



# University of East-West Medicine

## 2018 Annual Campus Safety and Security Report

The Crime Awareness and Campus Security Act, more commonly known as the Clery Act, is contained (along with other security-related disclosure requirements) in section 485 of the Higher Education Act, codified at 20 U.S.C § 1092. It requires colleges and universities to keep records and report annually on the nature, date, time, and place of crimes occurring on campus, including hate crimes.

### ***Distribution of Policy Information***

New students are informed during orientation day about the Campus Safety process, as well as precautionary measures to take in order to be safe while in school or outside of school. A hard copy of the Clery Act Policies and Procedures, as well as the Drug and Alcohol Policies and Procedures are provided to students who are present during the orientation. Those who did not attend the orientation are sent an email with the pdf link of the digital copy of the Clery Act Policies and Procedures and Drug and Alcohol Policies and Procedures.

After October 1 of each year, a mass email is sent to all current students, staffs and faculties with the updated link to the Clery Act Policies and Procedures, Annual Campus Safety and Security Report, and Drug and Alcohol Policies and Procedures, a hard copy of the updated handbooks is kept in the Library, so that it is readily accessible for students/staffs and faculties to review.

UEWM does not maintain dormitories or other facilities that are used outside of regular college hours. Sufficient faculty and staff are available throughout the building and grounds during business hours to reduce the likelihood of crime during school hours. Students and employees are encouraged to be vigilant and observant, and to protect themselves and each other by promptly reporting suspicious activity to proper authorities immediately. UEWM does not maintain a law enforcement department or employ a security force. It is each person's responsibility to report any incident of observed or suspected criminal activity by calling 911 and/or informing College personnel.

UEWM believes that individuals have the right to work, study, and learn in a safe and secure campus setting. The College and its students and employees share the responsibility of maintaining this atmosphere by taking reasonable precautions, being vigilant, and using a common sense approach to personal safety.

For more information, please go to the Sunnyvale Public Safety website at:

<http://sunnyvale.ca.gov/Departments/PublicSafety.aspx>

Or (408) 730-7180

For City Wide crime statistics:

<http://sunnyvale.ca.gov/Departments/PublicSafety/PublicSafetyStatistics.aspx>

To Report a Crime:

<http://sunnyvale.ca.gov/Departments/PublicSafety/ReportingaCrime.aspx>

To View the UEWM Safety Report:

[http://www.uewm.edu/doc/Crime\\_Data.pdf](http://www.uewm.edu/doc/Crime_Data.pdf)

For a list of sex offenders there are two sites to review. The State of California has one, but we would caution you not to use it. It is filled with pop-up advertising that may prevent you from getting to the information you want.

<http://meganslaw.ca.gov/>

The City of Sunnyvale's site is better

<http://www.city-data.com/so/so-Sunnyvale-California.html>

### **ALWAYS DIAL 9-1-1 for EMERGENCIES**

#### **Non-Emergency Dispatch Line:**

(408) 730-7180

#### **General Information:**

(408) 730-7100

#### **Address:**

Department of Public Safety  
700 All America Way  
Sunnyvale, CA 94086 Lobby

#### **Hours:**

**M-F 8 a.m. - 5 p.m.**

**Sat. 12 p.m. - 4 p.m.**

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## Crime Statistics and Data

The Campus Security Report includes statistics concerning the occurrence of offenses reported to campus security that occurred on campus, in or on non-campus buildings or property, policies regarding procedures to report crimes committed on campus, security of and access to campus facilities, and campus law enforcement. Data on campus crime used in the creation of the Annual Campus Security Report will be collected from internal UEWB incident reports and local Police Department records. To receive information, please ask a University administrator for a copy of the most current report or review the most current copy in the library when it becomes available.

<b>Criminal Offenses- On Campus</b>	2014	2015	2016	2017	<b>Criminal Offenses- Non Campus</b>	2014	2015	2016	2017
Murder	0	0	0	0	Murder	0	0	0	0
Negligent manslaughter	0	0	0	0	Negligent manslaughter	0	0	0	0
Sex offences-Non-Forcible	0	0	0	0	Sex offences-Non-Forcible	0	0	0	0
Incest	0	0	0	0	Incest	0	0	0	0
Statutor rape	0	0	0	0	Statutor rape	0	0	0	0
Robbery	0	0	0	0	Robbery	0	0	0	0
Aggravated assault	1	0	0	0	Aggravated assault	0	0	0	0
Burglary	0	0	2	0	Burglary	0	0	0	0
Motor vehicle theft	0	0	0	0	Motor vehicle theft	0	0	0	0
Arson	0	0	0	0	Arson	0	0	0	0
<b>Arrest-On Campus</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Arrest- Non Campus</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Weapons: carrying, possessing, etc	0	0	0	0	Weapons: carrying, possessing, etc	0	0	0	0
Drug abuse violations	0	0	0	0	Drug abuse violations	0	0	0	0
Liquor law violations	0	0	0	0	Liquor law violations	0	0	0	0
<b>YAWA Offenses-On Campus</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>YAWA Offenses- Non Campus</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Domestic violence	0	0	0	0	Domestic violence	0	0	0	0
Dating violence	0	0	0	0	Dating violence	0	0	0	0
Stalking	0	0	0	0	Stalking	0	0	0	0
<b>Unfounded Crimes-On Campus</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Unfounded Crimes- Non Campus</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Total unfounded crimes	0	0	0	0	Total unfounded crimes	0	0	0	0
<b>Hate Crimes- On Campus</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Hate Crimes- Non Campus</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Murder	0	0	0	0	Murder	0	0	0	0
Negligent manslaughter	0	0	0	0	Negligent manslaughter	0	0	0	0
Sex offences- Forcible	0	0	0	0	Sex offences- Forcible	0	0	0	0
Sex offences- Non-forcible	0	0	0	0	Sex offences- Non-forcible	0	0	0	0
Incest	0	0	0	0	Incest	0	0	0	0
Statutor rape	0	0	0	0	Statutor rape	0	0	0	0
Robbery	0	0	0	0	Robbery	0	0	0	0
Aggravated assault	0	0	0	0	Aggravated assault	0	0	0	0
Burglary	0	0	0	0	Burglary	0	0	0	0
Motor vehicle theft	0	0	0	0	Motor vehicle theft	0	0	0	0
Arson	0	0	0	0	Arson	0	0	0	0
Burglary	0	0	0	0	Burglary	0	0	0	0
Motor vehicle theft	0	0	0	0	Motor vehicle theft	0	0	0	0
<b>Disciplinary Actions- On Campus</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Disciplinary Actions- Non Campus</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Weapons: carrying, possessing, etc	0	0	0	0	Weapons: carrying, possessing, etc	0	0	0	0
Drug abuse violations	0	0	0	0	Drug abuse violations	0	0	0	0
Liquor law violations	0	0	0	0	Liquor law violations	0	0	0	0



### **Policy Statements**

The annual crime and fire safety reports will always contain this policy, these procedures, and practices. UEWM's statement of current campus policies and procedures on reporting criminal actions and other emergencies occurring on campus must be made in a timely manner to the campus administrator on duty at the time regarding the occurrence of crimes listed in the Clery Act. If the reporting student or staff member is not sure if it is a crime they are obligated to still report the incident immediately to the administrator on duty at the time of the incident.

### **Timely Warning Notice**

The Clery Act requires UEWM to communicate a serious crime or emergency to the campus community in a timely way. This is a particularly important piece of the law, since the vast majority of complaints triggering Department of Education Clery audits are at least partially related to a failure to issue these notice. Timely warning notices must be considered for all Clery Act crimes that are (a) reported to a Campus Safety Authority or local police and (b) determined by the UEWM to represent a serious or continuing threat to students and employees.

### **Emergency Notifications and Response Testing**

UEWM will distribute immediate emergency notification warnings to the campus community upon confirmation of a dangerous situation on campus involving an immediate threat to the health or safety of students or staff regardless of whether a crime is involved.

Examples of emergencies that would warrant such a notification include: an active shooter on campus, a riot, a bomb threat, a tornado, a fire, and similar situations involving active and substantial threats. Also, UEWM will conduct yearly tests of emergency response and follow-through activities designed for assessment and evaluation of emergency plans and capabilities.

### **Confidential Reporting**

UEWM makes every attempt to protect individual privacy, it still has a responsibility to report certain crimes and to provide "timely warnings" to its students and its staffs. This is done without providing the names of victims. However, there may be instances where the Campus Safety Officer (CSO) and UEWM officials cannot honor a request for complete "confidentiality" because of their duty to report.

## **Fire Safety and Missing Persons**

### **Fire Safety**

UEWM does not have on-campus residential facilities; therefore, it is not required for the school to publish a fire safety report, which would include fire statistics and a description of each fire safety system, as well as seven fire-related policy statements. The single building in use by UEWM overhead fire sprinklers which are inspected every two years and fire extinguishers every year.

The institution's academic facility has posted exit signs throughout the building and also shows gathering areas outside the building. As mentioned above the entire building has an overhead sprinkler system so the likelihood of a major fire consuming the building is highly unlikely. If there is a small fire there will be water damage not fire damage and everyone will have sufficient time to leave the building including the handicapped.

### **Missing Person**

Report all missing persons to the UEWM Registrar who will contact the student's emergency contacts and will escalate the missing notification and call the Sunnyvale Public Safety Office (police). After an investigation has determined that a student is missing, the institution will make a notification to the staff and students, depending on whether they are over or under 18 years of age.

### **Emergency Response and Evacuation**

When the building is ordered to be evacuated for any reason, occupants will be instructed to follow specific life safety guidelines, not to use elevators and to evacuate by the nearest, safe point of egress. Occupants will be instructed to exit the building and proceed to a pre-designated evacuation area or rally point as identified in the Campus Emergency Response Plan. All UEWM staff has responsibilities during an evacuation including assisting those with disabilities. UEWM's emergency response and evacuation procedures will be tested annually. A floor plan of the building outlining the evacuation process is posted at critical points of the building.

### **Sexual and Other Unlawful Harassment Prevention Policy:**

UEWM provides a safe working and educational environment that is free of sexual and other unlawful harassments and protects our students and staffs from such act(s). Sexual harassment is unlawful under the Title IX of the 1972 Education Amendments, Title VII of the Civil Rights Act of 1964, and the California Fair Employment and Housing Act. Any harassment, threat or offer by any employee of the university to 28 condition any aspect of a student's academic performance, reputation or standing upon the provision of sexual favors is prohibited. Any other harassment of any member of the campus community by any other member resulting in the creation of an offensive, intimidating or hostile academic or employment environment is similarly prohibited.

### **Sanctions**

UEWM has instituted a number of measures designed to protect its community from sexual and other forms of harassment. UEWM will take all appropriate measures to address any harassment complaint received. If an individual is found to be in violation of sexual misconduct, the individual may be suspended, expelled or in some cases, might be criminally prosecuted in the court of law. This policy applies to UEWM students, staffs, faculty and administrators, independent contractors and all other individuals involved in the institution. Individuals who know of harassment, or believe that they have been harassed, in violation of this policy have access to the information detailed below and are encourage to exercise these process.

### **Victims of sexual assault or rape are encouraged to:**

- *Dial 911 and report the incident to local law enforcement*
- *Report the incident to a UEWM personnel*
- *Get immediate medical treatment as soon as possible, including the collection and preservation of evidence?*

If a student believes they have been assaulted or sexually harassed by any member of UEWM community or while participating in a UEWM sponsored activity, he/she is urged to bring the matter to the immediate attention of the Dean of Academic Affairs or the President of the University. When an instance of sexual assault or harassment on campus is reported, the UEWM counselor will work closely with the student(s) involved. UEWM does not have specifically trained sexual assault counselors on campus.

UEWM will take all precautionary measures in order to protect the safety of its students/staffs/faculty, this means, that if there is a report of an alleged offense, and the victim is in the same academic class with the accuser, the institution management/Dean and administration will make accommodation for the victim, such as separation of class (if another class is available for the term) or offer an independent study for the term (if the course allows for it.) or allow the student to drop the class without any penalty to the student, until another class is available (if no other option is available for the term.)

Persons involved in a sexual assault incident will be referred to the highly trained YWCA and BAWAR counselors and personnel. The local agencies Young Women Christian Association (YWCA) and Bay Area Women against Rape (BAWAR) have agreed to accept referrals in such cases. They YWCA and BAWAR counselors will inform the student as to his/her options, and if necessary, accompany him/her to the hospital and/or law enforcement agency as is appropriate. Please the UEWM sexual assault guideline booklet for more information, available in the Administrative Office.

University Service Line: 408-733-1878

YWCA 24-Hour Service Line: 408-287-3000

<http://ywca-sv.org/get-involved/volunteer/rape-crisis-center/>

BAWAR 24-Hour Service Line: 510-845-7273

<https://www.bawar.org/>

## **Violence Against Women Act (VAWA) – TITLE IX**

The Violence Against Women Reauthorization Act of 2013 (VAWA) (Pub.L 113-4), which, among other provisions, amended section 485(f) of the HEA, otherwise known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery). The Clery Act requires institutions of higher education to comply with certain campus safety and security related requirements as a condition of their participation in the Title IV, HEA programs. Notably, VAWA amended the Clery Act to require institutions to compile statistics for incidents of dating violence, domestic violence, sexual assault, and stalking and to include certain policies, procedures, and programs pertaining to these incidents in the annual security reports. VAWA amends section 668.46 of title 34 of the Code of Federal Regulations (CFR) to implement these statutory changes. Additionally, this updated section incorporates provisions added to the Clery Act by the Higher Education. Opportunity Act, enacted in 2008.

### **Impact on UEWM**

All institutions are charged with adopting the following VAWA requirements:

- A statement that the institution prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking.
- A clear definition of what constitutes domestic violence, dating violence, sexual assault, and stalking in the applicable jurisdiction.
- Safe and positive options for bystander intervention in order to prevent or intervene when there is a risk of sexual violence or stalking against another individual.
- Information on risk reduction to recognize warning signs of abusive behavior or how to avoid potential attacks.

### **University of East-West Medicine Violence Against Women Policy**

University of East-West Medicine is committed to maintaining a safe and secure work and academic environment, free of any form of sexual misconduct, including domestic violence, dating violence, sexual assault, stalking, and sexual harassment. A violation of the Violence Against Women Act shall constitute grounds for disciplinary action, up to and including dismissal from the University.

### **Take Action**

#### ***Sexual Violence Defined***

Relationship Violence includes Domestic Violence and Dating Violence. Domestic violence consists of abusive behavior that is used by an intimate partner to gain or maintain power and control over the intimate party and can take the form of assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, false imprisonment or any criminal offense resulting in physical injury or death of one family or household member by another family or household member. Dating violence is violence committed by a person who has been in a romantic or intimate relationship with the victim. Whether there was such a relationship will be gauged by its length, type, and frequency of interaction.

#### ***Sexual Assault***

Sexual Assault is defined as non-consensual, or abusive sexual advantage of another person or a non-consensual sexual touching (fondling) or intentional unwanted touching of any body parts.

#### ***Stalking***

Stalking is a course of conduct directed at a specific person that would cause a reasonable person to fear for her, his or others' safety, or to suffer substantial emotional distress. Stalking includes the concept of cyber-stalking, a particular form of staking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used.

#### ***Consent***

Consent is defined as intelligent, knowing, and voluntary agreement to engage in specific activity and shall not be construed to include



## **What You Need to Know**

### **Recognize and Avoid Abusive Behavior Such As:**

1. Frequent yelling directed at a partner
2. Blaming partner for own faults.
3. Name calling
4. Consistently accusing partner of infidelity.
5. Kicking, holding, slapping, or scratching.
6. Use of verbal/abusive comments
7. Forcible sex

### **Reporting an Incident**

All Faculties and staffs of UEWM are hereby required to report any allegations of sexual misconduct. This report should outline the facts and be submitted to the Dean or Academics or the Title IX Coordinator. All members of the University and its community are encouraged to make reports via these same methods.

### **Process with Title IX Coordinator**

*The office of the Title IX Coordinator is located in Room 210 on the Second Floor or via email at [vlabrador@uewm.edu](mailto:vlabrador@uewm.edu) (A Chinese or Korean Interpreter may arranged)*

The Title IX Coordinator that receives notice of a sexual misconduct allegation will schedule a meeting with the complainant to provide a general understanding of the policy and to identify forms of support. The initial meeting the Title IX Coordinator will outline various options which the complainant has in terms of proceeding.

During the initial meeting the following will be established with the complainant.

1. Meeting with the complainant may be kept confidential, to the extent feasible, and or not to pursue the complaint.
2. Informal Resolution (after the investigative report)
3. Formal Resolution via hearing with the Sexual Misconduct Hearing Board (after the investigative report.)

Alternatively, the complainant may opt for either informal or formal resolution after reviewing the incident report.

The Title IX Coordinator will send a letter of sexual misconduct to the respondent, regarding the said allegations, and will also schedule a meeting the respondent. The purpose of this meeting is to explain the process, to answer any questions and to review any accommodation.

### **Accommodations**

At this meeting, accommodations concerning academics and a safe environment while in the campus. The University may issue a “no contact order”, should the complainant feel at risk during the initial process of investigation. This is usually a directive which prohibits students who are in conflict with one another from having contact in person or via electronic means. Other actions which may occur include altering a student’s academic schedule. UEWM will try to minimize unnecessary burdens on both parties involved, but this may also be a case to case basis, and will need to be determined according to all information gathered.

Should the complainant request their identity to remain confidential and or does not want to pursue the filed complaint, UEWM still has the duties to investigate and to take reasonable action in regards to the allegation in order to protect the campus and its students/faculties/employees. However, UEWM’s response may be limited, particularly when the respondent’s name is unknown. The complainant’s request for confidentiality will be weighed against the potential threat a known respondent may pose to the campus and its students/faculties/employees, whether there have been other complaints of sexual misconduct against the respondent, and the respondent’s right to receive information about the allegations if the information is maintained by UEWM in accordance to the FERPA regulation.

UEWM reserves the authority to undertake an appropriate investigation and can issue a “no contact” order, take interim measures as needed, make accommodations and to resolve a case as it is deemed appropriate on a case by case basis.

UEWM is required to report certain types of sexual misconduct in its annual crime statistic reports, but the complainant’s name and other details of the incident will not be made public in the annual crime report.

UEWM is also required to report any incident which might be classified as sexual assault to the Sunnyvale Police Department. It is the complainant’s right not to file a report with the Policy and/or to contact Rape Trauma Services to require the presence of a Sexual Assault Counselor at any time.

## **Investigation Process**

Allegations of sexual misconduct complaints will be treated with seriousness and importance and will be investigated. The investigation will be led by the Title IX coordinator along with another professional member who has received training in sexual misconduct cases. The role(s) of the investigators is to gather information, facts, evidence and witnesses and is transparent and non-bias. The completed investigation report may contain, audio record and written transcripts from the witnesses interviewed, physical evidence found, duty logs, and analysis conducted during the process of investigation.

A completed report of the investigation will be submitted within 2 to 3 weeks from the date the complaint was reported. However, the Title IX Coordinator may need additional time should an in-depth analysis need to be made, depending on the severity of the case reported. The investigative report will be presented to the Title IX Committee/Sexual Misconduct Board (which consist of the President/Vice President and Academic Dean) and all facts/analysis will be discussed in a closed room setting. During this meeting, the summary of the investigative report will be available for review, in which the Title IX Committee/Sexual Misconduct Board may propose modifications to the findings and or sanctions which are outlined in the summary report.

***Informal Resolution-*** An informal resolution will be determined as resolved, should the complainant and the respondent agree to the proposed findings and sanctions reported by the Title IX Committee/Sexual Misconduct Board. At the event that the complaint is resolved informally, both parties will waive their right to appeal. If either the complainant or the respondent disagrees with the proposed findings and/or sanctions, then a hearing before the Title IX Committee/Sexual Misconduct Board will be scheduled for further proceedings. The complainant or respondent should inform the Title IX Committee/Sexual Misconduct Board what aspect of the findings or sanction they disagree with and want to dispute.

***Formal Resolution Process-*** A Formal Resolution Process will be determined by the Title IX Committee/Sexual Misconduct Board on a case-by-case basis, depending on the outcome of the investigation proceedings.

***Notice of Hearing-*** At the event that the complaint proceeds with the formal resolution, then the Title IX Committee/Sexual Misconduct Board will issue a notice for a formal hearing, this will include the date, place and time of the hearing and the name of the chosen Board member selected to hear the case. The complainants and respondents may choose to request for a different Board member for the hearing, but it must be have a viable reason for their objection of the Board member. At the event that either complainants or respondents fail to appear at the set scheduled hearing, the Title IX Committee/Sexual Misconduct Board may vote to postpone the proceedings or have the selected Board member proceed on the basis of the investigative report and other information.

***Pre-Hearing-*** The complainant and the respondent may, after receiving notice of the hearing, provide the Title IX Committee/Sexual Misconduct Board with a list of witnesses whom they would like to call to the hearing. This should be done no later than 3 days prior to the scheduled hearing. During this time, the complainant and respondent should also provide the Title IX Committee/Sexual Misconduct Board with any additional documentation they would like the Board member to consider. The selected Board member has the right to deny the use of additional documentation or witnesses whose statements would be deemed inappropriate or irrelevant to the case at hand. The Character witnesses are one example of a witness who would be rejected. Both the complainant and the respondent are responsible for ensuring that their witnesses attend the hearing, the selected Board member also has the right to contact witnesses to the hearing that may pertain to the case.

***Outcome of Hearing-*** The outcome of the hearing will be presented, after the end of the formal hearing and will be delivered in writing no later than two weeks after the conclusion of the deliberation and closing of the formal hearing.

***Sanctions-*** The Title IX Committee/Sexual Misconduct Board may recommend suspending or expelling any student who is found responsible for sexual misconduct. However, the Title IX Committee/Sexual Misconduct Board may impose any sanctions which it feels is appropriate. The past violations of the responsible student may be considered. The Title IX Committee/Sexual Misconduct Board will also consider whether the sanctions will be an end to the

violation in question, reasonably prevent a recurrence of a similar violation and/or whether the sanctions mediate the effects that the violation had on the complainant and UEWM's students/staffs/employees/faculties. The sanction imposed by the Title IX Committee/Sexual Misconduct Board is effective immediately unless the case is appealed. However, in cases where the welfare of the complainant or its students/employees/staffs/faculties may be at risk, the Title IX Committee/Sexual Misconduct Board may make probation, suspension or expulsion immediate pending the outcome of the timely appeal. There is a possibility to overturn the imposition of such sanctions during the appeals process, or may allow the responsible student to attend classes or engage in another type class activities with a supervision or on a monitored basis, a modification to the original sanction may also occur, pending the outcome of the appeal.

**Appeal** – The complainant and the respondent have the right to appeal the outcome of either decisions of responsibility or the sanction made by the selected Board member. Any appeals must be submitted in writing to the Title IX Committee no later than two weeks from the received decision of the hearing. Upon receiving an appeal, the Title IX Committee may appoint a designee to hear the appeal. Either the Title IX Committee and/or the designee will inform the other party in writing of the appeal, including the basis for the appeal (i.e. unduly harsh sanction, contestation of responsibility, etc.) In cases where the Title IX Committee or designee opts to overturn the sanctions which were imposed pending appeal, the complainant will be informed.

Title IX Committee or designee will gather all written documentation and will review the recording of the formal hearing. Title IX Committee or designee may also meet with either the complainant or the respondent or any of their witnesses. The complainant and the respondent may bring a support person to the appeal meeting. However, the rule for the support person's participation is the same as the formal hearing; they may offer advice to the student but may not speak on their behalf. The Title IX Committee or designee will inform both the complainant and the respondent of the decisions no later than two weeks from the final interview with either party or their witnesses. The appeal letter will include the finding/analysis which upheld or overturned Title IX Committee/Sexual Misconduct Board decision and the sanction, if any. There is no appeal of the Title IX Committee or designee's decision.

**Recordings-** A voice recording will be set up during all preliminary interviews and during the hearings and an official written transcript will be made, these are evidentiary in cases that the matter goes beyond UEWM and may be forwarded to Sunnyvale Police should an escalation need to be pursued. The recording made are property of UEWM.

## **UEWM's DRUG And Alcohol FREE CAMPUS Policy and Procedures**

### **What is the purpose of UEWM's Drug-Free Campus?**

The purpose of the Drug-Free Campus is to implement a drug prevention program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by all students and employees on the University's premises or as part of any of its activities. In order to promote healthy living and demonstrate to our patients we live the life we preach we must have a drug and alcohol free campus.

UEWM's drug prevention program includes the following:

(a) UEWM will distribute annually in writing to each employee, and to each student who is taking one or more classes for any type of academic credit except for continuing education units, regardless of the length of our student's program or course of study our DAA program policy.

(1) UEWM's Standards of Conduct absolutely prohibit the unlawful possession, use, or distribution of illicit drugs and/or any use of alcohol by students and employees on its property or as part of any of its activities. If an employee or student is found to do so this the process that follows:

**Students:** UEWM will impose disciplinary sanctions on students and employees (consistent with local, State, and Federal law). Depending on the severity of the drug or alcohol violation, UEWM will counsel the student or employee on the first offense, place a note in the student's academic file but not on their transcript unless the act is egregious. **((a) (1) of this section))** Entering into a professional rehabilitation program may be required by the Dean or Vice President at the student's expense if there is an expense. (Note: the above reference to services May actually be free. The student or employee will be required to bring letter from the counsellor or clinic stating They are clean and sober and in remission. Second offenses or willful egregious acts will result in up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct. For the purpose of this section, a disciplinary sanction may include the completion of an appropriate rehabilitation program.

**Employees:** UEWM will impose disciplinary sanctions on employees (consistent with local, State, and Federal law). Depending on the severity of the drug or alcohol violation, UEWM will counsel the employee on the first offense, enter into a professional rehabilitation program may be required by the Director of Human Resources or Vice President at the Employee's expense if there is an expense. (Note: the above reference to services may actually be free. The employee will be required to bring letter from the counsellor or clinic stating they are clean and sober and in remission. Second offenses or willful egregious acts will result in up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct. For the purpose of this section, a disciplinary sanction may include the completion of an appropriate rehabilitation program.

(2) A description of the applicable legal sanctions under local, State, or Federal law for the unlawful possession or distribution of illicit drugs and alcohol;

### **Federal Penalties and Sanctions for Illegal Possession of Controlled Substances**

- 21 U.S.C. § 844(a)
- 1st Conviction: Up to 1 year imprisonment and fine of at least \$1,000 or both.
- After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years and fine of at least \$2,500.
- After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years and fine of at least \$5,000.
- Special sentencing provisions for possession of crack cocaine: Mandatory minimum 5 years in prison, maximum 20 years and minimum fine of \$1,000, if:
  - ❖ 1st conviction and the amount of crack possessed exceed 5 grams.
  - ❖ 2nd crack conviction and the amount of crack possessed exceed 3 grams.
  - ❖ 3rd or subsequent crack conviction and the amount of crack possessed exceeds 1 gram.
- 21 U.S.C. § 853(a) (2) and 881(a) (7)
  - o Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than 1 year imprisonment.
- 21 U.S.C. § 881(a) (4)
  - o Forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance.
- 21 U.S.C. § 844(a)
  - o Civil fine of up to \$10,000.
- 21 U.S.C. § 862
  - o Denial of Federal benefits, such as student loans, grants, contracts and professional and commercial licenses, up to 1 year for first offense, up to 5 years for second and subsequent offenses.
- 18 U.S.C. § 922(g)
  - o Ineligible to receive or purchase a firearm.

## **State Penalties and Sanctions for Illegal Possession of Controlled Substances**

The framework for the regulation of most drugs, also called controlled substances, is set out in the California Uniform Controlled Substances Act. Generally, as of February 2006, it is a criminal offense:

- To illegally manufacture, sell, distribute, or possess controlled substances listed in the California Uniform Controlled Substances Act.
- To possess, cultivate, sell or possess for sale marijuana.
- To use or be under the influence of a controlled substance.
- To transport, sell, or distribute marijuana to a minor or to use a minor to transport, sell, or distribute marijuana.
- To provide any alcoholic beverage to a person under 21 or to any obviously intoxicated person.
- To be under the influence of alcohol in a public place and unable to exercise care for one's own safety or that of others.
- For persons under 21, to have any container of alcohol in any public place or any place open to the public.
  - To operate a motor vehicle while under the influence of alcohol or other intoxicants or with a blood alcohol level of 0.08% or higher.
- For any person under the age of 21 to operate a motor vehicle with a blood alcohol level of 0.05% or higher.
  - To have an open container of alcohol in a motor vehicle and for persons under 21 to drive a vehicle carrying alcohol or to possess alcohol while in a motor vehicle.
  - To have in one's possession or to use false evidence of age and identity to purchase alcohol.
- For any person under the age of 21 to purchase alcohol. **Sunnyvale**

### **Codes Concerning Alcohol and Illicit Drugs**

<http://qcode.us/codes/sunnyvale/>

#### **9.66.010. Alcoholic beverages—Drinking and open containers in public.**

[http://qcode.us/codes/sunnyvale/view.php?topic=9-9\\_66-9\\_66\\_010&frames=on](http://qcode.us/codes/sunnyvale/view.php?topic=9-9_66-9_66_010&frames=on) –

(a) It is unlawful for any person to drink any alcoholic beverage upon any public right-of-way (including the street, park-strip, sidewalk and public property up to the private property line), lane, alley, public park and other public property unless the consumption of alcoholic beverages is expressly permitted for that location pursuant to a permit or ordinance and the consumption is in conformance with the terms of that permit or ordinance, or except as may be otherwise authorized by the city.

(b) It is unlawful for any person to possess any can, bottle or other container of any alcoholic beverage which has been opened, or a seal broken, or the contents of which has been partially removed, upon any public right-of-way (including the street, park-strip, sidewalk and public property up to the private property line), lane, alley, public park or other public property unless the consumption of alcoholic beverages is expressly permitted for that location pursuant to a permit or ordinance and the possession is in conformance with the terms of that permit or ordinance, or except as may be otherwise authorized by the city, or the possession is expressly allowed by a preemptive state law.

(c) It is unlawful for any person to drink or possess an open container of any alcoholic beverage while upon any private parking lot open to the public unless expressly permitted by the owner or operator of the private parking lot in conformance with a permit or ordinance or as otherwise authorized by the city.

(d) This section is intended to have no application to situations which would invoke application of state laws, including, but not limited to, restrictions on the drinking, possession or storage of an open receptacle containing an alcoholic beverage while a person is in a motor vehicle upon a highway (California Vehicle Code Sections 23121, 23122 and 23123), or restrictions on the possession of an intoxicating liquor by a person under the age of twenty one on a public street or highway or on any public place or in any place open to the public (California Business and Professions Code Section 25662). (Ord. 2505-95 § 1).

9.66.020. Violation.

(a) Any person violating any provision of this chapter shall be guilty of an infraction, and if convicted, shall be fined in accord with Government Code Section 36900, as determined by a court of competent jurisdiction.

(b) Each day any violation of this chapter occurs shall constitute a separate offense. (Ord. 2505-95 § 1).

Getting Help **Employees** who are concerned about substance use, abuse, and rehabilitation are strongly encouraged to contact their family physicians.

### **Provision of Pastoral Counselors**

Counseling In accordance with the Clery Act regulations, Campus “Pastoral Counselors” and Campus “Professional Counselors”, when acting as such, are not considered to be a campus security authority and are not required to report crimes for inclusion into the annual disclosure of crime statistics. The Institution contracts with Talk One-2-One, a free service, which provides confidential professional counseling via the telephone 24 hours per day, 7 days a week.

This service can be reached at 888-617-3362. The Talk One-2-One counselor may refer a student for limited visits with an area network mental health provider or assist the student with locating resources within the community. As a matter of policy, the counselors are encouraged; if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary, confidential basis for inclusion into the annual crime statistics San Jose SMSA or the University Crime statistics found online on the University website. The National Institute on Drug Abuse Hotline (1.800.662.4357) is available from 8:00 a.m. to 2:00 a.m., Monday through Friday and from 11:00 a.m. to 2:00 a.m. on weekends.

*(3) A description of the health risks associated with the use of illicit drugs and the abuse of alcohol;*

*(4) A description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to employees or students;*

### **Employees and Students**

We are fortunate in Santa Clara County to have all the resources available for drug or alcohol counseling, treatment, or rehabilitation or re-entry programs listed in ONE place on the internet. Additionally there is a toll free number you can call where they will direct you to the service provider needed. The phone number is 1-800-488-9919. The website is:

<http://www.sccgov.org/sites/dads/Pages/Department-of-Alcohol-and-Drug-Services.aspx>

and

UEWM will impose disciplinary sanctions on students and employees (consistent with local, State, and Federal law). Depending on the severity of the drug or alcohol violation, UEWM will council the student or employee on the first offence, place a note in the student’s academic file but not on their transcript unless the act is egregious. *((a)(1) of this section )* Entering into a professional rehabilitation program may be required by the Dean or Vice President at the student’s expense if there is an expense. (Note: the above reference to services may actually be free. The student or employee will be required to bring letter from the counsellor or clinic stating they are clean and sober and in remission. Second offenses or willful egregious acts will result in up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct. For the purpose of this section, a disciplinary sanction may include the completion of an appropriate rehabilitation program.

## **Legal Sanctions**

The unlawful manufacture, distribution, dispensation, possession, and/or use of controlled substances or alcohol is regulated by a number of federal, state and local laws. These laws impose legal sanctions for both misdemeanor and felony convictions. Criminal penalties for convictions can range from fines and probation to denial or revocation of federal benefits (such as student loans) to imprisonment and forfeiture of personal and real property.

All incoming/current students and incoming/current employees are required to be given a copy of the standards of conduct and the statement of disciplinary sanctions, after October 1 of each year. UEWM will notify employees and its students that UEWM is in compliance with the standards of conduct each year. A digital copy will be posted for students on the website, and a hard copy will be distributed. *(b) UEWM will conduct and biennial review this DAA program during every odd numbered year beginning in 2015. The purpose of the review is to:*

- (1) Determine its effectiveness and implement changes to the program if they are needed; and*
- (2) Ensure that the disciplinary sanctions are consistently enforced.*

**UEWM's** program for all students includes the following:

- (a) The average age of UEWM students is 49. The school is a professional graduate medical University. While our regular curriculum includes healthy living for a long life and the protection of our organs and muscles our drug and alcohol education and prevention programs addresses the legal, social, and health consequences of drug and alcohol use and provides information about effective techniques for resisting peer pressure to use illicit drugs or alcohol for all students in all levels or degree programs of UEWM operated or served by UEWM.
- (b) Students are not to use or possess illicit drugs or use alcohol to excess since this is wrong and harmful to the body and a poor example to your patients.
- (c) Students are clearly prohibited from the unlawful possession, use, or distribution of illicit drugs and alcohol on UEWM premises or as part of any of its activities.
- (d) UEWM will impose disciplinary sanctions on students and employees (consistent with local, State, and Federal law).

Depending on the severity of the drug or alcohol violation, UEWM will counsel the student or employee on the first offence, place a note in the student's academic file but not on their transcript unless the act is egregious. Entering into a professional rehabilitation program may be required by the Dean or Vice President at the student's expense if there is an expense. (Note: the above reference to services may actually be free. The student or employee will be required to bring letter from the counsellor or clinic stating they are clean and sober and in remission. Second offenses or willful egregious acts will result in up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct required by paragraph. For the purpose of this section, a disciplinary sanction may include the completion of an appropriate rehabilitation program.

- (e) Information about any drug and alcohol counseling and rehabilitation and re-entry programs that are available to students.

## **Employees**

UEWM's program for all employees must, at a minimum, include the following:

- (a) The standards of conduct for UEWM employees clearly prohibits, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol on school premises or as part of any of its activities.
- (b) UEWM will impose disciplinary sanctions on s employees (consistent with local, State, and Federal law). Depending on the severity of the drug or alcohol violation, UEWM will counsel the employee on the first offense, enter into a professional rehabilitation program may be required by the Director of Human Resources or Vice President at the Employee's expense if there is an expense. (Note: the above reference to services may actually be free. The employee will be required to bring letter from the counsellor or clinic stating they are clean and sober and in remission. Second offenses or willful egregious acts will result in up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct. For the purpose of this section, a disciplinary sanction may include the completion of an appropriate rehabilitation program.
- (c) Information about any drug and alcohol counseling and rehabilitation and re-entry programs that are available to employees.

We are fortunate in Santa Clara County to have all the resources available for drug or alcohol counseling, treatment, or rehabilitation or re-entry programs listed in ONE place on the internet. Additionally there is a toll free number you can call where they will direct you to the service provider needed. The phone number is 1-800-488-9919.

## **UEWM Policy and Procedure Links**

Campus Safety Plan

<http://www.uewm.edu/students/safety-plan>

UEWM Drug & Alcohol Free Campus Policy

<http://www.uewm.edu/students/drug-free>

Violence Against Women Act (VAWA)

<http://www.uewm.edu/students/vawa>

Annual consumer Information

<http://www.uewm.edu/students/consumer>

Title IX Disclosure

<http://www.uewm.edu/students/disclosure>