

CALIFORNIA WESTERN
SCHOOL OF LAW | San Diego

ANNUAL SECURITY REPORT - 2018

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Quick Reference – Resources

Important Phone Numbers

Emergencies (Police, Fire)	9-1-1	San Diego Police Dept. (non-emergency)	619-531-2000
		California Western Security	619-525-1417

On Campus

ACT (Assessment and Care Team)	619-515-1515 ACT@cwsl.edu
Exec. Director, Facilities Management	619-525-1487

Off Campus

CA Crime Victims Crisis Hotline	619-232-3300
Center for Community Solutions Rape Crisis Center	888-385-4657
Domestic Violence & Sexual Assault Hotline	888-272-1767
Pomerado Hospital	858-613-4457
San Diego County Office of the District Attorney	619-531-4040
San Diego Office of the City Attorney	619-236-6220
San Diego Victim Assistance Program	619-531-4041
Suicide and Crisis 24-hour Hotline	800-479-3339

Title IX Coordinators

Title IX Coordinator - Vice President of Student Life	619-515-1567 TitleIXCoordinator@cwsl.edu
Deputy Coordinator (Students) - Asst. Dean, Student & Diversity Services	619-515-1576 DeputyCoordinator-Students@cwsl.edu
Deputy Coordinator (Students) - Asst. Dean, Academic Achievement	619-515-1578 DeputyCoordinator-Students2@cwsl.edu
Deputy Coordinator (Employees) - Vice President, Human Resources	619-515-1558 DeputyCoordinator-Employees@cwsl.edu

I. INTRODUCTION

California Western School of Law (“California Western” or “Law School”) is situated in downtown San Diego overlooking the harbor, close to beautiful Balboa Park and the world famous San Diego Zoo. While we all appreciate the inherent charm of the downtown campus and its surrounding area, like all modern cities we are not completely immune to potential crime. Becoming aware of potential dangers and taking preventive measures will protect you and assist us in our goal of keeping California Western a safe and pleasant environment in which to pursue a legal education.

We believe a well-informed school community is safer.

II. CAMPUS SAFETY

A. Clery Act

Pursuant to the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (the “Clery Act”), California Western monitors campus security and publishes this report, which includes crime statistics for a three-year period.

California Western’s annual security report is compiled by the Facilities Management department with cooperation from campus departments, including the Assistant Dean for Student & Diversity Services, Office of the Vice Dean for Academic Affairs, Security, Human Resources, and the Assessment and Care Team (“ACT”).

In addition, the campus community is encouraged to report crimes to Security or a Campus Security Authority (“CSA”). This information can help California Western with timely warning reports, and provide necessary details for annual campus crime statistics and the daily crime log.

California Western does not have any residential facilities.

B. Law Enforcement Authority

California Western utilizes a contracted security team of uniformed security personnel

certified by the State of California Bureau of Security and Investigative Services and trained in California Western security operating procedures. They have authority to cover law school property and, when directed, certain school sponsored events held away from the law school’s property. Their three major areas of responsibility are student/employee safety, loss prevention, and surveillance of the building and law school premises. Security staff responds to and investigate all reports of crime, medical, or fire emergencies on campus. Additionally, they perform administrative duties such as documentation, issuance of keys, and oversight of Lost and Found.

Crime prevention efforts include escorting, regularly patrolling the campus by foot, and maintaining an ongoing relationship with local law enforcement. California Western Security personnel are available 24 hours a day to provide on-site assistance to students, faculty, and staff. Security personnel are not sworn law enforcement officers, carry no weapons, and do not have arrest powers other than citizen’s arrest.

Security officers have the authority to ask persons for identification and to determine whether individuals have lawful business at California Western.

If minor offenses involving California Western rules and regulations are committed by a student, Security may refer the individual to the Assistant Dean for Student & Diversity Services for disciplinary action.

Misdemeanors and major offenses such as rape, murder, aggravated assault, robbery, arson and auto theft will be turned over for investigation to the San Diego Police Department. Prosecution of those crimes will be conducted in the court having jurisdiction where the crime occurred.

California Western maintains a working relationship with the San Diego Police Department, with which it maintains a Letter of Agency (“LOA”) permitting law enforcement to enter the campus property to

enforce all laws. Security officers communicate with the San Diego Police Department on the scene of incidents that occur on and around the campus area, and work closely with San Diego Police Department investigators when incidents arise that require joint investigative efforts, resources, crime related reports, and exchanges of information, as deemed necessary. There is no written memorandum of understanding between the San Diego Police Department or state police agencies and California Western.

All crime victims and witnesses are strongly encouraged to immediately report the crime to Security and the appropriate police agency. Prompt reporting will assure timely warning notices on-campus and timely disclosure of crime statistics.

The public streets contiguous to the campus directly south of the I-5 (see Figure 1) are additionally serviced by Safety Ambassadors of the Clean and Safe program administered by the Downtown San Diego Partnership.

C. Incident Reporting and Daily Crime Log

Members of the campus community and guests are strongly encouraged to promptly report criminal incidents, accidents, emergencies, and any suspicious activity to Security and the appropriate local police agency in a timely manner. Prompt reporting will assure inclusion in the annual crime statistics, and timely warning notices on-campus, as appropriate.

Although California Western employs private security personnel whose duties are described above, the San Diego Police Department has the primary jurisdiction and responsibility to investigate crimes and to provide law enforcement services to California Western.

Emergencies requiring police, fire, or medical aid can be reported in person to Security or by phone at 619-525-1417, or to public

emergency authorities by dialing 9-1-1 from any campus telephone.

Manned security desks are located in the first floor lobby of the 350 Cedar Street building and at the entrance to the Library at 290 Cedar Street. It is important that all security-related incidences and crimes occurring on the law school property and its surrounding area, regardless of their nature, be accurately and promptly reported to the San Diego Police Department or to Security to ensure that proper action is taken. Incidents reported to the police must be reported as well to Security, and a written report must be filled out.

Security maintains a daily incident log recording any crimes reported to them. This log is open to inspection, except where disclosure of such information is prohibited by law, or such disclosure would jeopardize the confidentiality or safety of a victim, or jeopardize an ongoing criminal investigation. Inspection of the log may be requested from Facilities Management.

D. Campus Security Authorities

Although reporting of criminal activity to Security is encouraged, crimes may also be reported to CSAs, which are school officials who have responsibility for campus security or significant responsibility for student and campus activities. CSAs are responsible for forwarding non-identifying information to Facilities Management for inclusion in the annual security report, regardless of whether or not the victim chooses to file a report with law enforcement or press charges. On our campus, the main CSAs are the Vice President of Student Life, the Assistant Dean for Student & Diversity Services, the Executive Director of Facilities Management, Security, and the Vice President of Human Resources.

In general, CSAs do not include employees who do not have significant security authority such as Faculty members and support staff.

The Facilities Management department is responsible for maintaining the campus security program. This includes developing

and implementing security standard operating procedures; supervising the security team; disseminating security related reports, notices and information; overseeing the campus emergency notification system; and serving as liaison between the law school and the San Diego Police Department.

E. Assessment and Care Team (ACT)

A diverse and collaborative group of campus administrators meets regularly to identify and investigate persons or situations of concern, assess the information and manage risk. Consult the ACT team whenever you have concerns that the behavior of a student, employee, guest or vendor may adversely affect campus safety.

Behavior Involving an Immediate Threat:

If you believe a student or employee is in need of medical treatment or poses an immediate threat to self or others, call 9-1-1. Some examples of situations where 9-1-1 should be contacted immediately:

- Person has access to weapons and is threatening to use them
- Person is attempting suicide
- Person otherwise indicates he or she intends to do harm to self or others

Behaviors of Concern:

If you do not believe the person is an imminent threat, you still can report a person's behavior to the ACT if such behavior is:

- Extremely unusual
- Troubling or concerning
- Disruptive to your environment (classroom, office)
- Causing discomfort to you or others
- Potentially threatening in any way

When to refer someone:

Consider referring someone to the ACT if you notice any of these signs:

- Marked change in appearance or hygiene (i.e. grooming, or extreme weight loss/gain)

- Signs of hopelessness, excessive irritation, disorientation, or withdrawal/distancing
- Evidence of suicidal thoughts or plans
- Implying or making threats to harm self or others
- Preoccupation with weapons, violent events, or persons who have engaged in violent acts
- Bizarre content in writing or speech, including inappropriate (i.e. threatening, aggressive, harassing) communication via phone, voicemail, or email
- Emotional responses that are inappropriate or incongruent
- Extreme reaction to a recent loss or traumatic event
- Inappropriate behavior and responses such as prolonged irritability, angry outbursts, or intense reactions
- Excessive procrastination, uncharacteristically poor work effort, frequent absences compared with previous known behavior, repeated requests for special consideration (i.e. extensions) especially if the person appears extremely distressed or highly emotional when explaining the reason for the request

How to refer someone:

- If the person expresses a direct threat to self or others, or is behaving bizarrely or in a highly irrational way, contact 9-1-1 immediately
- If there is no immediate threat, contact the Assistant Dean for Student & Diversity Services (for students) or the ACT (for students or employees) with your concerns at ACT@cwsu.edu.

F. Campus Facilities Security, Maintenance, and Access

Campus buildings and equipment are maintained by California Western Facilities Management personnel and are patrolled 24/7 by Security (see Section II.B *Law*)

Enforcement Authority). The Facilities Management Maintenance Team is dedicated to maintaining a safe and attractive campus environment through quality maintenance and repair. Campus buildings and equipment are inspected regularly, needed repairs are promptly made, and any potential hazards are promptly addressed. In regular staff meetings Facilities and Security supervisors collaborate on maintenance or security considerations. Any safety and security hazards should be reported to the Facilities Management department promptly and in detail, at 619-525-1487.

The Law School reserves the right to limit access to campus facilities to students, faculty, staff and other persons who have a legitimate business or educational purpose for being on the premises. Persons with no legitimate purpose, or who behave in a disorderly or disruptive fashion, may be requested to leave the premises. Law School representatives, including Security, may contact local law enforcement authorities to eject unauthorized persons from Law School property or take other appropriate action. Any person who enters the campus and refuses to leave upon request may be guilty of a misdemeanor (Sec. 602 of the Penal Code of the State of California).

Except for scheduled holidays, the school is open Monday through Friday during normal business hours to law school students, California Western employees, attorneys (holding current Bar membership), and others having legitimate business or educational purpose at the law school. The campus library remains open on weekends and evenings to law school students, California Western employees, and attorneys (holding current Bar membership). Individuals who do not meet these criteria will not be allowed access.

Campus buildings are secured each evening at the conclusion of business or academic function. Building hours are posted at the entrance to each building. The building at 225 Cedar Street utilizes an automatic building

lock system; the buildings at 350 and 290 Cedar Street are manually locked by Security staff.

Emergencies may necessitate changes or alterations to any posted schedules.

In order to keep the campus a safe environment for all to enjoy, specific rules apply to guests and visitors when on campus. Our campus is a private facility (non-public), and as such, the following access authority rules apply:

1. Students are permitted access to campus buildings during normal operating hours. Please note holiday hours may apply. Students may be asked to show a valid student photo ID card for access to any portion of the campus facility. Accordingly, all students should carry their student ID card with them at all times. If asked to present a student ID for any reason, students will be expected to respond in a professional manner.
2. Vendors are required to sign in and out in a daily log, and to wear authorization tags when on campus.
3. Children of students are permitted but must be under the supervision of the student at all times, and are not permitted to roam any area of the campus unescorted. Students should get permission from their professors in advance if a child will be joining them for any class (subject to emergency situations).
4. Guests of students are permitted if they sign in and out of the visitors' logbook, and if they remain with the student at all times. Bear in mind that your professor may not permit a guest to attend his or her class, and in this event the guest must remain outside of the campus buildings.
5. Visitors to the campus are asked to check in with Admissions for a personalized, escorted tour.
6. The library has a set of specific access standards, but at minimum, requires authorized visitors to sign in and out of the logbook.

III. EMERGENCY COMMUNICATIONS AND EVACUATION PROCEDURES

To provide the safest campus environment possible, California Western encourages employees and students to promptly report all emergencies and criminal activities. In the event Security receives information from any office or department on the school campus and confirms that a situation may pose a threat, or is an immediate threat, to the health and safety of the California Western community, Security will work collaboratively with specified members of the Emergency Responders Group (“ERG”) or their designees to determine the content of an Emergency Notification message. The specified ERG members are the Dean, the Vice Dean for Academic Affairs, and the Incident Commander.

A. Emergency Alerts

Some or all of the systems described below will be used to communicate the threat to the California Western community, or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population. The specified ERG members, along with cooperation from Security and other members of the Law School Administration will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will in the judgment of the responsible authorities or first responders (including, but not limited to, local police) compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

Because of the dynamic nature of any given emergency situation, the depth, breadth and manner of any campus emergency notification are subject to the available information and the professional judgment of the issuing authority. Ongoing flow of information from

informed sources to the ERG will determine the need to close or restrict access (if any) to affected areas of campus.

In the event of a serious incident that poses an immediate threat to members of the California Western community, the Law School has various systems in place for communicating information quickly. Some or all of these methods of communication may be activated in the event of an immediate threat to the California Western community.

These methods of communication include Omnilert that includes emergency text messages and phone calls, campus emails, and posting notices around campus. Individuals can sign up for the Omnilert alert service on the Law School’s website. Students should sign up for Omnilert. The site can be accessed through the student portal of the California Western website, using your login and password information. The Law School will also post updates during a critical incident on the Law School’s website.

The Omnilert alert system is a subscription based, emergency notification system, which allows the administration to send an emergency message to a list of recipients on a variety of devices in different formats. The Omnilert alert system is capable of providing rapid communications regarding impending emergency or actual emergency situations to the greatest number of individuals on campus in the shortest amount of time. It is also designed to immediately communicate time-sensitive emergency alert notifications to the campus via a variety of delivery methods.

Utilizing the various notification methods, Omnilert is reserved for critical incidents that pose an imminent threat to life, health and/or safety. This system is regularly tested throughout the calendar year. Students are strongly encouraged to participate in this process by signing up at any time via the

student portal on the California Western website.

We strongly encourage everyone to please review and confirm that your contact information within Omnilert is up to date. It is important that you include a cell phone number in your Omnilert profile. Most people carry cell phones which provide the ability to quickly receive emergency alerts anywhere on campus. During an emergency, alert messages are sent to registered cell phones via text message, cellular calls, registered home phones, and registered email addresses (note all campus email addresses are contacted). Please listen to or read the alert and follow the recommended action.

The various systems that California Western has in place for communicating information quickly to the Law School community include:

- Omnilert.
- Campus emails.
- Website updates.
- The online Calendar.
- Posting Notices on Campus.

Follow-up information may be sent using these systems.

California Western has a robust Business Continuity Plan designed to effectively coordinate the use of California Western and community resources to protect life and property, and to restore operations immediately following a major event. It is placed into operation whenever an emergency affecting the campus cannot be controlled through normal channels. This plan takes an all-hazards approach, which utilizes planning, mitigation, response, and recovery actions. The plan's priorities are life safety, preservation of property, and restoration of business and the academic program. Members of the administration make up the ERG, test

this plan annually, and meet throughout the year to address crisis management issues.

Building evacuation is mandatory for all fire alarms, except in cases where posted notices have advised of alarm testing procedures. In the event of an electrical power outage, you may be asked by Security to evacuate the facility. For your safety, and the safety of others, you will be expected to respond promptly and professionally.

Clearance to re-enter the facility after an evacuation will only be provided by a campus Dean, the Facilities Director, or a designee.

B. Timely Warning Notices

In the event that a situation arises, either on- or off-campus, which in the judgment of the specified members of the ERG or their designees, constitutes a serious or continuing threat to the campus community, a campus-wide "Timely Warning" will be issued. The Timely Warning Notice is intended to alert the campus community and heighten safety awareness in an effort to aid in the prevention of similar crimes. The Timely Warning Notice will be through any one, or a combination thereof, of the following campus emergency notification systems: the Omnilert alert system, campus e-mail, the Law School website, the student online Weekly Calendar, and posted warning notices, and may include crime prevention recommendations.

Depending upon the particular circumstance of a crime, especially in extreme situations that could pose an immediate threat to the campus community and individuals, there may be posted on the campus website at www.cwsl.edu information providing the campus community with more immediate notification. At a minimum, crime alerts will be posted for the following classifications: murder, negligent and non-negligent manslaughter; rape; fondling; incest; and statutory rape; robbery; aggravated assault; burglary; motor vehicle theft; arson.

Decisions concerning whether to issue a timely warning will be made on a case by case basis using criteria such as the nature of the crime and the continuing danger to the campus community. Crime alerts may also be posted for other classifications as deemed necessary.

Once the decision has been made to issue a Timely Warning, the following items shall be included, if applicable:

- Date and time the Timely Warning was issued.
- Description of the incident or crime (type, time, date and location, etc.).
- Physical description of the suspect(s).
- Composite drawing of photograph of any known suspect(s).
- Connection to previous occurrences.
- Other relevant and important information.

In some cases, California Western may need to keep some facts confidential to avoid compromising an ongoing investigation.

Anyone with information warranting a Timely Warning should report the circumstances to the Assistant Dean for Student & Diversity Services' office at 619-515-1575 or Facilities Management at 619-525-1487, or in person at either office.

C. Public Safety Advisories

Public Safety Advisories may be distributed for crimes (e.g. a pattern of larcenies or vandalism cases) that do not rise to the level of causing a serious or continuing threat to the California Western community. In addition, they may be distributed for other safety concerns.

IV. ALCOHOL AND DRUG ABUSE PREVENTION

Alcohol and drug abuse in the Law School Community is detrimental to an effective academic program, quality academic

performance, and institutional reputation. Further, such abuse is detrimental to the health and safety of students and employees. California Western, as a recipient of federal funds, is subject to the Drug-Free Schools and Campuses Act, which requires the adoption and implementation of a program to prevent the use and abuse of alcohol and illegal drugs by students and employees. California Western's substance abuse program includes educating the law school community on substance abuse and may use the following, or a combination thereof: presentations, online training, and publications. For additional information, California Western's Student Drug and Alcohol Policy is located on the website in the [Student Handbook](#). The employee policy is located in the Employee Handbook.

California Western recognizes that alcohol and substance dependencies are complex illnesses, which, under most circumstances, can be successfully treated. Students and employees who have a problem which they feel may affect academic or job performance should seek assistance from one of the many treatment programs available in the community. For referrals, students should contact the Department of Student & Diversity Services; employees should contact the Human Resources Department.

California Western has established the following rules governing the possession, use and sale of alcoholic beverages and illegal drugs on the Law School campus:

- Any unlawful possession, use, or distribution of alcohol or drugs on California Western campus is prohibited.
- According to California Western policies, alcoholic beverages may not be served at student functions held on the Law School premises unless prior approval is obtained.

Violations may result in disciplinary action up to and including expulsion from Law School

or termination of employment. Violations will be handled according to procedures set forth in the Student Handbook and Employee Handbook. In addition, any violation of this policy that is a violation of local, state or federal law and which occurs on the law school campus will be referred to the appropriate authorities for criminal prosecution.

V. WEAPONS POLICY

California Western is committed to providing a safe and secure environment. Therefore, California Western prohibits the possession or use of weapons on campus or at California Western-sponsored events, without regard to the validity of any permits, by anyone except law enforcement officials or others specifically authorized by California Western to do so.

A. Definitions

A weapon is defined as a firearm, knife, club, explosive or other object designed to cause harm or injury, functional or not, concealed or not, or a replica of such an object. The definition includes dangerous instruments, including but not limited to B.B., dart, paint, and pellet guns, metal knuckles, razors, chains, bats and clubs.

The definition excludes objects that are authorized by California Western and designated and used in accordance with campus policies for approved operational, academic and/or recreational purposes (e.g., cutlery used in food services operations and campus kitchens, tools used in facilities services operations, props used for instructional purposes), or personal protection (chemical/pepper spray devices intended for defensive purposes), unless such objects are used in a way that is intended to harm or threaten a person or property.

Possession of a weapon includes, without limitation, possession on one's person, or storage on campus including, but not limited to, in academic or administrative offices, lockers, desks, bags, luggage and purses, or vehicles parked on campus property.

B. Reporting

All members of our campus community are expected to help maintain safety and security on campus and at school-sponsored off-campus events. All students, faculty, and staff who have knowledge of weapons on campus or at school-sponsored off-campus events have an obligation to report that knowledge promptly to the Assistant Dean for Student & Diversity Services, an Associate Dean, their Supervisor or Security.

C. Discipline

A student, staff or faculty member who, while on school property or at a school-sponsored event, is in possession of a weapon may be subject to disciplinary action in accordance with the Student and/or Employee Handbook, as appropriate. For staff and faculty, disciplinary actions imposed may include termination of employment. For students, disciplinary actions imposed may include expulsion from California Western. Such matters may also be referred to law enforcement.

VI. CRIME PREVENTION AND SAFETY

California Western's campus should be a safe environment for students, faculty, staff and visitors. As part of its commitment to safety, the Office of Student & Diversity Services provides educational materials to promote the awareness of rape, acquaintance rape, and other forcible and non-forcible sex offenses.

California Western is committed to creating a safe environment where students, employees, and community members can learn and work in a professional atmosphere free from sexual intimidation and violence.

California Western recognizes that the nature of Sexual Assault may inhibit victims from reporting an incident in a timely manner. Nonetheless, members of the California Western community are encouraged to report such incidents as promptly as possible to appropriate law enforcement authorities, as

well as to one of the following: the Vice President of Student Life, the Assistant Dean for Student & Diversity Services, or the Vice President of Human Resources. For a list of confidential and nonconfidential contacts, see the [Notice Re Sexual Assault and Harassment Resources](#).

VII. VIOLENCE AGAINST WOMEN ACT (“VAWA”) POLICY STATEMENT

California Western does not discriminate on the basis of sex in its educational programs and sexual harassment and sexual violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination and are also prohibited whether sexually based or not and include dating violence, domestic violence, and stalking.

As a result, California Western issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct, educational programs, and procedures that address dating violence, domestic violence, sexual assault, and stalking, whether the incident occurs on campus, off campus at Law School sponsored events, and reported to a CSA.

In this context, California Western prohibits the offenses of dating violence, domestic violence, sexual assault, and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the California Western community.

VAWA offenses fall under California Western’s Title IX - Sexual Harassment and Discrimination Policy (“Title IX Policy”) governing sexual misconduct. For a complete copy of the Title IX Policy, visit www.cwsl.edu.

A. Definitions

There are numerous terms used by California Western in our policy and procedures. Some relevant examples include.

Consent means “positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved. A current or previous dating or marital relationship shall not be sufficient to constitute consent where consent is at issue...”¹

Consent is *informed*. Consent is an affirmative, unambiguous, and conscious decision by each participant to engage in mutually agreed-upon sexual activity.

Consent is *voluntary*. It must be given without coercion, force, threats, or intimidation. Consent means positive cooperation in the act or expression of intent to engage in the act pursuant to an exercise of free will.

Dating Violence—violence by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Whether there was such relationship will be determined by length, type, and frequency of interaction. In California, Dating Violence is classified under Domestic Violence.

Domestic Violence—includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the

¹ CA Penal Code 261.6.

domestic or family violence laws of the jurisdiction.

Sexual Assault — is an offense that includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's mental or physical incapacitation. The conduct may include physical force, violence, threat or intimidation, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.

Stalking—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.

B. Education and Prevention Programs

California Western has developed a comprehensive Campaign of Education to train students and employees and help prevent sexual misconduct including Sexual Assault, Domestic Violence, Dating Violence, and Stalking. Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and faculty that does the following:

1. Identifies Domestic Violence, Dating Violence, Sexual Assault, and Stalking as prohibited conduct.
2. Defines what behavior constitutes Domestic Violence, Dating Violence, Sexual Assault, and Stalking.
3. Defines what behavior and actions constitute consent to sexual activity in the State of California.
4. Provides safe and positive options for bystander intervention that may be carried out by an individual to prevent

harm or intervene when there is a risk of Domestic Violence, Dating Violence, Sexual Assault, or Stalking against a person other than the bystander.

5. Provides information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to avoid potential attacks.
6. Provides an overview of information contained in the Annual Security Report in compliance with the Clery Act.

California Western has developed an annual educational campaign consisting of presentations that include distribution of educational materials to new students; participating in and presenting information and materials during new employee orientation; participating in the Fall student orientation program; developing programs throughout the year or at least a quarterly basis, which may include student presentations, guest speakers, and web-based training programs for students and employees.

California Western offers ongoing primary prevention and awareness programs for students, including presentations by the Office of Student & Diversity Services, educational materials available on campus and online on the Law School website.

California Western offers ongoing primary prevention and awareness programs for employees, through the Human Resources department, including New Employee Orientation, regularly scheduled sexual harassment training for current employees, and educational handouts.

The School offered the following **primary prevention and awareness programs for all incoming students and new employees** in 2017:

Sexual Misconduct Trainings or Programs	Date Held	Location	Audience	Which Prohibited Behavior Covered
Provided brochure, student handbook with notices, policies, and resources	01/04/17	Registration	Incoming Spring Students	DoV, DaV, SA and S
Orientation - In person interactive training regarding Sexual Misconduct and VAWA	01/04/17	Auditorium	Incoming Spring Students	DoV, DaV, SA and S
Web-based Training regarding Sexual Misconduct and VAWA	01/04/17 to 01/09/17	Online	Incoming Spring Students	DoV, DaV, SA and S
Provided brochure, student handbook with notices, policies, and resources	08/28/17	Registration	Incoming Fall Students	DoV, DaV, SA and S
Orientation - In person interactive training regarding Sexual Misconduct and VAWA	08/28/17	Auditorium	Incoming Fall Students	DoV, DaV, SA and S
Web-based Training regarding Sexual Misconduct and VAWA	08/28/17 to 09/05/17	Online	Incoming Fall Students	DoV, DaV, SA and S
New Hire Orientation regarding Sexual Misconduct and VAWA	As hired	Human Resources	New Employees	DoV, DaV, SA and S

- DoV means Domestic Violence; DaV means Dating Violence; SA means Sexual Assault; and S means Stalking

The School offered the following **ongoing awareness and prevention programs for students and employees** in 2017:

Sexual Misconduct Trainings or Programs	Date Held	Location	Audience	Which Prohibited Behavior Covered
Awareness of October as DVAM	10/17/17	Email	Students and Employees	DoV, DaV, SA and S
Coffee with Dean: DVAM Materials Provided	10/18/17	1 st Floor Lobby	Students and Employees	DoV, DaV, SA and S
Self Defense Seminar	11/01/17	Roy Bell Reading Room	Students and Employees	DoV, DaV, SA and S

- DoV means Domestic Violence; DaV means Dating Violence; SA means Sexual Assault; and S means Stalking

C. Safety and Security Issues

If a Sexual Assault occurs on our campus, please do the following:

1. Get to a safe location.
2. To report the assault, call 911.

3. If you are uncertain about whether to report the assault but want that option, obtain a medical evidentiary examination. Do not wash, shower, bathe, douche, wash your hands, brush your teeth, eat, or drink until you have had a medical examination. This may be difficult, but because your body likely has evidence, it is very important to obtain a medical examination before cleaning up.

4. Place any clothing you were wearing at the time of the assault in a paper bag, with each item of clothing in a separate PAPER bag. Do not clean the items!
5. Call a family member, friend, or someone who can provide support. You may also want to talk to someone for emotional support. Some off-campus resources are listed above.
6. Get medical care at the earliest opportunity. Even if you do not want to file a report, you should seek medical care and counsel regarding sexually transmitted diseases (“STDs”), pregnancy, medication options to prevent STDs, and emergency contraception.

After an incident of Sexual Assault or Domestic Violence, the person should consider seeking medical attention as soon as possible at local hospitals such as Palomar Hospital or Pomerado Hospital.

Victims of Sexual Assault, Domestic Violence, Dating Violence, and Stalking 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 they have any, that would be useful to investigators or police.

Although California Western strongly encourages all members of its community to report violations of this policy to law enforcement, it is the person’s choice whether or not to make such a report and people have the right to decline involvement with the police. Security, the Office of Student & Diversity Services, or the Human Resources department will assist any person with notifying local police if they so desire. San

² The Title IX Coordinator is regarded as a “Responsible Employee” under Title IX and also a “Campus Security Authority” under the Clery Act. Statistical information less the person’s identifying information will be provided to Security or Facilities Management to compile the annual

Diego Police Department may also be reached directly by calling 619-531-2000 (non-emergency) or in person. Additional information may be found online at: [San Diego Police Department](#).

If you have been the victim of Sexual Assault, Domestic Violence, Dating Violence, and Stalking, you should report the incident promptly to the Title IX Coordinator- Vice President of Student Life at 619-515-1567 or TitleIXCoordinator@cwsu.edu and the local police department (if the victim so desires.)² California Western will provide resources to persons who have been victims of Sexual Assault, Domestic Violence, Dating Violence, or Stalking, and will apply appropriate disciplinary procedures to those who violate this policy. The procedures set forth below are intended to afford a prompt response to charges of Sexual Assault, Domestic or Dating Violence, and Stalking, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy.

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

D. Procedures for Reporting a Complaint

California Western has procedures in place that serve to be sensitive to those who report

crime statistics even if the person chooses not to alert Security personally.

Sexual Assault, Domestic Violence, Dating Violence, and Stalking, including informing individuals about their right to file criminal charges as well as the availability of medical, counseling and support services, and additional remedies to prevent contact between a complainant and an accused party, such as academic and working accommodations, if reasonably available. Students and employees should contact the Vice President of Student Life, the Assistant Dean for Student & Diversity Services, or the Vice President of Human Resources.

If an incident of Sexual Assault, Domestic Violence, Dating Violence, and Stalking, is reported to California Western, the below are the procedures that California Western will follow as well as a statement of the standard of evidence that will be used during any investigation or judicial hearing on campus arising from such a report. For Sexual Assault, Domestic Violence, Dating Violence, and Stalking, the Law School will provide the following information:

1. Depending on when a Sexual Assault is reported (immediate vs delayed report), Law School will assist complainant with contacting a local medical facility.
2. Law School will assess immediate safety needs of complainant.
3. Law School will assist complainant with contacting local police if complainant requests and complainant provided with contact information for local police department.
4. Law School will provide complainant with referrals to on and off campus mental health providers.
5. Law School will assess need to implement interim or long-term protective measures, such as changes in class schedule, “No Contact” directive between both parties.
6. Law School will provide a “No Trespass” directive to the parties if deemed appropriate.

7. Law School will provide written instructions to the complainant and respondent on how to apply for Protective Order.
8. Law School will provide a copy of the Title IX Policy to complainant and respondent and inform them of the timeframes for inquiry, investigation and resolution.
9. Law School will simultaneously inform the complainant and respondent of the outcome of the investigation, whether or not the respondent will be administratively charged and the outcome of the proceeding as required by law.
10. Law School will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the results of any disciplinary proceeding conducted by the Law School against a student who is the alleged perpetrator of such crime or offense.
11. Law School will enforce the anti-retaliation policy and may take separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation.
12. Sexual assault cases are referred to the Title IX Coordinator and are adjudicated by the *preponderance of the evidence* standard.

Under the Title IX Policy, sexual misconduct includes Sexual Assault, Domestic Violence, Dating Violence, and Stalking. The standard of evidence is the *preponderance of the evidence* standard.

E. Assistance for Victims: Rights & Options

Regardless of whether a person elects to pursue a criminal complaint, California Western will assist victims of Sexual Assault, Domestic Violence, Dating Violence, and Stalking and will provide each person with a

written explanation of their rights. In California, a victim of Sexual Assault, Domestic Violence, Dating Violence, or Stalking may be covered by the California Victim Compensation Program (“CalVCP”), which can help victims of violent crimes that occur in California. A victim can obtain details and applying at the [CalVCP website](#).

Further, California Western complies with California law in recognizing orders of any person who obtains an order of protection and the person should provide a copy to Security and the Title IX Coordinator.

A complainant may then meet with Title IX Coordinator along with Security to develop a Safety Action Plan, which is a plan for Security and the victim to reduce 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, providing a temporary cellphone, changing classroom location or allowing a student to complete assignments from home, etc. Protection from abuse orders may be available through the local police department and courts.

To the extent of the person’s cooperation and consent, California Western will work cooperatively to ensure that the complainant's health, physical safety, work and academic status are protected, pending the outcome of a formal California Western investigation of the complaint. For example, if reasonably available, a complainant may be offered changes to academic or working situations in addition to referrals to health services and assistance in notifying appropriate local law enforcement. Students should contact the Assistant Dean for Student & Diversity Services, and employees should contact the Vice President of Human Resources.

Additionally, personal identifiable information about the complainant will be treated as confidential and only shared with persons with

a specific need to know who are investigating or adjudicating the complaint or delivering resources or support services to the complainant. California Western does not publish the name of crime victims nor house identifiable information regarding victims in the Daily Crime Log or online. Victims may request that directory information on file be removed from public sources.

For resources for victims of Sexual Assault, Domestic Violence, Dating Violence, and Stalking, please see the Important Numbers in the Quick Reference section above or the [Notice Re Sexual Assault and Harassment Resources](#), which provides a list of existing counseling, health, mental health, victim advocacy, legal assistance, and other services on and off campus.

F. Adjudication of Violations

Whether or not criminal charges are filed, California Western or a person may file a complaint under the Title IX Policy alleging that a student or employee violated California Western’s policy. Reports of all Sexual Assault, Domestic Violence, Dating Violence, and Stalking made to Security will automatically be referred to the Title IX Coordinator for investigation regardless of if the complainant chooses to pursue criminal charges.

The California Western disciplinary process will include a prompt, fair, and impartial investigation and resolution process. Investigators and hearing board members are trained annually on the issues related to Sexual Assault, Domestic Violence, Dating Violence, and Stalking and taught how to conduct an investigation and/or hearing that protects the safety of the parties and promotes accountability.

The Title IX Policy provides:

1. The complainant and the respondent each have the opportunity to present witnesses and evidence during an investigation or hearing before a trained investigator or hearing panel.

2. The complainant and the respondent each have the opportunity to be advised by a personal advisor of their choice, at their expense, and may be accompanied by that advisor at a hearing. An advisor may only consult and advise his or her advisee, but not speak for the advisee at any hearing.

3. An investigation or hearing decision is based on the preponderance of evidence standard, i.e. “more likely than not to have occurred” standard. In other words, the process asks: “is it more likely than not that the respondent violated the Policy?”

4. The complainant and the respondent will be notified simultaneously in writing of the outcome of any disciplinary proceeding, as well as any changes to those result or disciplinary actions prior to the time that such results become final.

5. The complainant and the respondent each have the right to appeal the outcome of the investigation or hearing by appealing to the Dean or his designee and will be notified simultaneously in writing of the final outcome after the appeal is resolved.

A person alleging Sexual Assault, Domestic Violence, Dating Violence, and Stalking may also utilize the complaint and investigatory procedures set forth in the Title IX Policy to remedy any hostile environment. All conduct proceedings against students for retaliation, general harassment, or other violations, however, will be resolved through the Honor Code.

When a complainant does not consent to the disclosure of his or her name or other identifiable information to the alleged perpetrator, California Western’s ability to respond to the complaint may be limited.

G. Confidentiality

California Western will protect the identity of persons who report having been victims of Sexual Assault, Domestic Violence, Dating Violence, and Stalking to the fullest extent of the law. California Western is dedicated to providing a caring, consistent, and timely response when a Sexual Assault occurs on its campus. It also recognizes the desire of many Sexual Assault victims to maintain anonymity. Thus, California Western will take reasonable steps to preserve a victim’s privacy and respect the confidentiality of information.

However, California Western may have to disclose information regarding an incident of Sexual Assault to comply with legal or school regulations or investigations. If a student wants assistance reporting an incident of Sexual Assault to law enforcement authorities, the office of Student & Diversity Services will provide help upon the student’s request.

Pastoral and Professional Counselors – At present, California Western does not have pastoral or professional counselors as employees. California Western may contract with independent professional counselors who are obligated to follow state and federal law regarding confidentiality.

H. Sanctions and Protective Measures

In all cases, investigations that result in a finding of more likely than not that a violation of the Title IX Policy occurred will lead to the initiation of disciplinary procedures against the accused individual. Sanctions may be imposed upon any student or employee found to have violated the school’s policies. California Western sanctions include a warning, oral or written reprimand, restitution, community service, counseling at the student’s expense, exclusion from Law School activities or graduation exercises, probation with or without conditions, suspension, with

or without conditions, or expulsion may be imposed upon those determined to have violated the policy.

When an individual is found responsible for violating VAWA, which includes Sexual Assault, Dating Violence, Domestic Violence, and Stalking, the following sanctions are available:

1. Written Warning
2. Reprimand (Oral or Written)
3. Letter of apology
4. Restitution
5. Community Service
6. Class or workshop attendance
7. Educational Project: essay or research paper on assigned topic
8. Suspension of Privileges: such as loss of library privileges, computer and network privileges, or the privilege to attend or participate in other extracurricular events or student organizations.
9. Restricted access to campus and school events
10. Removal from courses or activities
11. Mandated counseling assessment
12. Counseling: counseling sessions or support group attendance
13. Probation: 3, 2 or 1 trimester(s)
14. Suspension: 3, 2 or 1 trimester (s)
15. Suspension with conditions that must be completed prior to readmission: 3, 2 or 1 trimester(s)
16. Suspension: 2 or 1 academic year(s)
17. Dismissal / Expulsion
18. Holds: Failure to complete sanctions by the assigned deadline will result on a student's records. The Hold will remain in effect until all assigned sanctions are completed.
19. Revocation of degree: revocation of degree and withdrawal of diploma
20. Discretionary sanctions: depending on the circumstances, the school may create a new sanction, which is directly

related and proportional to the violation

More than one of the sanctions listed above may be imposed for any single violation. For example, depending on the type of violation, a student or employee may receive a reprimand. The reprimand is a notice to the individual that their actions are inappropriate and that the individual must act more responsibly in the future. A reprimand also indicates that should the individual again be referred for disciplinary action, their prior disciplinary history will help determine any future sanctions. Sanctions may be cumulative.

California Western may implement protective measures following the report of Sexual Assault, Dating Violence, Domestic Violence, and Stalking, which may include some or all of the following actions: security escorts, no contact orders, protective orders, changes in class schedule, and work schedule, or any other actions deemed necessary. For students, Sexual Assault, Dating Violence, Domestic Violence, and Stalking may also be violations of the student Honor Code.

Employees who violate VAWA will be subject to discipline and the applicable sanctions listed above, which may include, but is not limited to, a reprimand together with a written record, referral to counseling, financial penalties, temporary suspension, or termination.

Sexual Assault, Domestic Violence, Dating Violence and Stalking are criminal acts, which also may subject the perpetrator to criminal and civil penalties under federal and state law. Any person who wants to pursue internal disciplinary action against an employee should contact **Human Resources at 619-515-1593**. The procedures for filing a complaint are set forth the Employee Handbook, and all allegations will be investigated as set forth in that section.

The Title IX Coordinator will determine whether interim interventions and protective measure should be implemented, and, if so, take steps to implement those protective measures as soon as possible. Examples of interim protective measures include, but are not limited to: an order of no contact, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties involved. Violations of the Title IX Coordinator’s directives and/or protective measures will constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by California Western.

VIII. SEX OFFENDER REGISTRATION / “MEGAN’S LAW”

The federal Campus Sex Crimes Prevention Act requires institutions of higher education to issue a statement advising the campus community where information concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

In California, convicted sex offenders must register with a local law enforcement agency. The Sex Offender Tracking Program at the California Department of Justice (“DOJ”) maintains the registered sex offender database. The California Sex Offender Locator Map can be found at the California DOJ’s website: <https://www.meganslaw.ca.gov>.

IX. CLERY STATISTICS

A. Campus Geography

Located in downtown San Diego, California Western’s campus encompasses three private, California Western-owned and operated buildings divided by the public intersection of Third Avenue and Cedar Street. All buildings are administrative and/or academic in nature.

These crime statistics have been defined, collected and tabulated according to the Clery Act. The campus geography includes the following categories: on campus, public property adjacent to campus (i.e. sidewalks and streets), and non-campus property (certain property leased or rented by the Law School). California Western does not have on- or off-campus residences for students or employees, fraternity or sorority houses, and accordingly does not provide data in the categories referring to residential facilities. Statistics obtained from the San Diego Police Dept.’s Crime Analysis Unit is based upon San Diego Census Tract #56, and includes Second Avenue (1500 block), Third Avenue (1500 – 1600 blocks), Fourth Avenue (1600 block), and Cedar Street (200 – 300 blocks).

B. Map of Campus Geography (Figure 1)



On occasion, California Western students take related classes at other Law Schools locally or abroad. Security reports for Law Schools other than California Western are not provided by California Western and should instead be requested from those Law Schools.

C. Crime Statistics

Pursuant to 20 USC 1092§(f) and 34 CFR 668, statistics are compiled for the most recent

calendar year and the two preceding calendar years. The previous year's statistics are required to be posted by October 1st of the current year. California Western's Annual Security Report can be located online at (https://www.cwsl.edu/~media/files/facilities/clery_annual_security_report.ashx). Hard copies of the report may be requested from Facilities Management.

Per the *Clery Act*, crimes are classified based on the Federal Bureau of Investigation's (FBI's) *Uniform Crime Reporting Handbook (UCR)*. For sex offenses only, the definition of Rape is from the *UCR Summary Reporting Standards (SRS)* and the definitions for Fondling, Statutory Rape, and Incest are from the *National Incident-Based Reporting System Edition (NIBRS) of the UCR Program*. Hate crimes are classified according to the FBI's *Uniform Crime Reporting Hate Crime Data Collection Guidelines and Training Guide for Hate Crime Data Collection*. Although the law states that Law Schools must use the *UCR* for defining and classifying crimes, it doesn't require *Clery Act* crime reporting to meet all *UCR* standards.

D. Crime Definitions

Criminal Offenses:

Murder and Non-Negligent

Manslaughter—the willful (non-negligent) killing of one human being by another.

Negligent Manslaughter—the killing of another person through gross negligence.

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

Rape – 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.

Fondling - the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest - sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape - sexual intercourse with a person who is under the statutory age of consent.

Robbery—the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault—an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

Burglary—the unlawful entry of a structure to commit a felony or a theft.

Motor Vehicle Theft—the theft or attempted theft of a motor vehicle.

Arson—any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Hate Crimes—any of the aforementioned offenses, larceny, simple assault, intimidation and vandalism reported to local police agencies or to a campus security authority, that manifests evidence that the victim was intentionally selected because of the

perpetrator's bias. Categories of bias are race / ethnicity, gender, religion, disability, sexual orientation, national origin, and gender identity.

VAWA Offenses:

Domestic Violence—includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, 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.

Dating Violence—violence by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Whether there was such relationship will be determined by length, type, and frequency of interaction.

Sexual Assault – see above in Criminal Offenses.

Stalking—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.

Arrests and Referrals for Disciplinary Action: for Weapons- Carrying, Possessing, Etc. Law Violations, Drug Abuse Violations and Liquor Law Violations.

E. Clery Act Crime Statistics

Offense	On Campus			Public Property			Non-Campus ³		
	2015	2016	2017	2015	2016	2017	2015	2016	2017
Murder/Non Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	1	0	0	0	0	1	0
Motor Vehicle Theft	0	0	0	0	1	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0
•Arrest	0	0	0	0	0	0	0	0	0
•Referral	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0
•Arrest	0	0	0	0	0	0	0	0	0
•Referral	0	0	0	0	0	0	0	0	0
Weapon Law Violations	0	0	0	0	0	0	0	0	0
•Arrest	0	0	0	0	0	0	0	0	0
•Referral	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

HATE CRIMES⁴

There were no reported hate crimes for the years 2015, 2016 or 2017.

California Western does not have residential facilities or pastoral and professional counselors as employees.

³ Crime statistics were requested from the San Diego Police Department / ARJIS but some were not available in a usable format for Clery reporting.

⁴ The San Diego Police Department / ARJIS does not track Hate crimes.