

Violence Against Women Reauthorization Act of 2013 (VAWA)

On March 7, 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013 (VAWA) (Pub. Law 113-4) which, among other provisions, amended section 485(f) of the Higher Education Act of 1965, as amended (HEA), otherwise known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). VAWA amended the Clery Act to require institutions to compile statistics for incidents of domestic violence, dating violence, sexual assault, and stalking and to include certain policies, procedures, and programs pertaining to these incidents in their annual security reports (ASRs).

NPCollege adheres to the VAWA of 2013 and includes annual security reports online to students, employees, prospective students, and the general public.

The Higher Education Act defines the new crime categories of domestic violence, dating violence, and stalking in accordance with section 40002(a) of the Violence Against Women Act of 1994 as follows:

Domestic violence means a felony or misdemeanor crime of violence committed by: (1) a current or former spouse or intimate partner of the victim, (2) a person with whom the victim shares a child in common, (3) a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, (4) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies [under VAWA], or (5) any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Dating violence means violence committed by a person: (1) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (2) where the existence of such a relationship shall be determined based on a consideration of the following factors: (a) the length of the relationship, (b) the type of relationship, and (c) the frequency of interaction between the persons involved in the relationship.

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for his or her safety or the safety of others; or (2) suffer substantial emotional distress.

Helpful Links Available for Students and Employees Regarding Sexual Assault

What to Do if You Have Been Sexually Assaulted

Frequently Asked Questions Regarding Sexual Assault and/or Harassment

The Jeanne Clery Act

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f)) is the landmark federal law, originally known as the Campus Security Act, that requires colleges and universities across the United States to disclose information about crime on and around their campuses. The law is tied to an institution's participation in federal student financial aid programs and it applies to most institutions of higher education both public and private. The Act is enforced by the United States Department of Education.

The law was amended in 1992 to add a requirement that schools afford the victims of campus sexual assault certain basic rights, and was amended again in 1998 to expand the reporting requirements. The 1998 amendments also formally named the law in memory of Jeanne Clery. Subsequent amendments in 2000 and 2008 added provisions dealing with registered sex offender notification and campus emergency response. The 2008 amendments also added a provision to protect crime victims, "whistleblowers", and others from retaliation.

The Clery Act requires Colleges and Universities:

Publish an Annual Security Report (ASR) by October 1, documenting three calendar years of select campus crime statistics including security policies and procedures and information on the basic rights guaranteed victims of sexual assault. The law requires schools make the report available to all current students and employees, and prospective students and employees must be notified of its existence and given a copy upon request. Schools may comply with this requirement via the internet if required recipients are notified and provided exact information regarding the on-line location of the report. Paper copies of the ASR should be available upon request. All crime statistics must be provided to the U.S. Department of Education.

To have a public crime log. Institutions with a police or security department are required to maintain a public crime log documenting the "nature, date, time, and general location of each crime" and its disposition, if known. Incidents must be entered into the log within two business days. The log should be accessible to the public during normal business hours; remain open for 60 days and, subsequently, made available within two business days upon request. NPCollege does not have a campus police or security department.

Disclose crime statistics for incidents that occur on campus, in unobstructed public areas immediately adjacent to or running through the campus and at certain non-campus facilities including Greek housing and remote classrooms. The statistics must be gathered from campus police or security, local law enforcement and other school officials who have "significant responsibility for student and campus activities." The Clery Act requires reporting of crimes in seven major categories, some with significant sub-categories and conditions:

- Criminal Homicide
- Murder & Non-negligent manslaughter
- Negligent manslaughter
- Sex Offenses
- Forcible
- Non-Forcible
- Robbery
- Aggravated Assault
- There is evidence of unlawful entry (trespass), which may be either forcible or not involve force.
- Unlawful entry must be of a structure - having four walls, a roof, and a door.
- There is evidence that the entry was made in order to commit a felony or theft.
- Burglary, where:
- Motor Vehicle Theft
- Arson

Schools are also required to report statistics for the following categories of arrests or referrals for campus disciplinary action (if an arrest was not made):

- Liquor Law Violations
- Drug Law Violations
- Illegal Weapons Possession

Hate crimes must be reported by category of prejudice, including race, gender, religion, sexual orientation, ethnicity, and disability. Statistics are also required for four additional crime categories if the crime committed is classified as a hate crime:

- Larceny/Theft
- Simple Assault
- Intimidation
- Destruction/Damage/Vandalism of Property

Issue timely warnings about Clery Act crimes which pose a serious or ongoing threat to students and employees. Institutions must provide timely warnings in a manner likely to reach all members of the campus community. This mandate has been part of the Clery Act since its inception in 1990. Timely warnings are limited to those crimes an institution is required to report and include in its ASR. There are differences between what constitutes a timely warning and an emergency notification; however, both systems are in place to safeguard students and campus employees.

Devise an emergency response, notification and testing policy. Institutions are required to inform the campus community about a "significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus." An emergency response expands the definition of timely warning as it includes both Clery Act crimes and other types of emergencies (i.e., a fire or infectious disease outbreak). Colleges and universities with and without on-campus residential facilities must have emergency response and evacuation procedures in place. Institutions are mandated to disclose a summary of these procedures in their ASR. Additionally, compliance requires one test of the emergency response procedures annually and policies for publicizing those procedures in conjunction with the annual test. NPCollege has a Crisis Management Plan that is updated annually in July.

Compile and report fire data to the federal government and publish an annual fire safety report. Similar to the ASR and the current crime log, institutions with on-campus housing must report fires that occur in on-campus housing, generate both an annual fire report and maintain a fire log that is accessible to the public. NPCollege does not have on-campus housing.

Enact policies and procedures to handle reports of missing students. This requirement is intended to minimize delays and confusion during the initial stages of a missing student investigation. Institutions must designate one or more positions or organizations to which reports of a student living in on-campus housing can be filed if it's believed that student has been missing for 24 hours. NPCollege does not have on-campus housing.

The Federal Campus Sexual Assault Victims' Bill of Rights

- Survivors shall be notified of their options to notify law enforcement.
- Accuser and accused must have the same opportunity to have others present.
- Both parties shall be informed of the outcome of any disciplinary proceeding.
- Survivors shall be notified of counseling services.
- Survivors shall be notified of options for changing academic and living situations.

The Campus Sexual Assault Victims' Bill of Rights was signed into law by President George Bush in July of 1992. This law requires that all colleges and universities (both public and private) participating in federal student aid programs afford sexual assault victims certain basic rights. Schools found to have violated this law can be fined up to \$35,000 or lose their eligibility to participate in federal student aid programs. Complaints about schools that have failed to comply with this law should be made to the U.S. Department of Education.

The "Campus Sexual Assault Victims' Bill of Rights" exists as a part of the campus security reporting requirements, commonly known as the Jeanne Clery Act.

The Campus Sexual Violence Elimination (SaVE) Act (<http://clerycenter.org/campus-sexual-violence-elimination-save-act>)

The Campus SaVE Act seeks to address the violence women face on campus: the highest rates of stalking, the highest risk of nonfatal intimate partner violence, and 20-25% of female students experiencing rape or attempted rape. This legislation will update the Jeanne Clery Act to create:

Transparency

SaVE requires that incidents of domestic violence, dating violence, sexual assault, and stalking be disclosed in annual campus crime statistic reports. Additionally, students or employees reporting victimization will be provided with their written rights to:

- Be assisted by campus authorities if reporting a crime to law enforcement
- Change academic, living, transportation, or working situations to avoid a hostile environment
- Obtain or enforce a no contact directive or restraining order
- Have a clear description of their institution's disciplinary process and know the range of possible sanctions
- Receive contact information about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available both on-campus and in the community

Accountability

SaVE clarifies minimum standards for institutional disciplinary procedures covering domestic violence, dating violence, sexual assault, and stalking to ensure that:

- Proceedings shall provide a prompt, fair, and impartial investigation and resolution and are conducted by officials receiving annual training on domestic violence, sexual assault, and stalking
- Both parties may have others present during an institutional disciplinary proceeding and any related meeting, including an advisor of their choice
- Both parties will receive written outcomes of all disciplinary proceedings at the same time

Education

SaVE instructs colleges and universities to provide programming for students and employees addressing the issues of domestic violence, dating violence, sexual assault and stalking. Education programs shall include:

- Primary prevention and awareness programs for all incoming students and new employees
- Safe and positive options for bystander intervention
- Information on risk reduction to recognize warning signs of abusive behavior
- Ongoing prevention and awareness programs for students and faculty

Collaboration

SaVE establishes collaboration between the U.S. Departments of Justice, Education, and Health and Human Services to collect and disseminate best practices for preventing and responding to domestic violence, dating violence, sexual assault, and stalking.

Frequently Asked Questions Regarding Sexual Assault and/or Harassment

Q: Which College policy prohibits sexual assault?

A: Sexual and Racial Harassment policy explains the procedure relative to the orderly resolution of complaints of sexual or racial harassment at NPCollege. Fair and prompt consideration shall be given to all complaints of harassment in accordance with the procedures set forth below. These procedures may be utilized by any employee, applicant for employment or student who believes he or she has been subjected to sexual or racial harassment

Q: What is sexual violence?

A: Sexual violence includes sexual assault, sexual battery and sexual coercion. All such acts are forms of sexual harassment and covered under Title IX.

Q: How do I know if I've been sexually assaulted?

Generally, sexual assault is any unwanted, non-consensual sexual contact against any individual by another. Sexual assault can occur either forcibly (against a person's will) or when a person cannot give consent (under the age of consent, intoxicated, developmentally disabled, mentally/physically unable to consent, etc.). Sexual assault is a general term which covers a range of crimes, including rape. Sexual assault is defined by the State of California.

Q: How do I know if I've been sexually harassed?

NPCollege defines Sexual Harassment as a form of sex discrimination according to Sexual and Racial Harassment policy. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct is so frequent or severe that it explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work or educational performance, or creates an intimidating, hostile or offensive work environment.

Q: What is a sexually hostile and intimidating work environment?

Behaviors that may contribute to a hostile environment include, but are not limited to:

verbal, non-verbal, and physical sexual behaviors

coerced sex

sexual jokes and innuendoes

remarks about a person's body

turning discussions inappropriately to sexual topics

whistling or cat calls

looking a person up and down or staring in a sexually suggestive manner

invading someone's personal space or blocking her/his path

sexually explicit visuals such as pin-ups

suggestions of sexual intimacy

repeated requests for dates

unwanted letters, electronic mail or other computer communications

unwanted gifts

touching, hugging, massaging, and other gestures or sounds that a reasonable person of the same sex as the recipient would find offensive

It is important to be aware that in many instances, the intentions of the accused may be regarded as irrelevant in determining whether her/his behaviors constitute sexual harassment; it is the effect of the behavior on the recipient that may define a hostile environment.

Q: What should I do if I think I've been sexually harassed or victimized?

Any current student, applicant for employment or current employee who believes he or she has been subjected to harassment at NPCollege or who believes that he/she has observed harassment taking place shall present the complaint to the Operations & Compliance Director responsible for compliance with Title VII of the Civil Rights Act of 1964, Title VI, or Title IX of the Education Amendments of 1972. The Operations & Compliance Director will notify the Campus Director.

Q: Can I be sexually assaulted by my boyfriend, girlfriend, friend or acquaintance?

A: Yes. The definition is the same regardless of who the perpetrator is – if there was no consent, there is sexual assault.

Q: Are women the only victims of sexual harassment or sexual violence?

No, both females and males can be victims of sexual harassment and/or sexual violence.

Q: Is it possible to be sexually harassed/assaulted by someone of the same gender?

Yes. If you have been subjected to unwanted sexual contact or sexual harassment, your gender and the gender of the alleged perpetrator are irrelevant.

Q: If I think I've been victimized and I don't feel safe, what can I do?

Find a safe place away from the assailant and call 911.

Q: What is the best way to prevent sexual harassment?

Know your rights. Members of our College community have the right to work and learn in an environment that is free from verbal or physical sexual conduct which might either interfere with an individual's performance, or create a work or educational climate that is hostile, intimidating, or offensive, whether that conduct originates with an instructor, a supervisor, or a peer.

Q: How can violence that happens during my relationship be sexual assault or sexual harassment?

A: Relationship violence may be sexual assault or sexual harassment under College policy when harm or abuse, or threats of harm or abuse, arising within or from the personal, intimate relationship (or previous relationship) meets the definition of sexual harassment: the conduct is unwelcome, sexual in nature, and so severe, persistent, or pervasive that a reasonable person would find that it altered their educational or work experience

Q: When does sexual assault violate the Sexual Harassment Policy?

A: Sexual assault is a form of sexual harassment. Sexual harassment, according to policy may be defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when one of the following criteria is met:

submission to such conduct is made either explicitly or implicitly a term or condition of the individual's employment or of the individual's status in a program, course or activity; submission to or rejection of such

conduct by an individual is used as a basis for employment decisions, a criterion for evaluation, or a basis for academic or other decisions affecting such individual; or such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or educational experience or creating an intimidating, hostile or offensive work or educational environment. Sexual harassment can take many forms, but most sexual harassment falls into three categories: verbal, visual, and physical.

Q: Is my report or complaint confidential?

A: A complainant may make a request for confidentiality/privacy at any point. This type of request means that the complainant does not want their identity known to the respondent and witnesses, or that the complainant wishes to withdraw a report. If at any point the complainant requests privacy, the College will make all reasonable attempts to comply with this request. In situations where a complainant requests privacy, the College's ability to investigate and respond to the allegations may be limited. The College is required by Title IX to weigh the complainant's request for confidentiality with the College's commitment to provide a reasonably safe and non-discriminatory environment.

Q: What if I don't want an investigation or disciplinary process to take place? Do I have a say as to whether the processes happen?

A: It is the obligation of the Title IX Coordinator to ensure that all reports of gender-based misconduct are investigated as required by Title IX. Therefore, the Coordinator will ask that an investigation occur to the extent of the information available.

Q: Can I just talk with someone about the policy and procedures without making a report?

A: Yes. Students may speak with administrators in hypotheticals so that they can learn about their options without explicitly making a complaint. Additionally, a student may contact the Student Services and Career Services Coordinator to learn about available professional help (i.e., counselors, clergy, medical-care providers, and rape-crisis counselors) to learn more about the policy and procedures before making a formal report. However, as a general matter, any College employee informed of an allegation of gender-based misconduct against a student is expected to file a report with the Title IX Coordinator.

Q: Who can I talk to about this process while it is taking place?

A: Students are encouraged to seek appropriate support off-campus. Confidential on-campus referrals include counseling services, medical care providers, the Rape Crisis Support Center, and clergy members.

Q: What is a Title IX Coordinator?

A: The Federal Regulations accompanying Title IX state:

Each recipient of federal funds shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under this part, including any investigation of any complaint communicated to such recipient alleging its noncompliance. At NPCollege, Charles Mugardechian, Operations & Compliance Director serves as the Title IX Coordinator.

323-728-9636 ext. 103

The Campus Director, Alfonso Zavala, serves as the Deputy Title IX Coordinator.

323-728-9636 ext. 102

Please Note: Title IX Coordinators and Deputy Coordinators are not a confidential source of support. While they will address your complaint with sensitivity and will keep your information as private as possible, confidentiality cannot be guaranteed.

Q: How are NPCollege students and employees notified of Title IX?

Students and employees are notified annually via email on August 1 or the next business day thereafter. Additionally, information regarding Title IX is public on the College's website.

Student Right to Know

The Student Right to Know and Campus Security Act requires colleges and universities that administer federal Title IV produce statistics and/or information on the following subjects: (1) retention and graduation rates; (2) financial assistance available to students and requirements restrictions imposed on Title IV aid; (3) crime statistics on campus; (4) athletic program participation rates and financial support (not applicable at NPCollege); and (5) other institutional information including: the cost of attendance, accreditation and academic program data, facilities and services available to disabled students, and withdrawal and refund policies.

Consumer information may be found in the College Catalog and through direct distribution to each individual. You have the right to receive this information in paper copy. Contact the office of the Vice President of Academic Affairs to receive paper copies of any of the information listed below.

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Violence Against Women Reauthorization Act of 2013 (VAWA)

NPCollege Annual Security Reports

The Jeanne Clery Act

Information on the Basic Rights Guaranteed Victims of Sexual Assault including Frequently Asked Questions Regarding Sexual Assault, Sexual Respect at NPCollege, and What to Do if You or Someone You Know Has Been Sexually Assaulted.

Title IX Sexual Assault Resources

What is Title IX of the Education Amendments?

The federal law prohibiting sex discrimination in educational institutions is Title IX of the Educational Amendments Act of 1972 (amending the Higher Education Act of 1965). This act is codified as Title 20, United States Code, Chapter 38, Sections 1681-1686. The act was also amended by the Civil Rights Restoration Act of 1987 ("Title IX"). Sexual violence is viewed under the law as an extreme form of hostile environment/sexual harassment and must be addressed.

The law states that "no person in the United States shall on the basis of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance. The amendment in 1987 expanded the definition of program or activity to include all the operations of an educational institution, governmental entity or private employer that receives federal funds.

Title IX forbids sex discrimination in all college student services and academic programs including, but not limited to, admissions, financial aid, academic advising, recreational services, Registrar's office, classroom assignments, grading and discipline. Title IX also forbids discrimination because of sex in employment and recruitment consideration or selection, whether full time or part time, under any education program or activity operated by an institution receiving or benefiting from federal financial assistance.

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NPCollege and Title IX-Specifically Sexual Assault

NPCollege prohibits sexual harassment and misconduct according to Policy 05:16:00 Sexual and Racial Harassment. Sexual harassment is a term with a specific legal connotation. It encompasses a broad range of behavior that includes all forms of sexual misconduct and sexual violence. Sexual Violence refers to sexual acts committed against a person's will, or where the person is incapable of giving consent because of incapacitation, unconsciousness, or any circumstance rendering one unaware that sexual activity is occurring. Sexual harassment includes but is not limited to sexual assault, sexual exploitation, stalking, cyber-stalking, bullying and cyber-bullying, aiding or facilitating the commission of a violation, and retaliation.

Consistent with the values of an educational and employment environment free from harassment based on sex, the College also prohibits gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

[Helpful Links Available for Students and Employees Regarding Title IX](#)

What to Do if You Have Been Sexually Assaulted
Frequently Asked Questions Regarding Sexual Assault and/or Harassment
Violence Against Women Reauthorization Act of 2013 (VAMA)

What to Do if You Have Been Sexually Assaulted

1. Get to a safe place.

It may be helpful to contact a trusted friend to stay with you for support.

2. Seek medical attention at the closest medical emergency department or call law enforcement.

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

3. Preserve any evidence.

Place your clothing and other items (sheets, blankets) in a brown paper (not plastic) bag. Avoid drinking, bathing, showering, douching, brushing your teeth, using mouthwash, combing your hair or changing your clothes. Physical evidence will be collected if you choose to visit an Emergency Room. Write down, or have a friend write down, everything you can remember about the incident. You should attempt to do this even if you are unsure at the moment if you are planning on reporting the incident in the future.

4. Report the incident by calling law enforcement.

Emergency Assistance 911
Los Angeles Police Department 213-972-7828

5. Talk about the incident

Remember that being a victim of sexual assault is not your fault. You are not responsible for the actions of others and it is not your fault that someone decided to hurt you. Talking with supportive people may help you regain a feeling of control and help you feel less alone (regardless of whether you are ready to report the incident to law enforcement.)