rate and blood pressure. Potential difficulties associated with the more powerful stimulants such as these include possible physical addiction, psychoses, severe depressions, and anxiety syndromes such as panic attacks and obsessions. Additional health risks include seizures and cardiac arrest.
- Hallucinogens are substances that distort perception of reality. The most well-known hallucinogens include: phencyclidine (PCP), lysergic acid diethylamide (LSD), mescaline, and psilocybin. Under the influence of these drugs, the senses of direction, distance, and time become disoriented. They can produce unpredictable, erratic, and violent behavior in users that sometimes lead to serious injury and death. At high doses, LSD can cause convulsions, coma, heart and lung failure, and even death.
- Sedatives/Tranquilizers are drugs used to reduce anxiety and tension. In some cases, they are used as sleep aids as well. Like alcohol, these drugs are central nervous system depressants. Examples include barbiturates such as amytal, Nembutal, and Seconal, as well as benzodiazepines such as Ativan, Halcion, Librium, and Xanax. Rohypnol, a date rape drug, also falls into this category. Although specific effects may vary according to the particular drug, these drugs typically induce a state of relaxation and drowsiness. At high doses, dizziness, slurred speech, impaired coordination, and amnesia may occur. Health hazards include risk for addiction and coma and/or death from overdose.
- Narcotics are painkillers or analgesics. These drugs include morphine, heroin, codeine, and dilaudid, all of which are derived from opium. Synthetic narcotics include drugs such as Demerol, Percodan, and Darvon. These drugs tend to reduce sensory feeling and sensitivity of all kinds, to pleasure as well as pain. In large doses, they induce drowsiness, mental clouding, lethargy, and even sleep. They are highly addictive. Overdose risks include convulsions, coma, and death.

- Anabolic steroids are synthetic derivatives of the male hormone testosterone. These derivatives of testosterone promote the growth of skeletal muscle and increase lean body mass. The long-term, high dose effects of steroid use are largely unknown. Major side effects of anabolic steroid use include liver tumors, jaundice, fluid retention, high blood pressure, acne, and trembling. Aggression and mood swings as well as other psychiatric side effects may result from their abuse.
- Students, faculty, and staff should note that the above listing is not intended as all-inclusive. Further information may be gathered from a physician.

## **DRUG AND ALCOHOL TREATMENT PROGRAMS**

In recognition of the dangers of substance abuse on campus, NewSchool maintains alcohol and drug-free awareness programs to inform members of the college community about the issues and risks of substance abuse and about available counseling and treatment resources on campus and in the local community.

In addition, there are drug or alcohol counseling, treatment and rehabilitation facilities available in our area where you can seek advice and treatment. The internet is an excellent source for resources. Look under the heading “Drug Abuse and Addiction – Information and Treatment.”

Employees may also contact the Employee Assistance Program at 1-888-893-5893 or [www.feibh.com/trinet](http://www.feibh.com/trinet). There are also national organizations one can contact for help:

- The National Institute on Substance Abuse and Mental Health Helpline is a free, confidential, 24/7, 365 day-a-year treatment referral and information service (in English and Spanish) for individuals and families facing mental and/or substance use disorders, 1-800-662-4357.

## **DISCIPLINARY SANCTIONS**

### **Statement of Institutional Sanctions**

Violation of the NewSchool Alcohol and Other Drug Policy and/or any municipal, state, or federal law or regulation may result in a disciplinary action, up to and including termination of an employee or dismissal of a student, even for a first-time offense.

In addition to the sanctions imposed by NewSchool, individuals who have violated local, state, and federal law regarding possession, use, and/or distribution of alcohol and other drugs may be referred by the school to the appropriate authorities for arrest and prosecution.

## **10 Missing Student Policy for Students Residing at Campus-Affiliated Housing**

The purpose of the NewSchool Missing Person’s Policy is to establish procedures for its response to a report of a missing student as required under the Higher Education Opportunity Act (HEOA) of 2008.

The HEOA of 2008 requires institutions of higher education to establish formal notification procedures for students who reside in student housing and are reported as missing.

If any member of the NewSchool community has reason to believe that a student may be missing, s/he should immediately notify the Student Life Office at 619-684-8825. This policy applies to students who reside in student housing, including off-campus apartment units leased by NewSchool for student residences and found to be missing or absent from NewSchool for a period of more than 24 hours without any known reason or which may be contrary to usual patterns of behavior.

A student will be considered missing immediately, if his/her absence has occurred under circumstances that are suspicious or cause concerns for her/his safety. Such circumstances could include but are not limited to: reports or suspicions of foul play, suicidal thoughts, drug use, any life-threatening situations, or where a student may be known to be with individual(s) who may endanger the welfare of the student.

Each student living in student housing has the option to designate a confidential contact person. This person will be notified by the Director of Student Affairs in the event a residential student is ever determined to be missing, no later than 24 hours after determining a student is missing. Furthermore, students will be notified that their emergency contact information will also serve as their missing student contact information, unless the student directs otherwise. An emergency contact designee will remain in effect until changed or revoked by the student. Only authorized campus officials and law enforcement officers, in furtherance of a missing person investigation, may have access to this information.

If a student is less than 18 years of age and not emancipated, his/her custodial parent or guardian will be called in addition to the emergency contact(s).

#### **Official Notification Procedures for Missing Persons**

1. Any individual on campus who has information that a residential student may be a missing person must notify the Student Life Manager the Student Life Office located in the Old Main building office M220 or at 619-684-8825 as soon as possible.
2. The Student Life Office will gather information about the residential student from the reporting person and from any of the student's acquaintances.
3. Appropriate campus staff will be notified to aid in the search for the student.

If the above actions are unsuccessful in locating the student within 24 hours of the report or it is apparent immediately that the student is a missing person (e.g., witnessed abduction), NewSchool will contact the San Diego Police Department to report the student as a missing person, and the San Diego Police Department will take over the investigation.

No later than 24 hours after determining that a residential student is missing, the Director of Student Affairs shall notify the missing student contact and/or the emergency contact (contact is contingent upon the correct emergency contact information) that the student is believed to be missing.

Senior Administration will be notified in accordance with this Policy.

## **11 Disclosures to Alleged Victims of Crimes of Violence or Non-Forcible Sex Offenses**

NewSchool of Architecture & Design will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense (incest or statutory rape), the results of any disciplinary hearing conducted by the college against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, the information will be provided to the victim's immediate family, if so requested.

## **12 Preventing and Responding to Sexual Assault (Sex Offenses), Domestic Violence, Dating Violence and Stalking**

### **12.1 Education and Awareness Programs**

NewSchool of Architecture and Design believes that all members of the University community should be free from all acts of sexual misconduct, including sexual assault, sexual harassment and discrimination, sexual exploitation, relationship violence, and stalking. All members of the NewSchool community and all visitors, regardless of sex, gender, sexual orientation, gender identity, or gender expression are advised that any sexual misconduct by any student, employee, or third party is prohibited. Any attempt to commit sexual misconduct, or to assist or willfully encourage any such act, is a violation of this Policy. Sexual misconduct is contrary to the basic values of NewSchool, which include promoting a sense of community, fostering learning, instilling integrity, and achieving excellence. NewSchool is committed to providing for the prompt and equitable resolution of all complaints of sexual misconduct.

This Policy applies to all complaints of sexual misconduct in NewSchool's education programs and activities. It prohibits conduct that: occurs on campus or other University property; occurs in connection with NewSchool's educational programs or activities, whether on or off-campus; or otherwise affects the University community. This Policy prohibits sexual misconduct by all third parties (including but not limited to visitors, guests, volunteers and contractors) on NewSchool's campuses and during university activities. It also applies to applicants for admission to, or employment with, NewSchool.

Violations of this policy may result in disciplinary action up to and including removal from the University for students and termination of employment for faculty and staff. When used in this Policy the term "complainant" refers to a person claiming that a violation of this Policy occurred, and the term "respondent" refers to a person accused of violating this Policy.

NewSchool of Architecture & Design educates the student community about sexual assaults, dating violence, domestic violence, sexual harassment and stalking<sup>1</sup> through various programs and services delivered by student counseling and advising.

Specifically, as part of these services, the NewSchool of Architecture & Design offers educational programs to raise awareness of all incoming students and employees, as well as ongoing prevention and awareness programs aimed at current students and employees. These programs, and others offered throughout the year, include strong messages regarding not just awareness, but also primary prevention, and discuss institutional policies on sexual misconduct. The programs include the following:

- a statement that the institution prohibits domestic violence, dating violence, sexual assault, and stalking;
- the definition of domestic violence, dating violence, sexual assault, and stalking in the applicable jurisdiction;
- the definition of consent, in reference to sexual activity, in the applicable jurisdiction;
- safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than such individual;

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<sup>1</sup> As those terms are defined for purposes of the Clery Act in §21 of this report.

- information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks; and
- bystander empowerment training that highlights the need for those who intervene to ensure their own safety in the intervention techniques they choose and motivates them to intervene as stakeholders in the safety of the community when others might choose to be bystanders. Bystander engagement is encouraged through safe and positive intervention techniques and by empowering third-party intervention and prevention such as calling for help, using intervention-based apps, identifying allies, and/or creating distractions.

## **12.2 Procedures Students Should Follow if a Sex Offense Occurs**

If you are a victim of a sexual assault at this institution, your first priority should be to get to a place of safety. You should then obtain necessary medical treatment. NewSchool of Architecture & Design strongly advocates that a victim of sexual assault report the incident in a timely manner. Time is a critical factor for evidence collection and preservation. An assault should be reported directly to Campus Security or Director of Student Affairs. Filing a police report will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers. Filing a police report will:

- ensure that a victim of sexual assault receives the necessary medical treatment and tests, at no expense to the victim;
- provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam);
- assure the victim has access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention.

Various counseling options are available through the advising office. Counseling and support services may also be obtained through the Center for Community Solutions (“CCS”).

For your safety and well-being, immediate medical attention is encouraged. Further, being examined as soon as possible, ideally within 120 hours, is important in the case of rape or sexual assault. Typically, the hospital will arrange for a specific medical examination at no charge or can work with you to arrange state reimbursement.

- To preserve evidence, it is recommended that you do not bathe, shower, douche, eat, drink, smoke, brush your teeth, urinate, defecate, or change clothes before receiving medical attention. Even if you have already taken any of these actions, you are still encouraged to have prompt medical care, and evidence may still be recoverable.
- Typically, if police are involved or will be involved, they will obtain evidence from the scene, and it is best to leave things undisturbed until their arrival. They will gather bedding, linens or unlaundered clothing, and any other pertinent articles that may be used for evidence. It is best to allow police to secure items in evidence containers, but if you are involved in transmission of items of evidence, such as to the hospital, secure them in a clean paper bag or clean sheet to avoid contamination.
- If you have physical injuries, photograph or have them photographed, with a date stamp on the photo.

- Record the names of any witnesses and their contact information. This information may be helpful as proof of a crime, to obtain an order of protection, or to offer proof of a campus policy violation.
- Try to memorize details (e.g., physical description, names, license plate number, car description, etc.), or even better, write notes to remind you of details, if you have time and the ability to do so.

If you obtain external orders of protection (e.g., restraining orders, injunctions, protection from abuse), please notify Campus Security or the campus Title IX Coordinator so that those orders can be observed on campus.

NewSchool’s Title IX Coordinator is the Responsible Employee designated to receive reports of sexual violence, sexual harassment, or sexual discrimination. The Title IX Coordinator will assist the student in reporting the incident and will coordinate the appropriate university response.

NewSchool’s Title IX Coordinator

Prisca Bermudez

Phone: 619-684-8876

Email: [pbermudez@newschoolarch.edu](mailto:pbermudez@newschoolarch.edu)

NewSchool’s Deputy Title IX Coordinator

Marcy Madix

Phone: 619-684-8813

Email: [mmadix@newschoolarch.edu](mailto:mmadix@newschoolarch.edu)

Students, faculty, and staff members have the right to file both a criminal complaint and a Title IX complaint simultaneously.

To file a criminal complaint please contact the local police department:

San Diego Police Department

Central Division

2501 Imperial Avenue

San Diego, CA 92102

619-744-9500

More information on Title IX can be found at:

<https://newschoolarch.edu/admissions/newschool/campus-facilities/campus-safety/> and

<https://newschoolarch.edu/campus-life/division-of-student-affairs/title-ix/>.

Furthermore, the NewSchool of Architecture & Design’s policy is to provide victims of sexual offenses, domestic violence, dating violence, sexual assault, or stalking, with the following information in writing:

- i. The importance of preserving evidence for proof of criminal domestic violence, dating violence, sexual assault, or stalking, or in obtaining a protection order;
- ii. To whom the offense should be reported;
- iii. Options regarding reporting, including law enforcement and campus authorities to:

- a. Notify victim of the option to notify on-campus and local police;
  - b. Assist the victim if they choose to notify law enforcement; and;
  - c. Give the victim the right to decline to notify such authorities.
- iv. Rights of victims and institutional responsibilities on orders of protection, no contact orders, restraining orders, or similar lawful orders issued by criminal, civil, or tribal courts.
- v. Procedures for institutional disciplinary action in cases of domestic violence, dating violence, sexual assault, or stalking, which includes a clear statement that:
  - a. Proceedings will provide a prompt, fair, and impartial investigation and resolution; be conducted by officials who receive annual training on issues related to domestic violence, dating violence, sexual assault, and stalking; and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
  - b. The accuser and accused are entitled to the same opportunities to have a support person/advisor of their choice at any proceeding or related meeting.
  - c. The accuser and accused must be simultaneously informed in writing of:
    - The outcome of any institutional disciplinary proceeding that arises from an allegation of domestic violence, dating violence, sexual assault, or stalking.
    - The institution's procedures for appealing the results of the proceeding.
    - Any change to the results that occur prior to the time that such results become final.
    - When such results become final.
- i. Information about how confidentiality of victims will be protected, including how publicly available recordkeeping will be accomplished without including identifying information about the victim, to the extent possibly by law
- ii. Written notification of students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available for victims both on-campus and in the community.
- iii. Written notification to victims about options for, and available assistance in, changing academic, living, transportation, and working situations or protective measures, if requested by the victim and if reasonably available, regardless of whether the victim chooses to report the crime to campus security or local law enforcement.

Student victims have the option to change their academic and/or off-campus university housing living situations after an incident of alleged sexual misconduct, if such changes are reasonably available.

For a student or employee who reports to the NewSchool of Architecture & Design that s/he has been a victim of domestic violence, dating violence, sexual assault, or stalking, whether it occurred on or off-campus, it is NewSchool's policy that he or she will be provided with a written explanation of his or her rights and options, as described above.

### **13 Student's Option to Notify Law Enforcement**

When a sexual assault victim contacts Campus Security, the Title IX Coordinator, or the Director of Student Affairs, the local police will be notified as well. The victim of a sexual assault may choose for the investigation to be pursued through the criminal justice system and NewSchool's Title IX Coordinator, or only the latter. NewSchool will comply with a student's request for assistance in notifying law enforcement.

## 14 Student Services for Victims of Sexual Offenses

Various counseling options are available through the advising office. Counseling and support services may also be obtained through the Center for Community Solutions (“CCS”).

CCS is a member of the San Diego County Sexual Assault Response Team (SART).

24-Hour Toll Free Crisis Line: 888-DVLINKS (385-4657)

Coastal Location: 858-272-5777

La Mesa Location: 619-697-7477

North County Location: 760-747-6282

## 15 Procedures for Campus Disciplinary Action in Cases of an Alleged Sexual Offense

Disciplinary proceedings, as well as special guidelines for cases involving “Sexual Misconduct,” are detailed in the [Student Handbook](#). The term “Sexual Misconduct” is defined in the NewSchool of Architecture & Design’s Title IX and Sexual Misconduct Grievance and Reporting Policy and Procedures. Sexual misconduct includes, but is not limited to, sexual discrimination, sexual exploitation, sexual harassment, sexual assault, relationship violence, and stalking. While NewSchool may use different standards and definitions than state criminal codes, sexual misconduct often overlaps with crimes under applicable criminal codes.

Victims of these behaviors are protected by federal laws, specifically Title IX and the Clery Act, which mandates the contents of this report.

Procedurally, when NewSchool receives a report of sexual misconduct, gender-based violence, or other sex or gender discrimination, the campus Title IX Coordinator is notified. If the victim wishes to access local community agencies and/or law enforcement for support, the university will assist the victim in making these contacts. The Title IX Coordinator will offer assistance to victims in the form of interim or long-term measures such as opportunities for academic accommodations, changes in housing for the victim or the responding student, visa and immigration assistance, changes in working situations, and other assistance as may be appropriate and available on campus or in the community (such as no contact orders, campus escorts, transportation assistance, targeted interventions, etc.). If the victim so desires, that individual will be connected with an off-campus counselor or victim’s advocate. No victim is required to take advantage of these services and resources, but the university provides them in the hopes of offering help and support without condition or qualification. A summary of rights, options, supports, and procedures, in the form of this document, is provided to all victims, whether they are students, employees, guests, or visitors.

When appropriate upon receipt of notice, the Title IX Coordinator will cause a prompt, fair, and impartial process to be initiated, commencing with an investigation, which may lead to the imposition of sanctions based upon a preponderance of evidence (what is more likely than not), upon a responding student or other accused individual. Procedures detailing the investigation and resolution processes of the university can be found in the NewSchool [Student Handbook](#). The anticipated timeline for completion of the process is 60 days, though certain situations may warrant additional time to fully resolve. The University is responsible for assuring in all cases that the behavior is brought to an end and acts to reasonably prevent its recurrence, and the effects on the victim and the community are remedied. The Title IX Coordinator is responsible for assuring that training is conducted annually for all advocates, investigators, hearing officers, panelists, and



appeals officers that encompass a hearing process that protects the safety of victims and promotes accountability. Training will focus on sexual misconduct, relationship violence, sexual assault, stalking, sexual harassment, retaliation, and other behaviors that can be forms of sex or gender discrimination covered by Title IX and Clery Act. Training will help those decision-makers in the process of protecting the safety of victims and promoting accountability for those who commit offenses.

The investigation and records of the resolution conducted by the university are maintained confidentially. Information is shared internally between administrators who need to know, but a tight circle is kept. Where information must be shared to permit the investigation to move forward, the person bringing the accusation will be informed. Privacy of the records specific to the investigation is maintained in accordance with California law and the Federal FERPA statute. Any public release of information needed to comply with the open crime logs or timely warning provisions of the Clery Act will not include the names of a victim or information that could easily lead to a victim's identification. Additionally, NewSchool maintains privacy in relation to any accommodations or protective measures afforded to a victim, except to the extent necessary to provide the accommodations and/or protective measures. Typically, if faculty members or administrators are asked to provide accommodations for a specific student, they are told that such accommodations are necessary under Title IX or the Clery Act, but they are not given any details of the incident, or what kind of incident it is. Irrespective of state law or public records access provisions, information about victims is maintained privately in accordance with Title IX and FERPA.

In any complaint of sexual misconduct, sexual assault, stalking, dating violence, domestic violence, or other sex or gender-based discrimination covered under the Federal law and/or Title IX, the person bringing the accusation and the responding party are entitled to the same opportunities to have a support person/advisor of their choice at any proceeding or related meeting. Both parties will be provided written notice of the outcome of the findings, the sanctions (if any), and the reasons for those findings. NewSchool will inform the parties to the proceeding simultaneously of: the outcome of any institutional disciplinary proceeding that arises from an allegation of domestic violence, dating violence, sexual assault, or stalking, the procedures for appealing the results of the proceeding, any change to the results that occurs prior to the time that such results become final, and when such results become final. All parties will be informed of NewSchool's appeal processes, and their rights to exercise a request for appeal. Should any change in outcome occur prior to finalization, all parties will be timely informed in writing, and will be notified when the results of the resolution process become final.

Both Title IX and the Clery Act provide protections for whistleblowers who bring allegations of noncompliance with the Clery Act and/or Title IX to the attention of appropriate campus administrators. The university does not retaliate against those who raise concerns of non-compliance. Any concerns should be brought to the immediate attention of the campus Title IX Coordinator, Prisca Bermudez, and/or to officials of the U.S. Department of Education. Student victims have the option to change their academic and/or off-campus university housing living situations after alleged sexual misconduct, if such changes are reasonably available.

In all such cases involving "Sexual Misconduct," the accused and the victim will each be allowed to choose one person to accompany them to any hearing. The NewSchool of Architecture & Design uses the "preponderance of evidence" standard of proof in any conduct proceeding related to "Sexual Misconduct." Both the victim and accused will be informed of the outcome of any hearing. A student found guilty of

“Sexual Misconduct” or of violating the Policy could be criminally prosecuted in the state courts and may be suspended or expelled from the NewSchool of Architecture & Design.

For any student or employee who reports to the NewSchool of Architecture & Design that s/he has been a victim of relationship violence, stalking, sexual misconduct, sexual assault, or, whether it occurred on or off-campus, it is the University’s policy that he or she will be provided with a written explanation of his or her rights and options, as described above.

## **16 Written Notification Provided to Victims**

It is NewSchool’s policy to provide a summary of rights, options, supports, and procedures, in the form of the “Statement of Rights and Options for Students Reporting Claims of Sexual Misconduct” document, which is provided to all victims of sexual offenses, whether they are students, employees, guests, or visitors.

## **17 Possible Sanctions for Sexual Offenses**

NewSchool’s disciplinary proceedings, as well as special guidelines for cases involving sexual misconduct, are detailed in the [Student Handbook](#). For offenses including sexual misconduct or other gender-based violence, which typically include the crimes of relationship violence, sexual harassment, sexual misconduct, and stalking, sanctions range from warning to expulsion. Serious and violent incidents and acts of sexual assault (the policy equivalent to the crime of rape) usually result in suspension, expulsion, or termination of employment for employees. Lying to investigators can result in additional consequences under the [Code of Student Conduct](#). Additionally, a student could be criminally prosecuted in state courts. Measures to protect the complainant and provide the complainant with options to avoid contact with the alleged perpetrator, such as a change in academic, living, transportation, dining, and working situation, may be put in place before and after an investigation, as appropriate.

## **18 Confidentiality of Victims of Sexual Offenses**

In the unfortunate event that sexual misconduct occurs, NewSchool will protect the confidentiality of victims and other necessary parties. To that effect, NewSchool will complete publicly available record keeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim. Additionally, the University will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality will not impair the ability of the institution to provide the accommodations or protective measures.

## **19 Sex Offender Registration**

In accordance with the Campus Sex Crimes Prevention Act of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, the following link is provided to the Sex Offender Registry: <http://www.meganslaw.ca.gov/>.

The law requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by a state concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice of each

institution of higher education in that State at which the person is employed, carries a vocation, or is a student.

Additionally, NewSchool is providing a link to the Dru Sjodin National Sex Offender Public Website (NSOPW), coordinated by the U.S. Department of Justice, which is a cooperative effort between jurisdictions hosting public sex offender registries (“Jurisdictions”) and the federal government, and is offered free of charge to the public. These jurisdictions include the 50 states, U.S. Territories, the District of Columbia, and participating tribes. The website provides an advanced search tool that allows a user to submit a single national query to obtain information about sex offenders, a listing of public registry websites by state, territory, and tribe, and information on sexual abuse education and prevention. The Dru Sjodin National Sex Offender Public Website (NSOPW) may be accessed at <http://www.nsopw.gov>. Unlawful use of the information for purposes of intimidating or harassing another is prohibited.

## 20 Privacy Rights

Compliance with any of these provisions does not constitute a violation of section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly known as the “Family Educational Rights and Privacy Act of 1974 (FERPA)”.

## 21 Legal Definitions

**Consent:** Consent is defined at NewSchool as a clear, unambiguous, and conscious agreement expressed in mutually understandable words or actions to voluntarily engage in specific sexual or intimate activity or conduct. Conduct will be considered “without consent” if no clear affirmative consent, verbal or otherwise, is given. It is the responsibility of each person involved in the sexual activity to ensure the he or she has the affirmative consent of the other or others to engage in sexual activity. Affirmative consent is not present (1) if obtained through the use of force, threat, coercion, or intimidation; or (2) when an individual is incapacitated, such as by consumption of drugs or alcohol or being unconscious or asleep; or (3) if given by someone who is not able to effectively communicate or to understand the nature of the conduct being engaged in. Silence or an absence of resistance on the part of the individual does not imply or constitute consent. Past consent does not imply future consent. Consent can be withdrawn at any time. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. The intoxication or recklessness of a respondent is not an excuse for him or her not receiving affirmative consent from the complainant before engaging in a specific sexual activity.

**Relationship violence:** Relationship violence means a violent act committed by a person who is or has been in a social relationship of a romantic nature or intimate nature with the complainant, as determined by the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Relationship violence includes dating violence and domestic violence.

**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.

- A. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

- B. For the purposes of this definition:
  - i. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  - ii. Dating violence does not include acts covered under the definition of domestic violence.
- C. For the purposes of complying with the requirements of this section and 34 CFR §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**Domestic Violence:** A felony or misdemeanor crime of violence committed:

- A. By a current or former spouse or intimate partner of the victim;
- B. By a person with whom the victim shares a child in common;
- C. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- D. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- E. By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- F. For the purposes of complying with the requirements of this section and 34 CFR §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**Retaliation:** Retaliation means intimidating, threatening, coercing, or in any way discriminating against an individual because the individual made a report of a claim of sexual misconduct or participated in any way in the investigation or resolution of such a report or complaint, or exercised any right or responsibility under this Policy

**Sexual Discrimination:** Sexual discrimination for the purpose of this policy is defined as including, but not limited to, treating individuals differently because of their gender or sexual orientation, in connection with the terms and conditions of employment or educational opportunities. Discrimination does not occur, however, when an individual is treated differently than another individual for legitimate reasons.

**Sexual Harassment:** Sexual harassment is a form of misconduct that undermines the integrity of the academic environment. NewSchool prohibits sexual harassment. All members of the university community, especially officers, faculty, and other individuals who exercise supervisory authority, have an obligation to promote an environment that is free of sexual harassment. Sexual harassment can include, but is not limited to, unwelcome sexual advances; requests for sexual favors; unwelcome physical contact of a sexual nature; e-mails containing inappropriate sexual content; obscene or harassing phone calls or jokes of a sexual nature; suggestive gestures, sounds, stares, or other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made, either explicitly or implicitly, a term or condition of a student's academic progress;

2. Submission to or rejection of such conduct by an individual is used as a basis for decisions affecting assessment of academic progress; or
3. Such conduct, by instructors, staff, or students, including between students, has the purpose or effect of interfering with academic performance or creating an intimidating, hostile, or offensive environment.

**Sexual Misconduct:** Sexual misconduct includes, but is not limited to, sexual discrimination, sexual exploitation, sexual harassment, sexual assault, relationship violence, and stalking. While NewSchool may use different standards and definitions than state criminal codes, sexual misconduct often overlaps with crimes under applicable criminal codes.

**Sexual Assault (Sex Offenses):** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- A. *Fondling* — The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- B. *Incest* — Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- C. *Statutory Rape* – Sexual intercourse with a person who is under the statutory age of consent.
- D. *Rape* – Rape is generally defined by states as forced sexual intercourse. It may also include situations where the victim is incapable of giving consent due to incapacitation by means of disability or alcohol or other drugs. Many rapes are committed by someone the victim knows, such as a date or friend. The FBI's updated definition of rape, which encompasses the categories of rape, sodomy, and sexual assault with an object is: Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Under California State law, rape is defined as an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances:

- (1) Where a person is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act.
- (2) Where it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.
- (3) Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused.
- (4) Where a person is at the time unconscious of the nature of the act, and this is known to the accused.

(5) Where a person submits under the belief that the person committing the act is the victim's spouse, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.

(6) Where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat.

(7) Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official.

**Sexual Exploitation:** Sexual exploitation occurs when an individual takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited. Examples include but are not limited to: invasion of sexual privacy, prostituting another student, non-consensual video or audio-taping or photography of sexual activity, distributing sexual or intimate information, images or recordings of another without that individual's consent, going beyond the boundaries of consent (such as allowing friends to hide in the closet watching consensual sex), voyeurism, knowingly transmitting an STD or HIV to another student, exposing one's genitals in non-consensual circumstances or inducing another to expose his/her genitals, and sexually-based bullying, including, but not limited to, through social media.

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- A. Fear for the person's safety or the safety of others; or
- B. Suffer substantial emotional distress.

For the purposes of this definition, course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

December 1, 2020 Report (Reflecting Statistics for 2019 Reporting Period)

**Crime Statistics Reporting Table**

OFFENSE	YEAR	ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING	NONCAMPUS PROPERTY	PUBLIC PROPERTY
MURDER/NON-NEGLIGENT MANSLAUGHTER	2017	0	0	N/A	0
	2018	0	0	N/A	0
	2019	0	0	N/A	0
NEGLIGENT MANSLAUGHTER	2017	0	0	N/A	0
	2018	0	0	N/A	0
	2019	0	0	N/A	0
SEXUAL ASSAULT: RAPE	2017	0	0	N/A	0
	2018	0	0	N/A	0
	2019	0	0	N/A	0
SEXUAL ASSAULT: FONDLING	2017	0	0	N/A	0
	2018	0	0	N/A	0
	2019	0	0	N/A	0
SEXUAL ASSAULT: INCEST	2017	0	0	N/A	0
	2018	0	0	N/A	0
	2019	0	0	N/A	0
SEXUAL ASSAULT: STATUTORY RAPE	2017	0	0	N/A	0
	2018	0	0	N/A	0
	2019	0	0	N/A	0
ROBBERY	2017	0	0	N/A	0
	2018	0	0	N/A	0
	2019	0	0	N/A	0
AGGRAVATED ASSAULT	2017	0	0	N/A	0
	2018	0	0	N/A	0
	2019	0	0	N/A	1
BURGLARY	2017	0	0	N/A	0
	2018	0	0	N/A	0
	2019	0	0	N/A	0
MOTOR VEHICLE THEFT	2017	0	0	N/A	0
	2018	0	0	N/A	4
	2019	0	0	N/A	1
ARSON	2017	0	0	N/A	0
	2018	0	0	N/A	0
	2019	0	0	N/A	0

## HATE CRIME STATISTICS

For the categories of crime listed above and for the additional crimes of larceny-theft, simple assault, intimidation, destruction/damage/vandalism of property and any crime perpetrated on the basis of prejudice that results in bodily injury, Walden is required to report hate crimes. Hate crimes are criminal offenses that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim. For the years covered by this report (2017, 2018, 2019), there were no hate crimes reported. The following crime categories are required to be reported only if they are Hate Crimes:

HATE CRIME OFFENSE	YEAR	ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING	NONCAMPUS PROPERTY	PUBLIC PROPERTY	CATEGORY OF BIAS (see key)*
MURDER/NON-NEGLIGENT MANSLAUGHTER	2017	0	0	N/A	0	0
	2018	0	0	N/A	0	0
	2019	0	0	N/A	0	0
SEXUAL ASSAULT: RAPE	2017	0	0	N/A	0	0
	2018	0	0	N/A	0	0
	2019	0	0	N/A	0	0
SEXUAL ASSAULT: FONDLING	2017	0	0	N/A	0	0
	2018	0	0	N/A	0	0
	2019	0	0	N/A	0	0
SEXUAL ASSAULT: INCEST	2017	0	0	N/A	0	0
	2018	0	0	N/A	0	0
	2019	0	0	N/A	0	0
SEXUAL ASSAULT: STATUTORY RAPE	2017	0	0	N/A	0	0
	2018	0	0	N/A	0	0
	2019	0	0	N/A	0	0
ROBBERY	2017	0	0	N/A	0	0
	2018	0	0	N/A	0	0
	2019	0	0	N/A	0	0
AGGRAVATED ASSAULT	2017	0	0	N/A	0	0
	2018	0	0	N/A	0	0
	2019	0	0	N/A	0	0
BUGLARY	2017	0	0	N/A	0	0
	2018	0	0	N/A	0	0
	2019	0	0	N/A	0	0
MOTOR VEHICLE THEFT	2017	0	0	N/A	0	0
	2018	0	0	N/A	0	0
	2019	0	0	N/A	0	0
ARSON	2017	0	0	N/A	0	0
	2018	0	0	N/A	0	0
	2019	0	0	N/A	0	0



HATECRIME OFFENSE	YEAR	ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING	NONCAMPUS PROPERTY	PUBLIC PROPERTY	CATEGORY OF BIAS (see key)*
HATE CRIMES*: SIMPLE ASSAULT	2017	0	0	N/A	0	0
	2018	0	0	N/A	0	0
	2019	0	0	N/A	0	0
HATE CRIMES*: LARCENY THEFT	2017	0	0	N/A	0	0
	2018	0	0	N/A	0	0
	2019	0	0	N/A	0	0
HATE CRIMES*: INTIMIDATION	2017	0	0	N/A	0	0
	2018	0	0	N/A	0	0
	2019	0	0	N/A	0	0
HATE CRIMES*: DESTRUCTION/DAMAGE/VANDALISM OF PROPERTY	2017	0	0	N/A	0	0
	2018	0	0	N/A	0	0
	2019	0	0	N/A	0	0

\*Categories of bias for Hate Crimes include actual or perceived (A) race, (B) gender, (C) gender identity, (D) religion, (E) sexual orientation, (F) ethnicity, (G) national origin or (H) disability.

### VAWA Offenses Reporting Table

OFFENSE	YEAR	ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING	NONCAMPUS PROPERTY	PUBLIC PROPERTY
VAWA OFFENSES: DOMESTIC VIOLENCE	2017	0	0	N/A	0
	2018	0	0	N/A	0
	2019	0	0	N/A	0
VAWA OFFENSES: DATING VIOLENCE	2017	0	0	N/A	0
	2018	0	0	N/A	0
	2019	0	0	N/A	0
VAWA OFFENSES: STALKING	2017	0	0	N/A	0
	2018	0	0	N/A	0
	2019	0	0	N/A	0

## ARRESTS AND DISCIPLINARY REFERRALS REPORTING TABLE

OFFENSE	YEAR	ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING	NONCAMPUS PROPERTY	PUBLIC PROPERTY
ARRESTS: WEAPONS: CARRYING, POSSESSING, ETC	2017	0	0	N/A	0
	2018	0	0	N/A	0
	2019	0	0	N/A	0
DISCIPLINARY REFERRALS: WEAPONS: CARRYING, POSSESSING, ETC.	2017	0	0	N/A	0
	2018	0	0	N/A	0
	2019	0	0	N/A	0
ARRESTS: DRUG ABUSE VIOLATIONS	2017	0	0	N/A	0
	2018	0	0	N/A	0
	2019	0	0	N/A	0
DISCIPLINARY REFERRALS: DRUG ABUSE VIOLATIONS	2017	0	0	N/A	0
	2018	0	0	N/A	0
	2019	0	0	N/A	0
ARRESTS: LIQUOR LAW VIOLATIONS	2017	0	0	N/A	1
	2018	0	0	N/A	2
	2019	0	0	N/A	5
DISCIPLINARY REFERRALS: LIQUOR LAW VIOLATIONS	2017	0	0	N/A	0
	2018	0	0	N/A	0
	2019	0	0	N/A	0

### 22 Statement Regarding Annual Security Report Availability

This Annual Security Report is required by federal law and contains policy statements and crime statistics for NewSchool. The policy statements address the school's policies, procedures and programs concerning safety and security. This report is available online at [www.newschoollarch.edu](http://www.newschoollarch.edu).

You may also request a paper copy from the Director of Human Resources. This report is distributed to all currently enrolled students (including those attending less than full time) and all employees by December 31st. This report is also provided to any prospective student or prospective employee upon request.

### 23 Unfounded Crimes

In the rare situation where sworn or commissioned law enforcement personnel have fully investigated the reported crime and based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore 'unfounded'.

2019: 0 unfounded crimes  
 2018: 0 unfounded crimes  
 2017: 0 unfounded crimes

**PART II. Annual Fire Safety Report**  
**NewSchool of Architecture & Design**

December 1, 2020

**1. Annual Fire Safety Report**

The Higher Education Opportunity Act (HEOA) new subsection (i), section 485 of the Higher Education Act (HEA) requires all Title IV eligible institutions that maintain student-housing facilities to publish an annual fire safety report that contains information about campus fire safety practices and standards of the institution:

	<u>Unintentional</u>	<u>Intentional</u>	<u>Undetermined</u>
<u>Calendar years 2017-2019</u>			
Number of fires and cause	0	0	0
Number of fire-related injuries	0	0	0
Number of fire-related deaths	0	0	0
Value of fire-related property damage	0	0	0

**2. Description of On-campus Student Housing Facility Fire Safety Systems**

Facility	# of beds	Fire Alarm	Central Station	Smoke Detectors	Sprinkler System
Tenth and G Apartments (previously “The Lofts at 707 <sup>th</sup> Tenth”)	32	Yes	Yes	Yes	Yes

**3. Number of Fire Drills Held in Calendar Year 2019**

Neither NewSchool nor the property management company conduct fire drills at student housing facilities.

**4. Rules on Portable Electric Appliances, Smoking and Open Flames in Student Housing**

NewSchool reserves the right to enter student rooms and/or apartments as necessary for repairs, inspections, and enforcement of school policy and local and state laws. Smoking is prohibited in student housing. NewSchool does not allow the use of portable electric appliances or candles in the rooms.

Student Life staff members complete health and safety inspections of student rooms and apartments during each quarter. Whenever possible, these inspections will be announced in advance. These inspections are intended to provide a safe and comfortable living environment for all of our students living in campus housing. Student Life staff work with students to help ensure that the student residences are safe and sanitary, as well as inspecting for fire or safety code violations of NewSchool policies or laws. If, in the course of these inspections, you are found to be in violation of any school policy, you will be notified and provided with instructions on how to correct the situation. Health and Safety Inspections are visual inspections of

each living space, including student rooms. It is not school policy to open drawers or inspect trunks or luggage unless there is sufficient evidence to warrant a concern that a health or safety hazard exists.

### **5. Student Housing Evacuation in the Case of a Fire**

Residents and employees must evacuate a building immediately upon the sound of a fire alarm and follow specific evacuation and safety procedures. Students are informed where to relocate by the Tenth and G security team. No training is provided to students or staff members in firefighting or suppression activity as this is inherently dangerous and each community member's only duty is to exit safely and quickly.

### **6. Fire Safety Education and Training Programs Provided to Students and Employees**

NewSchool does not conduct any specific fire safety education programs for students living in on-campus student housing and employees affiliated with on-campus housing.

### **7. Reporting Extinguished Fires**

Per federal law, NewSchool of Architecture & Design is required to annually disclose statistical data on all fires that occur in on-campus student housing facilities. Listed below are the non-emergency numbers to call to report fires that have already been extinguished in on-campus student housing. If you find evidence of such a fire or if you hear about such a fire, please contact one of the following:

Tenth and G Security: 619-376-5846  
Residential Life On-call: 757-355-2445

When calling, please provide as much information as possible about the location, date, time and cause of the fire.

### **8. Statement Regarding Future Improvements for Fire Safety**

NewSchool of Architecture & Design regularly reviews the need to pursue improvements in fire safety on campus and, as of the date of this report, has determined that no future improvements for fire safety are currently necessary.

### **9. Statement Regarding Annual Fire Safety Report Availability**

This Annual Fire Safety Report is required by federal law and contains policy statements and crime statistics for the school. The policy statement addresses NewSchool's policies, procedures and programs concerning safety and security. This report is available online at:

<https://newschoolarch.edu/admissions/newschool/campus-facilities/campus-safety/>

You may also request a paper copy from Campus Security/Facilities.

This report is distributed to all currently enrolled students (including those attending less than full-time) and all employees by December 31st. This report is also provided to any prospective student or prospective employee upon request.