

Sexual Misconduct & Violence Prevention Policy

Purpose and Commitment

CU is committed to maintaining a safe, respectful, and inclusive learning and working environment free from sexual misconduct, sexual violence, and all forms of gender-based violence. CU does not tolerate sexual harassment, sexual assault, dating violence, domestic violence, or stalking in any form. This policy outlines definitions, prevention and awareness efforts, reporting options, response procedures, disciplinary processes, protective measures, and the rights of individuals under federal and California law.

This policy applies to all students, staff, faculty, contractors, and visitors, whether conduct occurs on campus, in CU-related programs or activities, or off campus when it may impact the CU community.

Definitions

Dating Violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship is determined based on the length, type, and frequency of interaction. Dating violence includes sexual or physical abuse and threats of such abuse.

Domestic Violence

A felony or misdemeanor crime of violence committed by: - A current or former spouse or intimate partner of the victim; - A person with whom the victim shares a child; - A person cohabitating with or who has cohabitated with the victim as a spouse or intimate partner; or - Any person protected under California domestic or family violence laws.

Sexual Assault

Any sexual act directed against another person, without consent, including when the victim is incapable of giving consent. Sexual assault includes rape, fondling, incest, and statutory rape, as defined by the Clery Act and California Penal Code.



Stalking

A course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress. This includes repeated unwanted attention, surveillance, contact, or harassment, whether in person, electronically, or through third parties.

What is Consent?

Crestmont University defines consent as the clear, knowing, and voluntary agreement to engage in mutually agreed-upon sexual activity. Consent can be communicated through words and/or actions, as long as they provide a mutually understandable indication of willingness to participate, including the conditions of the sexual activity. It is the responsibility of each individual to ensure that the other party or parties have provided consent before engaging in sexual activity.

Additional elements of consent include:

- Consent cannot be obtained through force, threats, or by taking advantage of another person's incapacitation.
 - *Force* refers to the use or threat of physical violence or intimidation to override a person's ability to freely decide whether to engage in sexual activity.
 - *Coercion* refers to the use of unreasonable pressure to obtain sexual activity. If someone communicates that they do not want to engage in a certain sexual act, wish to stop, or do not want to go further, continued pressure beyond that point may constitute coercion.
- Consent to one type of sexual activity does not imply consent to another type of sexual activity.
- Consent given on a previous occasion does not constitute consent for future sexual activity.
- Consent to engage in sexual activity with one person does not imply consent with any other person.
- A prior or current relationship does not automatically constitute consent; even within a relationship, sexual activity requires real-time, mutual consent.
- Consent can be withdrawn or modified at any time, and sexual activity must stop immediately once withdrawal is clearly communicated.
- Consent cannot be assumed from the absence of a "no."
- Consent cannot be inferred from silence, passivity, or lack of verbal or physical resistance.

- Consent cannot be given by individuals who have not reached the legal age of consent as specified in the applicable law.

Prevention and Awareness Programs

CU is committed to proactive education and prevention efforts, which include:

- Ongoing training for students and employees on sexual misconduct prevention, consent, bystander intervention, and reporting obligations
- New student and new employee orientation programs addressing sexual misconduct and violence
- Awareness campaigns focused on healthy relationships, boundaries, and respectful conduct Training for individuals designated as responsible employees and investigators.

These programs are designed to reduce risk, encourage early intervention, and foster a culture of accountability and respect.

Risk-Reduction Strategies

CU encourages members of the community to take steps that may reduce the risk of sexual misconduct, including:

- Understanding and communicating clear boundaries and consent
- Utilizing campus and community safety resources
- Trusting instincts and seeking help when feeling unsafe
- Supporting peers by intervening safely when concerning behavior is observed
- Seeking information about confidential support and reporting options.

Risk-reduction strategies are not intended to place responsibility on victims and do not imply fault.

Procedures When Sexual Misconduct or Violence Is Reported

How to Report an Incident

Incidents may be reported at any time, regardless of how much time has passed.

On-Campus Reporting: - Designated CU Title IX Coordinator or designee - Campus administration or Human Resources

Off-Campus Reporting:

- Local law enforcement

- Community advocacy or crisis centers
- Individuals may choose to report to CU, law enforcement, both, or neither.

Confidential vs. Non-Confidential Reporting Options

Confidential Reporting: Certain resources may provide support without sharing identifiable information, except as required by law. These may include:

- Licensed counselors
- Medical professionals
- Designated confidential advocacy resources

Non-Confidential Reporting: Reports made to CU employees with reporting obligations (including supervisors and administrators) must be shared with the Title IX Coordinator to ensure appropriate response and compliance.

CU's Response Procedures

Upon receiving a report, CU will:

- Promptly contact the reporting party to offer support and resources
- Explain reporting options, rights, and available protective measures
- Conduct a fair, impartial, and timely assessment
- Take steps to ensure safety and prevent recurrence
- Respect the wishes of the reporting party to the extent possible while balancing campus safety obligations.

Retaliation against any individual for reporting or participating in an investigation is strictly prohibited.

Preserving Evidence

Victims are encouraged to preserve evidence related to dating violence, domestic violence, sexual assault, or stalking. Depending on the circumstances, evidence may include physical evidence, clothing, photographs, text messages, emails, social media communications, voicemail messages, screenshots, written communications, and records documenting a pattern of behavior.

Preserving evidence may assist in proving that an alleged criminal offense occurred or may be helpful in obtaining a protection order.

Disciplinary Processes

CU will follow established disciplinary procedures that:

- Are prompt, equitable, and impartial;
- Use trained investigators and decision-makers;
- Apply the preponderance of the evidence standard, when required by law;
- Provide both parties with notice of outcomes and appeal options.

Sanctions may include warnings, probation, suspension, termination, expulsion, or other corrective actions consistent with CU policy.

Protective Measures and Accommodations

CU may provide reasonable and appropriate supportive measures, regardless of whether a formal complaint is filed, including:

- Academic accommodations (extensions, alternative formats, schedule adjustments)
- Work or class modifications
- Housing or workspace adjustments (when applicable)
- No-contact directives
- Referrals to counseling, medical, or legal services.

These measures are designed to restore or preserve access to CU programs and activities.

Victims' Rights Under Federal and California Law

Individuals who experience sexual misconduct or violence have the right to:

- Be treated with dignity, respect, and sensitivity
- Receive written information about rights and options
- Report to CU, law enforcement, both, or neither
- Receive assistance with reporting to law enforcement, if desired
- Access confidential support services
- Request protective measures and accommodations
- Participate in CU disciplinary processes without intimidation or retaliation
- Have an advisor or support person during meetings and proceedings.

CU complies with applicable federal laws, including Title IX and the Clery Act, as well as California state laws governing sexual misconduct and violence prevention.

Confidentiality and Privacy

Crestmont University will protect the confidentiality of victims and other necessary parties in accordance with applicable law. Personally identifying information about a victim will not be

included in publicly available Clery Act reporting or disclosures, including the Annual Security Report and applicable crime reporting.

The University will also maintain as confidential any accommodations or protective measures provided to a victim, to the extent that maintaining such confidentiality would not impair the University's ability to provide the accommodations or protective measures.

Policy Review

This policy will be reviewed regularly and updated as necessary to ensure compliance with legal requirements and best practices in sexual misconduct and violence prevention.