

# NATIONAL POLYTECHNIC COLLEGE

## TITLE IX POLICY

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## **INTRODUCTION AND SCOPE**

National Polytechnic College and (“NPC” or “the Institution”) is committed to maintaining a respectful and professional academic and working environment for students and associates, including faculty. This includes having an environment free from unlawful sexual misconduct. This Title IX Policy applies to all settings and activities of the institution, whether on individual campus properties owned or controlled by NPC or off-campus while a person is participating in an education program or activity of the Institution. This policy governs all persons who have a relationship with NPC that enables the Institution to exercise some control over the individual’s conduct in places and activities that relate to the Institution’s work. While any person may report an incident of sexual misconduct, incidents of sexual misconduct that occur off-campus, outside the United States or that involve persons not affiliated with NPC are outside the scope of this policy.

Sexual misconduct, as described in this policy, is a form of sexual harassment, which is a form of discrimination and is prohibited by Title IX of the Education Amendments of 1972. Sexual assault, domestic violence, dating violence, and stalking are prohibited conduct under Title IX and are additionally defined by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as amended by the Violence Against Women Reauthorization Act of 2013. These acts, as defined in this policy, are expressly prohibited at NPC.

The purpose of this policy is to affirm the Institution’s commitment to prohibit discrimination based on sex through the following efforts: 1) explicitly prohibiting discriminatory harassment based on sex; 2) identifying and defining prohibited conduct; 3) outlining the procedures complainants should follow, including how and to whom to report; 4) providing a fair and impartial resolution process, and 5) identifying on and off-campus resources and supportive measures available regardless of whether a formal complaint is filed.

## **NON-DISCRIMINATION POLICY & NOTICE OF NON-DISCRIMINATION**

All members of the educational community must be able to work and learn in an atmosphere of mutual respect and trust. Proudly pluralistic and firmly committed to providing equal opportunity for outstanding persons, the Institution strives to build a community in which each person respects the rights of other people to be proud of who and what they are; to live, work, and learn in peace and with dignity; and to have an equal prospect for realizing their full potential as individuals and members of society. This includes having an environment that is free from all forms of harassment and discrimination for everyone, including students, associates, volunteers, applicants, and members of the public. The Institution will take appropriate action to prevent such misconduct and any person who engages in such behavior and for whom the Institution exercises control.

The Institution is committed to maintaining an environment free from harassment and discrimination for everyone. The Institution prohibits discrimination and harassment based on race, religion (all aspects of religious beliefs, observance, or practice, including religious dress or grooming practices), color, disability, sex (including pregnancy, childbirth, breastfeeding or related medical condition), gender identity (including gender identity and gender expression), sexual orientation, national origin (including language use and possession of a driver’s license issued to persons unable to prove their presence in the United States is authorized under federal law), ancestry, citizenship status, uniform service member status, marital status, age, protected medical condition (including cancer, or a record or history of cancer, and genetic characteristics), disability, political activities or affiliations, status as a victim of domestic violence, assault, or stalking, or any other protected status following all applicable federal, state, and local laws.

National Polytechnic College recognizes that it is important to coordinate this policy with other existing policies related to harassment and discrimination, knowing that harassment related to an individual's sex, sexual orientation, or gender expression can occur in conjunction with misconduct and harassment related to a person's race, ethnicity, national origin, religion, age, pregnancy or parenting status, disability, or other protected status. Therefore, when a report is made of harassment or discrimination based on sex as well as harassment or discrimination based on some other protected status, the Institution will use all applicable policies respectively to address the reports and will coordinate the investigation and resolution efforts.

If this policy is under review because of new federal or state law, the Title IX Coordinator has the right to implement changes to ensure that the most recent procedures are utilized to remain in compliance with Title IX and the Clery Act. Therefore, if that should occur, the Title IX Coordinator will provide, in writing, all changes that deviate from this written policy to the parties so that they are aware of the timeframes for resolution and the process that will be used to investigate and resolve the complaint.

Inquiries regarding the application of this policy and the respective grievance procedures used to resolve complaints may be referred to as the recipient's Title IX Coordinator, to the U.S. Department of Education's Office for Civil Rights, or both.

### **TITLE IX COORDINATOR AND CAMPUS TITLE IX ADMINISTRATORS**

National Polytechnic College has designated a primary Title IX Coordinator who is responsible for the oversight of this policy and any related procedures and with coordinating the Institution's efforts to comply with Title IX. The Title IX Coordinator receives all reports under this policy, oversees the effective implementation of supportive measures, and the resolution of all Title IX reports, while identifying and addressing any patterns or systemic problems that arise during the review of such reports. The Coordinator's responsibilities include oversight of a prompt, fair, equitable investigation and resolution process for formal complaints of sexual misconduct and the process for informal resolution. The Title IX Coordinator also evaluates trends on campuses by using information reported and makes recommendations for institution-specific student training and education programs.

National Polytechnic College has one Title IX Administrator who will assist the Title IX Coordinator in the Institution's efforts to comply with Title IX. Title IX Administrators will manage the intake of sexual misconduct complaints and will have the day to day responsibilities for the supportive measures offered to the parties.

The Title IX Administrator may serve as the designee for the Title IX Coordinator in any case where there is a conflict of interest or where either party has identified a conflict of interest in his/her case with the Title IX Coordinator. For purposes of this policy, any reference to the "Title IX Coordinator" should be read as the "Title IX Coordinator or designee."

#### **Title IX Coordinator**

**Charles Mugerdechian**

Director of Operations

4105 South Street, Lakewood, CA 90712

Direct Phone & Text (562) 452-3128

Email: [cmugerdechian@npcollege.edu](mailto:cmugerdechian@npcollege.edu)

#### **Title IX Administrator**

**Ariana Mendiola**

Student Services Coordinator

4105 South Street, Lakewood, CA 90712

Direct Phone & Text (562) 991-0841

Email: [amendiola@npcollege.edu](mailto:amendiola@npcollege.edu)

**To contact the United States Department of Education's Office for Civil Rights:**

**U.S. Department of Education Office for Civil Rights Lyndon Baines Johnson Department of Education Building 400 Maryland Avenue, SW, Washington, DC 20202-1100**

**Telephone: 800-421-3481 | FAX: 202-453-6012 | TDD: 800-877-8339 | Email: [OCR@ed.gov](mailto:OCR@ed.gov)**

## **PROHIBITED CONDUCT**

NPC expressly prohibits sexual harassment, including sexual assault, dating violence, domestic violence, and stalking as defined below. The definitions in this policy may differ from those used in the civil or criminal laws of California. In some cases, the definitions include behaviors that, while not torts or crimes under state law, still violate the institution's standards of conduct for faculty, staff, and students. Also, certain conduct may be punishable under state or federal criminal statutes, civil law, but not institutional policy. These processes are separate and distinct from one another, however, can run concurrently if the complainant chooses to report an incident to the local police in addition to the Title IX Coordinator.

This policy specifically prohibits sexual harassment as defined by Title IX of the Education Amendments of 1972. Behaviors that do not meet the definition of sexual harassment in this policy may still be prohibited behaviors at NPC and will be considered under the Student Conduct Code or the Associate Handbook.

Complainant means an individual who is alleged to be the victim of conduct that could constitute sexual harassment. Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. References to "party" throughout the policy refer to the complainant and respondent collectively.

For purposes of this policy, all of the following definitions constitute conduct to be "based on sex." NPC will treat attempts to commit any of the prohibited conduct as if those attempts had been completed.

### **Definitions of Prohibited Conduct**

- **Quid Pro Quo Harassment** is an employee of the Institution conditioning the provision of aid, benefit, or service of the Institution on an individual's participation in unwelcome sexual conduct.
- **Hostile Environment Harassment is unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Institution's education program or activity.**
- **Non-consensual Sexual Contact** is kissing or touching of the private body parts of another person for sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity
- **Non-consensual Sexual Intercourse** is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.
- **Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** is sexual intercourse with a person who is under the statutory age of consent.
- **Domestic Violence** is a felony or misdemeanor crime 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 cohabitating with or who has cohabitated with the victim as a spouse, 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 by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

- **Dating Violence** is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For this definition dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- **Stalking** is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress. For this definition, a "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.

### **Definition of Consent**

In the State of California, for individuals to engage in sexual activity of any type with each other, there must be affirmative consent before and during sexual activity. Affirmative consent is defined as affirmative, conscious, and voluntary agreement to engage in sexual activity. To obtain consent, a clear, "yes" is necessary. Consent cannot be inferred from the absence of a "no." Non-verbal consent is not as clear as talking about what an individual wants or does not want sexually. Consent can be revoked at any time and the existence of a dating or marital relationship between the parties in no way infers consent.

### ***What constitutes a lack of consent?***

Consent cannot be inferred through silence or lack of resistance. Consent to one activity does not constitute consent to other sexual acts. Past sexual activity does not constitute consent for future acts. If at any time consent is uncertain, the initiating party should stop and obtain verbal consent. Consent can be withdrawn at any time. The use of any force, display of force, coercion, or intimidation negates consent. Consent is also not present if someone is incapacitated by alcohol, illegal drugs, or over the counter medication.

Individuals who are incapacitated may not legally give consent to sexual activity. Incapacitation includes, but is not limited to, being highly intoxicated, passed out, or asleep. A person who is incapacitated for purposes of this policy is one who is not legally able to give consent because they are mentally or physically helpless. "Mentally helpless" is when a person suffers from a mental illness or a condition (like being passed out, asleep, or highly impaired) that renders them incapable of understanding the nature of their conduct or rendering their self-care. "Physically helpless" means a person has the restriction of movement, either temporarily or permanently.

When incapacitation occurs due to alcohol or drug use, indicators of incapacitation may include the following:

- Slurred speech
- Bloodshot or unfocused eyes
- Unsteady gait; needing assistance to walk/stand
- Vomiting
- Outrageous or unusual behavior
- Concern expressed by others about the individual
- Expressed memory loss or disorientation

## **CONFIDENTIALITY**

If the complainant reports to the Institution and requests confidentiality or asks that the complaint not be pursued, the Institution will take all reasonable steps to respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation including providing supportive measures as available. If a complainant insists that his/her name or other identifiable information not be disclosed to the respondent, the Institution's ability to respond may be limited. If the complainant continues to ask that his or her name not be revealed, the Institution will take all reasonable steps to respond to the complaint consistent with the party's request as long as doing so does not prevent the Institution from responding effectively to the harassment and preventing harassment of other parties. At the same time, the Institution will evaluate the confidentiality request in the context of its responsibility to provide a safe and nondiscriminatory environment for all persons. It is a violation of the Institution policy to retaliate against an individual bringing a complaint or providing information for an investigation.

Education records are maintained following the Family Educational Rights and Privacy Act of 1974 (FERPA). All documentation related to a student's complaint, investigation, and resolution is protected by FERPA and not available to the public. Non-identifying information may be shared with Safety and Security to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. A complainant's name will never be published nor does the Institution house identifiable information regarding victims in the daily crime log or online. Persons may request that directory information on file be removed from public sources by request. To request the removal of directory information, students should contact the Registrar.

## **REPORTING**

Any person may report an incident of sexual misconduct as defined by this policy. NPC encourages anyone who experiences or becomes aware of sexual misconduct to immediately contact one of the options listed below including reporting to the Institution, to law enforcement, or an off-campus resource.

### **Reports to the Institution**

Any person who believes she/he has been the subject of sexual misconduct as defined above or is aware of a member of the community who has been subject to sexual misconduct is strongly encouraged to contact the Title IX Coordinator or a Campus Title IX Administrator to make a report. A report may be made by the person who experienced the sexual misconduct or by a third-party, including, but not limited to, a friend, family member, advisor, or NPC associate. Reports to the Title IX Coordinator may be made in person, by mail, by telephone, or by email, using the contact information listed on page 3, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours).

The Institution has actual knowledge when sexual misconduct is reported to the Title IX Coordinator or other officials with authority at the Institution. Upon receipt of actual knowledge, the Title IX will contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes concerning supportive measures, and explain to the complainant the process for filing a formal complaint.

NPC does not limit the timeframe for reporting. If the respondent is no longer affiliated with NPC at the time the report is made, then the Institution will still conduct an inquiry for purposes of complying with Title IX and will provide supportive measures as appropriate.

**All faculty members, volunteers on campus who work with students or minors, and every person identified as Campus Security Authorities (CSAs) under the Clery Act have a responsibility to report to the Title IX Coordinator any reports of sexual misconduct made to them or observed by them,**

**including the name of the complainant and respondent if known. NPC requires everyone in the campus community to report the suspected abuse of children (those under the age of 18.)**

**Reports to Public Safety and Law Enforcement**

After an incident of sexual misconduct that poses a threat to the safety or physical well-being of a person or could constitute a crime under the law, the victim should consider contacting law enforcement and seeking medical attention as soon as possible. A forensic medical exam may be helpful if a victim decides to pursue criminal charges. In the State of California, evidence may be collected even if you choose not to make a report to law enforcement. Individuals who experience sexual violence are encouraged to preserve evidence and to note the location and identity of witnesses.

**For Emergencies Contact  
911**

NPC encourages and supports victims of a crime involving law enforcement and NPC will support any person in reaching law enforcement and assisting them with filing a report. Although NPC strongly encourages all members of its community to report crimes to law enforcement, it is the victim’s choice whether to make a report and have the right to decline involvement with the police.

NPC employs a contract security company that enforces NPC policies and procedures and maintains a solid relationship with local law enforcement departments who are called upon to enforce federal, state, and local laws and codes. A Safety and Security office is located at each campus location (See Appendix C for directions to each location). A security agent may also be reached through the Global Security Operations Center (GSOC).

To contact the local police off campus but in the jurisdiction of the local campus, see the chart below. Additionally, NPC Safety and Security will assist any person in accessing local law enforcement.

<b>Campus</b>	<b>Local Police Agency</b>	<b>Address</b>	<b>Phone Number</b>
Lakewood, CA	Los Angeles County Sheriff Department	5130 Clark Ave. Lakewood, CA 90712	(562) 623-3500

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining orders of protection more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with Safety and Security or local law enforcement to preserve evidence if the victim changes her/his mind at a later date.

**Anonymous Reporting**

Persons who wish to report an anonymous report may send an email. Reports using the email address below may be made by the victim or a third-party and it may be used to report any allegations of prohibited sexual misconduct at the Institution. Anonymous reports are accepted but the supplier of the anonymous report should be mindful that failure to disclose identifying information about the respondent, the complainant, or the facts and circumstances regarding the misconduct severely limits the Institution’s ability to respond to, address, and remedy the effects of sexual misconduct.

EMAIL REPORTING  
TitleIX@npcollege.edu

## **Other Reporting Options**

NPC does not offer on-campus resources in health, mental health, counseling, victim advocacy, legal assistance, or visa and immigration assistance. NPC encourages victims to utilize off-campus resources in their area of residence. See Appendix B of this policy for a list of resources near each campus. For assistance, students and associates may contact the Campus Title IX Administrator or Safety and Security for an individual campus. Either of those offices can connect complainants with the resources they may need.

## **SUPPORTIVE MEASURES AND INTERIM DISCIPLINARY ACTION**

Supportive measures are non-disciplinary, non-punitive individualized services designed to restore or preserve equal access to the Institution's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the Institution's educational environment, or deter sexual harassment. Supportive measures will be offered as appropriate and as reasonably available without fee or charge to the parties before or after the filing of a formal complaint or where no formal complaint has been filed. These measures may include, but are not limited to, mutual no-contact orders, changes in class or work assignments, academic housing, transportation and work accommodations, changes in work or class locations, leaves of absence, increased security and monitoring of certain areas, campus escorts, social restrictions, counseling and/or emotional support.

Any supportive measures provided to the parties will be maintained as confidential except as needed to provide a supportive measure.

The Institution may take interim disciplinary action against a student, including suspension, if, after an individualized safety and risk analysis, the Title IX Coordinator determines that an immediate threat to the physical health or safety to a student or other individual exists arising from the allegations of sexual harassment. Following the determination, the Title IX Coordinator will provide the respondent with notice and an opportunity to challenge the decision immediately following the removal.

The Institution may place an employee, on administrative leave before or during the grievance process.

## **RIGHTS AND OPTIONS OF THE PARTIES**

The Title IX Coordinator will ensure that the complainant receives an explanation of rights and options written in plain language with concise information. The written notification of rights and options will include the following:

- The importance of obtaining and preserving forensic and other evidence;
- The right to report or not report the alleged incident to the Institution, law enforcement or both, including information about the survivor's right to privacy and which reporting methods are confidential;
- The right to request and receive assistance from campus authorities in notifying law enforcement;
- The right to request and receive assistance in obtaining and enforcing a campus-issued order of protection or no-contact order;
- The right to speak to and receive assistance from on and off-campus resources and other organizations that provide support and services to victims and survivors;
- The right to assistance from the Institution in accessing local health and mental health services, counseling, advocacy services, legal assistance, financial aid services, and immigration/visa assistance;
- The right to supportive measures with or without the filing of a formal complaint, no matter where

the incident is reported to have occurred and that the Institution will consider the complainant's wishes concerning available supportive measures including without limitation changes to academic, living, dining, working, and transportation situations;

- The right to request a formal or informal resolution process if the cause is found to proceed under this policy and a summary of the appropriate complaint resolution procedures; and
- Contact information for all of the people and organizations listed herein.

If a formal complaint is filed, the complainant and the respondent will receive written notification of rights and options regarding the adjudication process, to include the following:

- The right for complainants and respondents to be treated equitably by the Institution which includes providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following a grievance process that complies with this policy;
- The right to a fair, impartial, proceeding that begins promptly and is completed within reasonably prompt timeframes;
- The right to a resolution process that is consistent with the Institution's policies, transparent to the complainant and respondent, and in which the burden of proof and of gathering evidence rests with the Institution and not the parties;
- The right to an advisor of the party's choosing during the grievance process. If a party does not have an advisor at the time of the hearing, the Institution will provide without fee or charge, an advisor of the Institution's choice for purposes of conducting cross-examination;
- The right to reasonable accommodations during any hearing, such as not being in the same room as the other party;
- The right to an objective evaluation of all relevant evidence—including both inculpatory and exculpatory evidence—and that credibility determinations will not be based on a person's status as a complainant, respondent, or witness;
- The right to a determination regarding responsibility made after the resolution process and that the Institution makes no prior presumption of responsibility; and
- The right not to be retaliated against for filing a formal complaint and/or for participating in an informal or formal resolution process.

## **INVESTIGATION AND RESOLUTION**

### **Training**

Investigators, Decision-Makers, Appellate Officers, Title IX Coordinators, and Administrators have trained annually on issues related to domestic violence, dating violence, sexual assault, and stalking and taught how to conduct an investigation and grievance process that protects the safety of the victim and promotes accountability as required by the Clery Act. Additionally, they have received training as required by Title IX on the definition of sexual harassment in this policy, the scope of NPC's education program and activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Those persons serving as investigators have also received training on issues of relevance to creating an investigative report that fairly summarizes relevant evidence. Those persons serving as Decision-Makers will also receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.

## **Filing a Formal Complaint**

A person who wishes to pursue a formal or informal resolution process at the Institution must file a formal complaint. A “formal complaint” is made when the Institution has received a complaint signed by the complainant or signed by the Title IX Coordinator on his/her behalf. Additionally, the Institution may sign a complaint on behalf of the complainant that does not wish to participate, if the reported behavior has the potential to interfere with the educational mission of the Institution. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the Institution.

To file a complaint of sexual misconduct, contact the Title IX Coordinator or the Title IX Administrator via mail, email, telephone, or in person.

At the time of the filing of the formal complaint, the complainant may request the complaint be considered under the formal or informal resolution process.

## **Dismissals of the Formal Complaint**

Upon receipt of a formal complaint, the Title IX Coordinator will conduct an assessment to determine if the complaint constitutes a potential violation of this policy. If it does not, the complaint will be dismissed (or could be referred to another department or grievance process if the complaint constituted a violation of another NPC policy). This includes complaints that would not constitute sexual harassment as defined by this policy even if proved, did not occur within the Institution’s education program or activity or did not occur against a person in the United States.

Additionally, a formal complaint may be dismissed at any time during the investigation or hearing if a complainant notifies the Title IX Coordinator in writing that he or she would like to withdraw the formal complaint, the respondent is no longer enrolled or employed by the Institution or specific circumstances prevent the Institution from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

The decision on dismissal will be made by the Title IX Coordinator but may be appealed by either party utilizing the appeal’s process outlined in this policy. Upon a dismissal required or permitted according to this section, the Title IX Coordinator will promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.

## **Consolidations**

The Title IX Coordinator has the discretion to consolidate multiple complaints or reports into a single investigation if evidence relevant to one incident might be relevant to the others. Where a grievance process involves more than one complainant or more than one respondent, references in this section to the singular “party,” “complainant,” or “respondent” include the plural, as applicable.

If a case involves violations of other NPC policies, the Title IX Coordinator, in consultation with other school officials, will determine which grievance process to use or if different grievance processes would be more appropriate.

## **Amnesty/Immunity**

To encourage reports of conduct that is prohibited under this policy, the Institution may offer leniency concerning other violations which may come to light as a result of such reports, including alcohol and drug

use. The Title IX Coordinator will determine on behalf of the Institution on a case by case basis.

### **Formal Resolution Process**

If the complaint could constitute a violation of this policy and the complainant has requested a formal resolution process, the complainant and respondent will receive written notice from the Title IX Coordinator of the allegations of sexual harassment, including sufficient details known at the time with sufficient time to prepare before any initial interview. The parties will receive written simultaneous notification of additional allegations as appropriate.

A fair and impartial investigation will be conducted by at least one trained investigator appointed by the Title IX Coordinator. NPC reserves the right to employ external investigators if it determines that the investigation would be best conducted in this way. The parties will be provided with the name(s) of the investigator(s) and allowed 5 days to request the removal and replacement of an investigator based on bias or conflict of interest. Any request for a change in an investigator must be accompanied by supporting information and the decision to assign a new investigator will be made by the Title IX Coordinator.

Throughout the grievance process, the Title IX Coordinator will provide to a party whose participation is invited or expected, written notice of the date, time, location, participants, the purpose of meetings, investigative interviews, and hearings, with sufficient time for the party to prepare to participate as well as advise the party of the opportunity to present evidence and witness information, if applicable.

Complainants and respondents have the right to an advisor of choice to be present at any meeting or disciplinary proceeding in which either party is required to be present. NPC will not restrict who this advisor is but can and will restrict the role the advisor plays within the meeting or proceeding. The investigation will typically include interviewing all involved parties (respondent, complainant, witnesses) and the collecting of any documentation or evidence relevant to the allegation. The Institution will not restrict either party from discussing allegations under investigation or from presenting relevant evidence or identifying relevant witnesses.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant and will not be requested by the investigator or allowed at the hearing unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior concerning the respondent and are offered to prove consent. Additionally, the investigation and the hearing will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

After the investigation, the investigator and the Title IX Coordinator shall meet to determine if the preliminary investigation is complete. If the preliminary investigation is complete, the Title IX Coordinator will send to each party and the party's advisor, if any, a preliminary investigative report containing any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint.

The parties will be given 10 days to correct any information that is factually inaccurate or to present any new information to the investigator at this time. If new information is presented that prompts the need for further investigation, the investigator will complete the investigation based on the new information shared. After the supplemental investigation or if no further investigation needs to occur, the investigator will provide the final investigative report to the Title IX Coordinator who will distribute it to the respective parties and the party's advisor, if any, at least 10 days before the hearing. The Investigator will include in the final investigative report a summary of relevant evidence.

## **Live Hearing**

Upon completion of the final investigative report, the case will be assigned to a hearing. The Title IX Coordinator will appoint a trained Decision-Maker to adjudicate the matter who is not the Title IX Coordinator or the investigator for the complaint. The parties will be provided with the name of the Decision-Maker and will be allowed 5 days to request the removal and replacement of the Decision-Maker based on bias or conflict of interest. Any request for a change in a Decision-Maker must be accompanied by supporting information and the decision to assign a new Decision-Maker will be made by the Title IX Coordinator. Hearings will be conducted via an online platform with video capability, rather than in person.

At the live hearing, each party's advisor will be permitted to ask the other party and any witnesses all relevant questions and follow-up questions, including questions that challenging credibility. If a party does not have an advisor, the Institution will appoint one on behalf of the party free of charge. In this capacity, the advisor will be appointed for the sole purpose of conducting cross-examination of the other party and witnesses. If any advisor violates the rules or engages in behavior or advocacy that harasses, abuses, or intimidates either party, a witness, or the Decision-Maker, that advisor may be prohibited from further participation.

At the hearing, the Decision-Maker is responsible for maintaining an orderly, fair, impartial, and respectful hearing. The Decision-Maker has broad authority to respond to disruptive or harassing behaviors, including adjourning the hearing or excluding any offending person. The Decision-Maker will determine the method for questioning at the hearing. Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination question, the Decision-Maker must first determine whether the question is relevant and will explain any decision to exclude a question as not relevant. The Decision-Maker may also ask questions of the parties and witnesses.

In the absence of good cause, as determined by the Decision-Maker, information, witnesses, and other evidence discoverable through the exercise of due diligence that is not provided to the investigator during the investigation will not be considered at the hearing.

All hearings are closed to the public. A recording will be made by the Institution but all other recordings are prohibited.

A complainant, respondent, or witness may decline to participate in the hearing. If a party does not appear at the hearing, the Decision-Maker will not rely on any previous statement of that party or witness in reaching a determination as to responsibility but the Decision-Maker will not draw an inference about the responsibility determination based solely on a party's or witness's absence from the hearing or refusal to submit to questions.

After the hearing, the Decision-Maker will determine responsibility. If the Decision-Maker has determined that it is more likely than not that sexual misconduct occurred in violation of this policy, the Decision-Maker will decide on the appropriate sanctions and remedies. After making a finding, the Decision-Maker will issue the determination, to include the reason for the finding and the associated sanctions and remedies, if any, in writing and simultaneously to the complainant and respondent.

The Title IX Coordinator will routinely review all cases to ensure consistent application of this policy. The standard of proof used to determine whether or not a violation of this policy has occurred is the *preponderance of the evidence*, which means it is more likely than not the misconduct occurred. Typically, the investigation, resolution, and appeal will not exceed 60 days although NPC reserves the right to exceed this timeframe to conduct a thorough investigation. If the grievance process does or is anticipated to exceed 60 days, NPC will notify the complainant and respondent in writing and will advise them of the reason for the delay and the anticipated timeframe for the completion of the investigation.

The outcome/finding, the rationalization for the finding, and the sanctions imposed, if any, shall be conveyed to the complainant and respondent simultaneously and in writing as noted above via the NPC email system and will be delivered via certified US Mail at the same time.

## **Sanctions**

The Decision-Maker is responsible for determining sanctions and remedies. The following sanctions and remedies may be imposed, individually or in any combination when a respondent is found responsible for violating this policy:

- Education/Training Requirement
- Loss of Privileges
- Forfeiture of Financial Assistance
- Permanent Supportive Measures
- Restitution
- Termination from Employment
- Probation
- Suspension
- Expulsion

Student Services will impose the sanctions as identified by the Decision-Maker. The Title IX Coordinator will be responsible for implementing any remedies for the complainant.

## **Appeals**

Both the complainant and the respondent have a right to appeal the finding or non-finding of responsibility or the dismissal of the case. Appeals must be on one of the following grounds:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- The Title IX Coordinator, the investigator(s), or Decision-Maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

Both parties will have five business days from notification to appeal in writing to the next level of authority, whose decision is final. The Decision-Maker on appeal will not have been involved in the process up to the point of appeal.

Appellate Officer  
[TitleIX@npcollege.edu](mailto:TitleIX@npcollege.edu)

Both individuals will be informed in writing and simultaneously of any change to the results that occur before the time that such results become final and when such results become final.

## **Informal Resolution Process**

At the time of the filing of a formal complaint or at any time before a determination of responsibility, either party may request to proceed under a voluntary informal resolution process that does not involve a full investigation. The Title IX Coordinator will determine, based on the totality of the circumstances, whether an informal resolution process is appropriate given the facts and participants. For example, an informal

resolution process is never appropriate for resolving reports alleging sexual harassment of a student by an employee.

Upon request and written agreement by the parties and the Title IX Coordinator that the informal resolution process is appropriate, the Title IX Coordinator will provide to the parties a written notice disclosing the allegations, and the requirements of the informal resolution process, including when the parties are precluded from resuming a formal resolution process, any consequences resulting from participating in the informal resolution, and the records that will be maintained and shared. Informal resolutions are not subject to appeal by any party.

Informal resolutions may include, but are not limited to;

- Placing a respondent on notice that, if such behavior has occurred or is occurring, such conduct should cease immediately;
- A written warning;
- Education and/or training for a respondent;
- Permanent supportive measures for the complainant;
- Mediation or other informal communication between the complainant and respondent;
- Messaging to the campus community

The parties may withdraw from the informal resolution process at any time before agreeing to a resolution and resume the formal resolution process concerning the complaint.

### **NON-RETALIATION**

Retaliation is defined as the taking of adverse action against a person *because of* his or her opposition to unlawful discrimination or participation in a complaint, investigation, or lawsuit about discrimination. Retaliation includes acts like taking actions to affect a person's academic or school-related activities such as threats, unjustified negative evaluations, unjustified negative references, or increased surveillance, and any other action such as an assault or unfounded civil or criminal charges that are likely to deter reasonable people from pursuing their rights.

Adverse actions do not include petty slights and annoyances, such as stray negative comments in an otherwise positive or neutral evaluation, "snubbing" a student, not talking to a student or negative comments that are justified by a student's poor performance or history.

It is unlawful and a violation of this policy to retaliate against any person who has brought a good-faith complaint of discrimination or harassment or who has assisted in the investigation of a complaint of discrimination or harassment. Retaliation, whether actual or threatened, destroys the sense of community and trust that is critical to a learning and work environment. NPC considers acts or threats of retaliation in response to such disclosures or participation to constitute a serious violation of NPC's policy, which may result in disciplinary action, up to and including dismissal, against the retaliator. It is important to note that impermissible retaliation can occur even in those circumstances where it is determined that the complaint brought was without merit.

Any person who believes he or she is being retaliated against because of making a complaint or assisting in an investigation in violation of this policy should promptly report the concerns to the Title IX Coordinator. Allegations of retaliation will be handled through the Student Conduct Code or the Associate Handbook.

## **RECORD MANAGEMENT**

Our institution will keep for 7 years, the following:

- All information obtained as part of each sexual harassment investigation, including any determination regarding responsibility and any audio or audiovisual recording or transcript; any disciplinary sanctions and/or remedies; any appeal, including the result of the appeal; and any informal resolution and the result therefrom.
- All information regarding any action taken, including supportive measures, and a rationale as to why a formal complaint was not filed. If a complainant was not provided supportive measures, a rationale must be provided as to why supportive measures were not provided.
- All training materials used to train Title IX Coordinators, investigators, Decision-Makers, appellate administrators, and those who facilitate the informal resolution process.

Generally, information from a student's discipline file is not released without the written consent of the student. However, certain information may be provided to individuals within or outside the institution who have a legitimate legal or educational interest in obtaining it. Typically, the information that is released to someone outside of the Institution is limited to information associated with findings of "in violation" which resulted in a suspension or expulsion (discipline file). Please refer to the federal Family Educational Rights and Privacy Act of 1974 (FERPA).

Personnel files are the property of the Institution and will not be shared without a subpoena.

## **DISABILITY ACCOMMODATIONS AND INTERPRETIVE SERVICES**

Students with a disability who desire an accommodation regarding this policy must request an accommodation by contacting the Title IX Coordinator. It is the individual's responsibility, and not that of the Institution, to request an accommodation. The Title IX Coordinator will decide regarding the request and notify the appropriate parties.

Employees with a disability who desire an accommodation regarding this policy must request an accommodation with Human Resources. Similarly, those in need of interpretive services are encouraged to contact the Title IX Coordinator or Human Resources.

## **APPENDIX A: WHAT TO DO IF YOU ARE A VICTIM OF SEXUAL ASSAULT**

### **Emergency Response**

**Are You in Danger Now? If you need help right now, call “911.”**

You can also call:

National Domestic Violence Hotline  
1-800-799-7233 TDD: 1-800-787-3224

- Get to a safe place. (For example -- someone’s home, the nearest hospital or police department)
- Call 911 to be taken to an emergency room for medical care and/or for immediate police protection and assistance. When you call 911, explain what has happened and request to be sent to an emergency department that has a SANE nurse (Sexual Assault Nurse Examiner.)
- Alternatively, go directly to the nearest Emergency Room. If you go to the nearest emergency department that does not have SANE services, you can be transferred to the nearest facility.

### **Preservation of Evidence:**

After an incident of sexual assault, the complainant should consider seeking medical attention as soon as possible at a local emergency room and have a rape kit completed to preserve evidence in case the complainant decides to file a police report. No law enforcement charges are required to have a rape kit collected; however, the complainant must use his/her legal name.

It is important that a complainant of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 72-96 hours so that evidence, as may be necessary to the proof that criminal activity is occurring or has occurred, may be preserved. In circumstances of sexual assault, if complainants do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease. Complainants of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if any exists that would be useful to the Institution’s grievance process or police.

### **Options for Reporting to Law Enforcement:**

Although the college strongly encourages all members of its community to report violations of this policy to law enforcement, it is the complainant’s choice whether or not to make such a report and complainants have the right to decline involvement with the police. If the complainant would like to contact Public Safety and/or local authorities either of the following may be completed:

1. File a complaint but not have charges brought against the accused. Charges may be brought at a later time if desired and the prosecuting attorney’s office agrees, however, evidence may be lost. Victims of sexual assault are encouraged to get a rape kit done and cooperate fully with an investigation so the possibility of filing criminal charges may be an option when they are ready to pursue, if ever.
2. File a complaint and ask that the investigation and charges be pursued immediately. While the prosecuting attorney is still the Decision-Maker in whether the perpetrator is charged criminally, the victim can cooperate and provide as much timely cooperation and information as may be possible.

**IMPORTANT:** Victims under the age of 18 that file a report will be deemed a child in need and the appropriate authorities will decide whether to pursue charges.

### **No Contact Orders**

If the accused individual is a member of the NPC community, a no-contact letter will be given to all parties involved by the Institution until the conclusion of the investigation. This will prohibit communication between the parties, including contact verbally, in writing, through technology, or third parties. If you have been the victim of domestic or dating violence, stalking, or sexual abuse, you may also want to consider obtaining an order of protection from the State of California.

### **Orders of Protection**

The Institution does not issue orders of protection, but victims may be able to secure an order of protection through the courts in the jurisdiction where they live.

The Institution cannot apply for a legal order of protection, or restraining order for a complainant or on their behalf--the victim is required to apply directly for these services in conjunction with the police of the county in which they are located. The Institution will assist students and associates in obtaining court orders of protection to the extent they can.

The Institution will comply with state laws in recognizing orders of protection regardless of whether a complainant elects to pursue a criminal complaint. Persons should provide a copy of the order of protection to Safety and Security and the Title IX Coordinator. A complainant may then meet with Safety and Security to develop a Safety Action Plan, which is a plan aimed to reduce the risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, changing classroom location, etc.

### **CALIFORNIA**

For helpful information see the website, [www.courts.ca.gov](http://www.courts.ca.gov) —click the underlined information to access the specific webpage and get more info. In California, an Emergency Protection Order may be available through a law enforcement officer at any time of day.

### **Risk Reduction, Warning Signs of Abusive Behavior and Future Attacks**

No complainant is ever to blame for being assaulted or abused. Unfortunately, a person who is the victim of sexual or dating violence is more likely to be re-victimized. Below are some tips to help reduce your risk, to recognize warnings signs of abusive behavior, and how to avoid potential attacks.

#### ***Warning Signs of Abusive Behavior***

Domestic and dating abuse often escalates from threats and verbal abuse to violence. While the physical injury may be the most obvious danger, the emotional and psychological consequences of domestic and dating violence are also severe. Warning signs of dating and domestic violence include:

- Being afraid of your partner.
- Constantly watching what you say to avoid a “blow up.”
- Feelings of low self-worth and helplessness about your relationship.
- Feeling isolated from family or friends because of your relationship.
- Hiding bruises or other injuries from family or friends.

- Being prevented from working, studying, going home, and/or using technology (including your cell phone.)
- Being monitored by your partner at home, work, or school.
- Being forced to do things you don't want to do.

### ***Help Reduce Your Risk and Avoid Potential Attacks***

If you are being abused or suspect that someone you know is being abused, speak up, or intervene.

- Consider making a report with Safety and Security and/or the Title IX Coordinator and ask for a “no contact” directive from the Institution to prevent future contact.
- Consider getting a protective order.
- Learn more about what behaviors constitute dating and domestic violence, understand it is not your fault, and talk with friends and family members about ways you can be supported.
- Trust your instincts—if something doesn't feel right in a relationship, speak up or end it.

### **How to be an Active Bystander**

Bystanders play a critical role in the prevention of sexual and relationship violence. NPC aims to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some ways to be an active bystander. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

- Watch out for your friends and fellow students. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
- Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
- Speak up when someone discusses plans to take sexual advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on or off-campus resources listed in this document for support in health, counseling, or legal assistance.

## **APPENDIX B: NATIONAL POLYTECHNIC COLLEGE OFF-CAMPUS RESOURCES**

NPC does not offer on-campus resources in health, mental health, counseling, victim advocacy, legal assistance, or visa and immigration assistance. Students should access the off-campus resources in their area of residence or use the chart below to utilize resources near campus. If you need help, contact your Campus Title IX Administrator or Safety and Security on your campus. Either of those offices can assist you in connecting with the resource you need. If you need immediate assistance, call 9-1-1.

## **APPENDIX C: CONTACTING PUBLIC SAFETY**

### **Lakewood, CA**

#### **LOCAL Police Department**

##### **Los Angeles County Sheriff**

5130 Clark Ave. Lakewood, CA 90712 – (562) 623-3500

#### **STATE Police Department**

##### **California Highway Patrol**

10051 Orr And Day Rd, Santa Fe Springs, CA 90670 - (562) 868-0503

#### **Closest Emergency Room**

##### **Lakewood Regional Medical Center**

3700 E South St, Lakewood, CA 90712 - (562) 531-2550

#### **Resources Specific to Female Victims**

##### **Violence Intervention Program/24-Hour Domestic Violence Response Team**

1721 Griffin Avenue Los Angeles, CA 90031 Phone 323-226-2095

<https://www.violenceinterventionprogram.org/vip/>

Mental Health Center

323-221-4134

Child Abuse Assessment Clinic

323-409-5086

Sexual Assault Center

323-409-3800

#### **Resources Specific to Male Victims**

##### **Los Angeles Male Survivors of Sexual Abuse**

Culver City, CA (323) 250-6116

#### **Other**

**Coalition for Humane Immigrant Rights of Los Angeles**, CA 2533 W. 3rd St. Suite 101. CA 90057

Phone 213-353-1333 <http://www.chirla.org/>

**The California Coalition Against Sexual Assault (CALCASA)** is a membership organization promoting safety, justice, and healing for survivors while working toward the elimination of sexual violence. The CALCASA provides a list of health care providers that help victims of sexual assault. [WWW.CALCASA.ORG](http://WWW.CALCASA.ORG)

## APPENDIX D: CALIFORNIA CODE DEFINITIONS

### **California Code § 285. Adultery and fornication by persons forbidden to marry; incest.**

Persons being within the degrees of consanguinity within which marriages are declared by law to be incestuous and void, who intermarry with each other, or who being 14 years of age or older, commit fornication or adultery with each other, are punishable by imprisonment in the state prison.

### **California Code § 261.5. Carnal knowledge of a minor under 18 years of age.**

a) Unlawful sexual intercourse is an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator if the person is a minor. For this section, a "minor" is a person under the age of 18 years and an "adult" is a person who is at least 18 years of age.

### **California Code 261. Rape.**

(a) Rape is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances: (1) Where a person is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act. Notwithstanding the existence of a conservatorship according to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent.

(2) Where it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.

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

(4) Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, "unconscious of the nature of the act" means incapable of resisting because the victim meets any one of the following conditions: (A) Was unconscious or asleep.

(B) Was not aware, knowing, perceiving, or cognizant that the act occurred.

(C) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.

(D) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.

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

(6) Where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.

(7) Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(b) As used in this section, "duress" means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed, or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and his or her relationship to the defendant, are factors to

consider in appraising the existence of duress.

(c) As used in this section, "menace" means any threat, declaration, or act which shows an intention to inflict an injury upon another.

**California Code § 243.4. Sexual battery**

(a) Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery.

**Family or household member:** Means (i) the person's spouse, whether or not he or she resides in the same home with the person, (ii) the person's former spouse, whether or not he or she resides in the same home with the person, (iii) the person's parents, stepparents, children, stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents, and grandchildren, regardless of whether such persons reside in the same home with the person, (iv) the person's mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law, and sisters-in-law who reside in the same home with the person, (v) any individual who has a child in common with the person, whether or not the person and that individual have been married or have resided together at any time, or (vi) any individual who cohabits or who, within the previous 12 months, cohabited with the person, and any children of either of them then residing in the same home with the person.

California covers dating violence under domestic violence statutes.

**California Code § 646.9. Stalking**

Any person who willfully, maliciously, and repeatedly follows or harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, of his or her immediate family.

The codification of Criminal Sexual Assault is located in Ca. Code §§ 261 through 269 and can be accessed on the Code of California web site at <http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=pen>.

See Ca. Code §261.5 for the age of consent under California law: <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=pen&group=00001-01000&file=261-269>.