



BIOLA
UNIVERSITY

2023 Annual Security & Fire Safety Report

Includes crime and fire statistics for calendar years 2020, 2021, and 2022

New York Campus

1974 Coney Island Avenue, Brooklyn, NY 11223

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Overview

We advise community members of Biola University to use this report as a means of educating themselves in safe practices on and off-campus. This Annual Security and Fire Safety Report is prepared annually by the Department of Campus Safety. It includes crime and fire safety data, along with policies pertaining to campus safety, crime, and fire safety.

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from the following sources: Department of Campus Safety, the City of New York Police Department, and non-police officials identified by Federal Law as Campus Security Authorities. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

This data is reported to the United States Department of Education via an annual web-based data collection. This Annual Report is published prior to October 1st of each year and distributed to all students and employees of Biola University via [the Annual Security Report Page on the Campus Safety website](#).

Current students and employees will be notified via Biola University email of the Annual Security and Fire Safety Report's publication. This Annual Report is also available to prospective students and prospective employees via the Campus Safety website. To obtain a written copy of the report, please contact the Campus Safety office at (562) 903-4877.

Public Safety on Campus

The New York campus does not have an on-site Campus Safety department. All crimes must be reported to the New York Police Department and the on-site administrator in an accurate and timely manner. The Department of Campus Safety, located on Biola University's main campus must also be notified as soon as possible at (562) 903-6000.

Prompt reporting helps ensure that appropriate warning notices can be distributed and assists with the timely disclosure of crime statistics. These statistics are in compliance with the Department of Education's Student Right to Know Act.

Recognized Student Organizations (Fraternities and Sororities)

Biola University's New York campus does not have any officially recognized student organizations that own or control housing facilities outside of the Biola University New York campus.

Reporting Crimes

If you are the victim or witness of a crime or suspicious incident, notify the New York Police Department by calling 911 (or 212-826-3211 for non-emergencies).

Victims or witnesses may report crimes on a voluntary, confidential, or anonymous basis to a recognized campus security authority.

Crime Log

Biola University's New York campus does not have a Campus Safety department on site to keep statistics or daily crime logs.

Disclosure of Hearing Outcomes

The University will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the University against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as the result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

Security and Access to Biola Facilities

All persons who enter onto property owned or leased by Biola University should be able to demonstrate a legitimate reason to be present on campus. When practical, University students and employees should accompany their guests or visitors while on campus. Permission to enter onto University property is revocable at any time. Persons not having a legitimate purpose to be on campus may be asked to leave by Biola University employees.

Crime Alerts

The Department of Campus Safety will issue crime alerts for crimes occurring on Biola's Clery Geography (On Campus, Public Property and Non-campus property) for the New York campus that are reported to Biola's main campus as required by the Clery Act, and/or crimes that present a serious or continuing threat to the campus community to aid in the prevention of similar occurrences. Crime Alerts will be distributed as soon as pertinent information is available, in a manner that withholds the names of victims as confidential, and with the goal of aiding in the prevention of similar occurrences.

Individuals on campus should notify the Department of Campus Safety and/or the City of New York Police Department of crimes as soon as possible.

The Department of Campus Safety will gather all pertinent information about the nature of the crime from the reporting person and other available sources (these may include but are not limited to: other witnesses and the City of New York Police Department).

- i. Based on the information available, the Associate Vice President & Chief of Campus Safety or his designee shall determine whether the crime presents a serious or continuing threat to the New York campus community. Crime Alerts are typically issued for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications:

- a. Murder
- b. Aggravated Assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case- by-case basis to determine if the individual is believed to be an ongoing threat to the larger Biola University community)
- c. A string of Burglaries or Motor Vehicle Thefts that occur in reasonably close proximity to one another
- d. Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Crime Alert, but will be assessed on a case- by-case basis)
- e. Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount information known by the Associate Vice President & Chief of Campus Safety, or designee). In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no longer the opportunity to distribute a Crime Alert as a “timely” warning notice to the community. All cases of sexual assault, including stranger and non- stranger/acquaintance cases, will be assessed for potential issuance of a Crime Alert.
- f. Major incidents of Arson

Biola University is not required to issue a Crime Alert for crimes reported to pastoral and professional counselors because these reports may be made confidentially, however pastoral and professional counselors are encouraged to refer persons they are counseling to report crimes to Campus Safety on a voluntary, confidential basis for the purpose of allowing a Crime Alert to be distributed.

- ii. Based on the information available, the Associate Vice President & Chief of Campus Safety or his designee shall determine the content of the Crime Alert, the method by which to disseminate the warning to the New York campus community and will issue/initiate the distribution of the Crime Alert.
- iii. Crime Alerts will typically be issued to current students and employees via email blast to all Biola University assigned email accounts. Crime Alerts may also be issued using some or all of the following methods of communication: posters, campus newspaper, and the main University website. The content of the Crime Alert may include but is not limited to the nature of the crime, the area where the crime occurred, a description of the suspect(s), and safety tips. It is the responsibility of the Associate Vice President & Chief of Campus Safety or his designee to determine whether a crime presents a serious or continuing threat to the campus community and issue a Crime Alert if necessary.

The Associate Vice President & Chief of Campus Safety’s designee may include: the Campus Safety Administrative Operations Manager, Deputy Chief, Captain, Investigations and Safety Programs Manager, Emergency Operations Manager, and Campus Safety officers.

Emergency Response and Evacuation

The purpose of this policy is to establish evacuation procedures for Biola University’s New York campus, as required by the Higher Education Opportunity Act of 2008. This policy applies to all students and employees of Biola University.

For the purposes of this policy, a significant emergency or dangerous situation involves an immediate threat to the health or safety of students or employees occurring on campus. In the event of an emergency, Biola University will initiate and provide, without delay, immediate notifications to the appropriate segment(s) of the University community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, employee and visitors.

An emergency notification is a notification to all Biola University students and employees who have registered their emergency notification information or any subgroup thereof, informing them of a significant emergency or dangerous situation occurring on campus.

For the purposes of this policy Biola University's emergency notification system is Rave Alert, provided under contract by Rave Mobile Safety. This emergency notification system allows authorized University personnel to send an email or text message to cell phone numbers or email addresses of registered students and employees. Authorized personnel may access the Rave Alert system for the purpose of sending an emergency notification. If the Rave Alert system fails or the University deems it appropriate, in person communication may be used to communicate an emergency.

As used in this policy, authorized Campus Safety personnel are the Associate Vice President & Chief of Campus Safety, Emergency Operations Manager, Deputy Chief, Captain, Lieutenant, Administrative Operations Manager, Investigations and Safety Programs Manager, and Communications and Emergency Services Operators and officers who have been trained in the use of the emergency notification system.

Procedures for Designation of Emergency Notification Information

Students and employees may [update their personal info on MyAccount](#) at any time to designate a cell phone number to receive text messages sent by Biola University's emergency notification system. A designation will remain in effect until changed or revoked by the student or employee. This information will be maintained confidentially and will be accessible only to authorized University officials, and will not be disclosed except to law enforcement personnel as necessary during an emergency or the investigation of a crime. All current students and employees are automatically registered to receive email messages sent by the emergency notification system.

Official Emergency Notification Procedures

Any individual on campus who has information about an emergency or dangerous situation that may affect the Biola University New York campus must notify the Department of Campus Safety as soon as possible.

Biola University will initiate and provide, without delay, emergency notifications to the appropriate segment(s) of the Biola community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, employees and visitors occurring on the campus.

The Biola Department of Campus Safety is responsible for confirming emergencies, in conjunction with

Biola administrators, local first responders, and/or other agencies, that may warrant the distribution of an emergency notification to the Biola New York campus community.

Emergency notification for incidents that may pose an immediate threat to health and safety will be made, without delay, unless issuing a notification will, in the professional judgment of responsible authorities and taking into account the safety of the Biola community, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

The following officials have been designated the authority to authorize emergency notifications to provide alert, warning and safety or protection instructions:

- the Associate Vice President & Chief of Campus Safety,
- Emergency Operations Manager,
- Communications and Emergency Services Operators,
- Deputy Chief,
- Captain,
- Administrative Operations Manager,
- Investigations & Clery Compliance Manager, and
- Officers who have been trained in the use of the emergency notification system.

These positions will be collectively referred to as “authorized Campus Safety personnel” for purposes of this Communication Procedure. In reference to any of these positions, in the absence of the referenced individual, their designee will have the authority.

Authorized Campus Safety personnel will typically be responsible for developing the content and distributing the notifications as described in this procedure. If the emergency is limited to a particular segment or segments of the campus, the authorized Campus Safety personnel will typically determine the segment or segments of the community to receive the emergency notification.

Notification will be made by using some or all of the following methods depending on the type of emergency: Rave Alert which contains capabilities for text message alerts and email notification. In addition, Biola may also use the following methods of communication if the Rave Alert system fails or the University deems it appropriate: announcement via an email to all Biola University email addresses, and/or in person communication.

The content of the message will vary depending on the situation. At a minimum, the messages will describe the emergency, provide basic instructions to the community and will direct them to where they can receive additional information.

Follow-up information will be distributed using some or all of the identified communication systems (typically text message and email via Rave Alert).

The local news media may be utilized to disseminate emergency information to members of the larger community, including neighbors, parents and other interested parties. The larger community can also access emergency information via the [Biola emergency webpage](#). University Communications or Family

Engagement may also distribute information to parents, using other methods available.

Responsibility for Initiation of the Emergency Notification System

It is the responsibility of authorized Campus Safety personnel to determine whether an emergency or dangerous situation exists that may affect the Biola University New York campus and initiate the emergency notification system.

Dissemination of Information to the Larger Community

In the event of a significant emergency or dangerous situation affecting the Biola University New York campus, the Department of Campus Safety shall notify the City of New York Police Department.

If Evacuation is Required:

- Evacuate to a safe area at least 100-200 feet away from the building.
- If possible, go to your designated assembly area.
- As you evacuate your area, assist others.
- Upon evacuating, wait for instructions from authorized personnel or for the situation to return to normal.

Crime Prevention and Security Awareness Programs

The Department of Campus Safety's crime prevention and security awareness programs exist to eliminate criminal opportunities and encourage students and employees of the University to be responsible for their own security and that of others.

Crime prevention information can be found on the [Campus Safety Crime Prevention webpage](#) and prevention videos can be found on the [Campus Safety website](#).

Printed Materials

Crime Prevention materials are available on the [Crime Prevention page of the Campus Safety website](#). These materials give safety tips and recommended procedures to help students and employees be responsible for their own security and the security of others.

Missing Students

The purpose of this policy is to establish procedures for Biola University's response to reports of missing students, as required by the Higher Education Opportunity Act of 2008. This policy applies to students who reside in campus housing. For purposes of this policy, a student may be considered to be a "missing student" if the student's absence is contrary to his/her usual pattern of behavior and unusual circumstances may have caused the absence. Such circumstances could include, but not be limited to, a report or suspicion that the missing person may be the victim of foul play, has expressed suicidal thoughts,

is drug dependent, is in a life-threatening situation, or has been with persons who may endanger the student's welfare.

Official Notification Procedures for Missing Residential Students

Any individual on campus who has information that a residential student may be a missing student must notify the Department of Campus Safety on Biola's main campus as soon as possible by calling (562) 777-4000 and the City of New York Police Department by calling (718) 627-6611.

Note: When a non-resident and/or commuter student is believed to be missing, the reporting person should immediately notify local law enforcement authorities. The Department of Campus Safety will assist external authorities with these investigations as requested.

The Department of Campus Safety will gather all essential information about the residential student from the reporting person and from the student's acquaintances (description, clothes last worn, where student might be, who student might be with, vehicle description, information about the physical and mental well-being of the student, an up-to-date photograph, class schedule, etc.). Appropriate University staff will be notified to aid in the search for the student.

Campus Communications about Missing Students

All communications with outside media regarding missing students will be handled by Biola University's Media Relations Department in consultation with the Associate Vice President & Chief of Campus Safety and the Dean of Students or their designees.

All information provided to any individual or department at the University about a missing student shall be referred to the Department of Campus Safety without delay. The Department of Campus Safety shall gather all the necessary information and refer such information to the appropriate law enforcement authorities.

Drugs and Alcohol

Possession or Under the Influence of Alcohol

The purpose of this policy is to ensure a safe environment that is consistent with the mission of the University and its goal to foster an alcohol-and drug-free environment. The use, sale, possession or distribution of alcoholic beverages by students of Biola is prohibited and violates this policy as well as the University's standard of conduct. Biola University and its campus extensions operate in conformity with the Drug-Free Schools and Communities Act of 1989 (Public Law 101-336) and Drug-Free Workplace Act of 1988.

The New York Alcohol Beverage Control Law states that the purchase, possession, use, or distribution of alcohol is illegal for those under the age of 21 in the State of New York. For further information regarding specifics of the New York state alcohol laws please refer to the [alcoholic beverage control laws of New York State](#).

No person shall be in possession of alcohol nor shall any person be under the influence of alcohol.

Students violating this policy whether on or off campus are subject to disciplinary actions up to and including suspension or dismissal from the University in accordance with university policies and procedures. In addition to the University process, the University will involve local law enforcement officials when appropriate.

Possession or Under the Influence of Narcotics

The purpose of this policy is to ensure a safe environment that is consistent with the mission of the University and its goal to foster a drug-free environment. The use, possession and sale of illegal drugs is prohibited and violates this policy as well as the University's standards of conduct. Biola University is operating in conformity with the Drug-Free Schools and Communities Act of 1989 (Public Law 101-336) and Drug-Free Workplace Act of 1988. No person shall be in possession or under the influence of any controlled substance.

The New York Penal Control Law states that the purchase, possession, use, or sale of illegal drugs is prohibited and violates this policy as well as the University's standards of conduct. For further information regarding specifics of the New York State drug laws please refer to the [controlled substances laws of New York State](#).

No person shall be in possession of any drug paraphernalia.

Students violating this policy are subject to disciplinary actions up to and including suspension or dismissal from the University in accordance with university policies and procedures.

In addition to the University process, the University will involve local law enforcement officials when appropriate. Illegal possession, use, or distribution of illicit drugs, is punishable under applicable local, state, and federal law.

Substance Abuse Education

In compliance with the Drug Free Schools and Communities Act, Biola University publishes information regarding the University's educational programs related to drug and alcohol abuse prevention; sanctions for violations of federal, state, and local laws and University policy; a description of health risks associated with alcohol and other drug use; and a description of available treatment programs for Biola University students and employees. A complete description of these topics, as provided in the University's annual notification to students and employees, is available online in the [Graduate Student Handbook](#).

The University provides services related to alcohol use and abuse including the dissemination of informational materials, referrals and college disciplinary actions to students and employees. Programs to further alcohol and drug abuse education and awareness can be seen in this area as well;

1. Faculty, Staff and student handbooks.

Negative consequences may be exhibited through alcohol/drug abuse. Some examples are:

Alcohol

- Decreased performance and absenteeism
- Drowsiness and mood swings
- Poor judgment and coordination/tremors
- Lower morale/self esteem
- Increase in conflict with others

Marijuana

- Disruption of space and distance judgment
- Slower motor skills and coordination
- Dilated pupils
- Drowsiness/mood swings
- Forgetfulness
- Diminished mental powers

Cocaine/Crack

- Short attention span
- Mood swings; euphoria
- Irritability, depression
- Impaired judgment and decision making ability
- Stealing to cover cost of drugs
- Lack of dependability
- Runny nose; excessive sweating

Hallucinogens: PCP, LSD, Ecstasy

- Loss of memory/concentration
- Pupils dilated or constricted
- Visual/auditory hallucinations
- Sudden bizarre behavioral changes
- Moodiness
- Interpersonal conflicts

Amphetamines: Benzedrine, Dexedrine, Cross-tops, Whites, Uppers

- Dilated pupils
- Increased accidents
- Diminished reflexes

Methamphetamines: Crank, Crystal

- Impaired judgment/decision making
- Hyperactivity, irritability, anxiety, depression
- Decreased appetite, weight loss, tremors

Sedatives/Barbiturates/Tranquilizers: Valium, Xanax, Seconal, Tuinal, Reds, Downers

- Diminished reflexes/lower productivity

- Memory loss
- Slurred speech/depression
- Slowed mental process

If you need help or know someone with an alcohol, drug, or a substance-related problem, please know that university personnel will provide assistance to those who come forward seeking help.

Resources:

Substance abuse resources are available on the [New York City resources for Alcohol, Drugs, & Smoking webpage](#).

Sexual Misconduct

Introduction

Policy Statement

Biola University (“Biola” or “University”) is committed to maintaining a university environment consistent with its Christian beliefs that all people are created in the image of God and should be treated with dignity and respect. As such, Biola should be a place for spiritual growth, work, and study, free of all forms of prohibited discrimination and harassment, including Sexual Misconduct.

This Sexual Misconduct Policy (“Policy”) describes the University’s commitment to ensuring that its campus and its programs are free from Sexual Misconduct. The University will take steps to end Sexual Misconduct, prevent its recurrence, and address its effects. It also outlines the steps for recourse for those individuals whose rights may have been violated and the procedures for determining a violation of this Policy so that there is a prompt and equitable resolution of all complaints of Sexual Misconduct.

Scope of the Policy

The Department of Education’s Office of Civil Rights (OCR) enforces, among other laws, Title IX of the Educational Amendments of 1972 (Title IX), which protects people from discrimination based on sex in education programs or activities that receive federal financial assistance. Biola complies with Title IX and applicable regulations unless to do so conflicts with its religious beliefs or policies based on those beliefs.

This Policy applies to the following forms of sexual harassment which are defined by Title IX and applicable regulations to be a type of “discrimination based on sex:” Sexual Harassment, Sexual Harassment (quid pro quo), Sexual Assault, Domestic Violence, Dating Violence, and Stalking. This Policy also applies to Sexual Exploitation. These forms of sexual harassment and Sexual Exploitation shall be collectively referred to herein as Sexual Misconduct and are explained more fully in the

Definitions section below. For the University's policy against other forms of discrimination, please see [Discrimination and Harassment](#). Allegations of misconduct based on grounds other than Sexual Misconduct should be pursued under the grievance and appeal procedures contained in the appropriate student handbook or employee handbook.

Title IX regulations define "education program or activity" as including locations, events, or circumstances over which the educational institution exercised substantial control over both the person accused of sexual harassment and the context in which the sexual harassment occurs, whether on campus or off as long as the misconduct occurred against an individual within the United States. All University community members as well as volunteers, vendors, independent contractors and visitors are required to follow University policies and applicable local, state, and federal laws and regulations. Sanctions or consequences of a finding of Sexual Misconduct under this Policy may be governed by another University Policy depending on the role of the person who violated this Policy.

Other Applicable Laws

In addition to Title IX, sex discrimination in employment is also prohibited under Title VII of the Civil Rights Act of 1964.

Another important law related to this Policy is the Jeanne Clery Disclosure of Campus Safety Policy and Campus Crime Statistics Act (20 USC §1092(f)) ("Clery Act") which requires colleges and universities to disclose information about crime on and around their campuses in an [Annual Security Report](#). This includes recent amendments to the Clery Act under the Campus SaVE Act and Violence Against Women Act (VAWA), which deal with incidents of sexual assault, domestic violence, dating violence, and stalking.

While Biola prohibits all forms of Sexual Misconduct as defined in this Policy, it is exempt from certain state and federal anti-discrimination laws based on its status as a private religious non-profit corporation and its religious beliefs. Nothing herein is intended, nor should it be construed to constitute a waiver of those exemptions or legal defenses, or of Biola's right to make and enforce policies in furtherance of its religious beliefs.

The University maintains the right, with regard to admissions, enrollment, its curricular and co-curricular programs, housing, employment, and other matters, to uphold and apply its religious beliefs and policies related to, among other issues, marriage, sex, gender, gender identity, sexual orientation, and sexual activity. While some portions of this Policy may address intimate or sexual activities outside of marriage between a man and a woman, such discussions should not be seen as condoning these behaviors. (See the [University's Sexual Relationships Policy](#)). At the same time, an individual's engagement in intimate or sexual activities outside of marriage does not excuse Sexual Misconduct carried out against that individual. The University is committed to protecting the members of its community against Sexual Misconduct, regardless of the context in which it arises.

Senior Title IX Coordinator and Title IX Team

The Senior Title IX Coordinator (“Title IX Coordinator”) is the designated staff member of the University with primary responsibility for coordinating the University’s Title IX compliance efforts, including the University’s efforts to end Sexual Misconduct, prevent its recurrence, and address its effects.

The University has also established a Title IX Team. The team consists of properly trained designated staff and faculty member(s) from various campus constituencies who have a shared responsibility for consulting with and supporting the Title IX Coordinator and may serve as the Title IX Coordinator’s designee related to various matters. Members of the team may also be called upon to investigate or adjudicate complaints of Sexual Misconduct, serve as hearing officers or appellate officers, and/or facilitate informal resolutions of conflicts or complaints. For the University’s Title IX Team training, please see trainedsolutions.com.

Definitions

The following terms, as used in this Policy, are defined as follows:

Advisor: Advisor refers to a person chosen by a party or appointed by the University to accompany a party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for a party when required at a hearing.

Coercion: Coercion is conduct or intimidation that would compel an individual to do something against his or her will by the use of unreasonable psychological pressure, physical force, or threats of severely damaging consequences that would reasonably place an individual in fear of immediate or future harm. Coercion is more than an effort to persuade or attract another person to engage in sexual activity. Coercive behavior differs from seductive behavior based on the degree and type of pressure someone uses to obtain consent from another. For example, simply asking someone repeatedly to have sex generally is not considered coercion but seduction. However, if threats were made alongside the repeated requests, it may be considered coercion. If someone is coerced into engaging in sexual activity, there cannot be affirmative consent.

Complainant: Complainant means any individual who has reported being or is alleged to be the victim of Sexual Misconduct under this Policy. In cases where a Formal Complaint (described below) is filed, at the time of filing the formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the University.

Consent: Consent means *affirmative, conscious, and voluntary* agreement to engage in sexual activity. Several of the types of Prohibited Conduct described in section III. below are prohibited when one of the parties involved does not obtain the consent of the other. This definition of Consent, therefore, is used in those cases where the lack of consent must be proved in order to determine if there has been a violation of this Policy.

It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never, by itself, be assumed to be an indicator of consent. In cases of prior relationships, however, the manner and nature of prior communications between the parties and the context of the relationship may be factors in determining whether there was consent.

In evaluating whether affirmative consent has been freely sought and given, the University will consider whether the Complainant had the capacity to give affirmative consent and whether the communication (through words and/or actions) between the parties would be interpreted by a reasonable person (under similar circumstances and with similar identities) as a willingness to engage in a particular sexual act.

The following, while not an exhaustive list, are important factors to consider when determining if affirmative consent was obtained:

- Whether the Respondent took reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively consented.
- An individual cannot provide consent to engage in sexual activity when the individual: 1) is a minor (age 17 or under); 2) has a mental disorder or developmental or physical disability that renders her or him incapable of giving knowing consent; 3) is asleep or unconscious; or 4) is incapacitated from alcohol or other drugs, and this condition was known, or reasonably should have been known or recognized by the Respondent (see Incapacitation below).
- Whether an individual actively and willingly participated in conduct.
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- Consent can be withdrawn at any time. When consent is withdrawn, the sexual activity for which consent was initially provided must stop.
- Consent cannot be procured, expressly or implicitly, by use of force, intimidation, threats or coercion or by overcoming the physical limitations of another person.

Formal Complaint: Formal complaint means a document – including an electronic submission – filed by a Complainant with a signature or other indication that the Complainant is the person filing the Formal Complaint, or signed by the Title IX Coordinator, alleging Sexual Misconduct against a Respondent about conduct within the University’s education program or activity and requesting initiation of the procedures consistent with the resolution process outlined in this Policy.

Incapacitation: Incapacitation is the physical and/or mental inability, temporarily or permanently, to understand the fact, nature, or extent of the sexual situation. Incapacitation may result from mental or physical disability, sleep, unconsciousness, involuntary physical restraint, or from the influence of

drugs or alcohol. In addition, an individual is incapacitated if they demonstrate that they are unaware at the time of the incident of where they are, how they got there, or why or how they became engaged in a sexual interaction.

When alcohol is involved, incapacitation is a state beyond drunkenness or intoxication. When drug use is involved, incapacitation is a state beyond being under the influence or impaired by use of the drug. Alcohol and other drugs impact each individual differently, and determining whether an individual is incapacitated requires an individualized determination.

Some of the factors used to determine incapacitation include:

- Stumbling or otherwise exhibited loss of equilibrium
- Bloodshot, glassy or unfocused eyes
- Slurred speech or word confusion
- Vomiting, especially repeatedly
- Outrageous or unusual behavior
- Being disoriented, or confused as to time, place, etc.
- Loss of consciousness

None of these factors, except for the last, may constitute, in and of itself, incapacitation. Nonetheless, the process of finding someone responsible for a violation of the Policy related to incapacity involves careful examination of all evidence, amounting to a sufficient or insufficient meeting of the preponderance of the evidence standard. This standard may be met with some combination of factors.

Some counter-indicators of incapacity may include:

- Stops to do things to prepare for sexual activity
- Stops to use or request birth control
- Brushes teeth after vomiting
- Goes to restroom
- Carefully removes clothes
- Carries on relatively normal conversations
- Motor abilities are not impaired

The use of alcohol or other drugs can lower inhibitions and create an atmosphere of confusion about whether consent is effectively sought and freely given. If there is any doubt as to the level or extent of one's own or the other individual's intoxication or incapacitation, the safest course of action is to forgo or cease any sexual contact. A Respondent's voluntary intoxication is never an excuse for, or a defense to, prohibited conduct, and it does not diminish the responsibility to determine that the other person has given consent.

In evaluating consent in cases of reported incapacitation due to alcohol or other drugs, the University considers all of the above factors in determining two issues: 1) Is there a preponderance of evidence that the Complainant was incapacitated; and 2) Did the Respondent know that the Complainant was incapacitated and, if not, should a sober, reasonable person in a similar set of circumstances as the Respondent have known that the Complainant was incapacitated? If the answer to both of these questions is "yes," there was no consent.

Parties: The Parties are the Complainant and the Respondent, collectively.

Preponderance of the Evidence: The preponderance of the evidence standard is the standard used by university-appointed adjudicators to determine the outcome of a Complaint. The preponderance of the evidence standard is met if it is more likely than not that the Respondent violated this Policy.

Respondent: The Respondent is a person against whom an allegation of Sexual Misconduct under this Policy has been made.

Sexual Misconduct: Sexual Misconduct as used in this Policy means the following forms of Title IX sexual harassment: Sexual Harassment, Sexual Harassment (quid pro quo), Sexual Assault, Domestic Violence, Dating Violence and Stalking. It also includes Sexual Exploitation. Each of these types of misconduct are defined in Section III. Prohibited Conduct. Sexual Misconduct can be committed by men or women, and it can occur between people of the same or different sex.

Student: Student refers to a University student, including a student who has been admitted to the University but who has not yet begun classes; any matriculated undergraduate or graduate student who is enrolled in classes or who may not be presently enrolled but is eligible for re-enrollment; is on an approved leave; is currently serving a suspension, expulsion, or interim restriction; or is awaiting a degree. This Policy applies even if the student withdraws from school while a disciplinary matter is pending.

Witness: Witness refers to an individual who may have information relevant to a report of Sexual Misconduct. A Witness may be a student, an employee, or a third party.

Prohibited Conduct

The following conduct is prohibited under this Policy and will be handled in accordance with the procedures in this Policy.

Sexual Assault: Biola prohibits sexual assault as defined by the Clery Act which is an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

- **Rape** is defined as 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. *Note:* This definition can include forced or coerced oral sex.
- **Fondling** is defined as 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** is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** is defined as sexual intercourse with a person who is under the statutory age of consent.

Sexual Harassment: Sexual harassment is unwelcome conduct that a reasonable person would determine is so severe, pervasive and objectively offensive that it effectively denies a person equal access to the University's education program or activity.

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, offensive comments or other conduct based on sex, sexually motivated physical contact, or other verbal, nonverbal, or physical conduct or communication of a sexual nature. This definition will be interpreted and applied in a manner consistent with the accepted standards of mature behavior, academic freedom, and the mission of the University.

Examples of sexual harassment may, depending on the circumstances, include, but are not limited to:

- A student repeatedly contacts another student to go out on a date after the student has made it clear that he or she is not interested. (This is an example of hostile environment harassment)
- A student is called a "dyke" or "fag" by a classmate, who also makes sexually explicit remarks.
- A male staff assistant in a science lab repeatedly makes disparaging comments about women not being suited for science such as "science is a man's field."
- A student worker tells his supervisor that he is not comfortable with her massaging his shoulders, but she continues to do so and also makes comments about how she finds him attractive.

Sexual Harassment (Quid Pro Quo): Quid Pro Quo Sexual Harassment occurs when someone in a position of authority over another conditions educational or employment benefits on participation in unwelcome sexual conduct.

Domestic Violence: Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner 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 or partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of

California, 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 California.

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 shall be determined based on the reporting party's statement with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of Domestic Violence.

Stalking: The term "stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: 1) fear for the person's safety or the safety of others; or 2) suffer substantial emotional distress. For the purpose of this definition: 1) "course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property; 2) "reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim; 3) "substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Examples of Stalking behavior are:

- Repeated, unwanted and intrusive communications by phone, mail, text message, email and/or other electronic communications, including social media;
- Repeatedly leaving or sending the victim unwanted items, presents or flowers;
- Following or lying in wait for the victim at places such as the victim's home, school, work or recreational facilities;
- Making direct or indirect threats to harm the victim or the victim's children, relatives, friends or pets;
- Damaging or threatening to damage the victim's property; or
- Repeated posting of information or spreading rumors about the victim on the internet, in a public place, or by word of mouth that would cause a person to feel threatened or intimidated.

Sexual Exploitation: Sexual exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for anyone's advantage or benefit other than the person being exploited, and that behavior does not otherwise constitute one of the other Sexual Misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy;
- Prostituting another person;
- Non-consensual taking of photographs/images, video recording, and/or audio recording of a sexual activity;

- Non-consensual distribution of photographs/images, video recording, audio recording, or live-streaming of a sexual activity;
- Intentional removal or attempted removal of clothing that exposes an individual's bra, underwear or an intimate body part or is otherwise sexual in nature without consent;
- Allowing third parties to observe sexual activities or view another's intimate body parts, in a place where that person would have a reasonable expectation of privacy, without consent;
- Engaging in non-consensual voyeurism;
- Knowingly transmitting a sexually transmitted disease or sexually transmitted infection to another person;
- Exposing one's intimate body parts in non-consensual circumstances;
- Inducing another to expose his/her intimate body parts in non-consensual circumstances; or
- Possessing, distributing, viewing, or forcing others to view pornography.

Note: Sexual Exploitation is not considered Title IX Sexual Harassment. Nonetheless, if the alleged conduct that supports an allegation of Sexual Exploitation involves Students as both the Complainant and the Respondent, or the Student as a Respondent in an allegation by an employee, it will be decided using the process set forth in this Policy. If it involves allegations by a Student against an employee or an employee against another employee, the matter will be investigated and handled for determination by the Chief Human Resources Officer in consultation with the employee's supervisor or, if a faculty member, the Dean of the School in which the faculty member teaches.

Bad Faith Complaint of Sexual Misconduct: Knowingly reporting a false allegation of Sexual Misconduct, including one made as a counter-complaint, is prohibited. The fact that there has been a University determination that there was no Sexual Misconduct does not, by itself, mean that the complaint was made in bad faith.

Retaliation: Retaliation includes any form of intimidation, threats, coercion, reprisal, or harassment. Retaliatory actions may include, but are not limited to: acts or comments that are intended to discourage a person from engaging in activity protected under this Policy or that would discourage a reasonable person from engaging in activity protected under this Policy; violation of a No Contact Order; acts or comments intended to embarrass an individual; seeking to influence the participation or statements of parties or witnesses or taking adverse action against them; adverse changes in employment status or opportunities; adverse academic action; and adverse changes to academic, educational and extra-curricular opportunities. Retaliation may be in person, through social media, email, text, or other forms of communication, and it may be committed by parties to the complaint resolution procedure, their friends or representatives, or any other person. Retaliation may be present against a person even when the person's allegations of prohibited conduct are not substantiated.

The Title IX Coordinator or designee, with the assistance of member(s) of the Title IX team where appropriate, will investigate claims of Bad Faith Complaint of Sexual Misconduct and Retaliation. After notice to the parties involved and an opportunity to address in writing or in person (at the sole

discretion of the Title IX Coordinator) the facts supporting or in opposition to the allegations, The Title IX Coordinator or designee will make an administrative decision as to whether there has been a violation of these forms of Prohibited Conduct.

Assistance Following Sexual Misconduct

The University will seek to support any person adversely impacted by Sexual Misconduct, regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred in connection with the University's campus, programs or activities and/or constituents.

Both the University and the community provide a variety of resources to assist and support individuals who have experienced Sexual Misconduct or are affected by allegations of Sexual Misconduct. These resources, both immediate and ongoing, are available to all persons irrespective of their decision to report the incident to the University or to law enforcement.

Procedures Victims Should follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault or Stalking Occurs

- Get to a safe place.
- Call 911 if in immediate danger, if you are injured, or if the community is in possible danger.
- If on Biola's La Mirada campus, call Biola's Emergency Line at (562) 777-4000 instead of 911. Biola's dispatch will call 911, which will facilitate emergency services to the needed location more quickly than calling 911 directly.
- If on Biola's New York campus, call 911 directly.
- Consider seeking immediate professional support on or off campus to assist you in the crisis.
- In cases of sexual assault, for your safety and well-being, immediate medical attention is encouraged to evaluate for physical injury and sexually transmitted diseases. Further, being examined as soon as possible, ideally within 72 hours, is important for evidence collection, which may be used to support prosecution should you decide immediately or later to pursue criminal charges. To preserve evidence, it is best that you do not bathe, shower, douche, or change clothes before that exam. Even if you have already bathed, you are still encouraged to have prompt medical care. Additionally, you are encouraged to gather bedding, linens, or unlaundered clothing and any other pertinent articles that may be used for evidence.
- Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to University adjudicators/investigators or police.
- Talk to a counselor. Even after the immediate crisis has passed, contact confidential on-campus and/or off-campus resources for emotional support, information, and/or advocacy.
- Report the conduct to the Title IX Coordinator or the Campus Safety Response Team, so that the University can advise you of your options and take appropriate action. Below are those persons you can contact as well as other resources that may be needed:

Title IX Coordinator

Sandy Hough

Upper Level of Student Union

13800 Biola Ave.

La Mirada, CA 90639

Telephone: (562) 944-0351, Ext. 5807

Email: titleix.coordinator@biola.edu

Campus Safety Response Team

13800 Biola Ave.

La Mirada, CA 90639

Telephone: (562) 777-4000

On-Campus Resources and Support:

- Biola Counseling Center: 562-903-4800
- Biola Student Health Center: 562-903-4841

Off-Campus Places to Report Sexual Misconduct:

- 911 (for emergencies)
- La Mirada Sheriff's Department
13716 La Mirada Blvd.
La Mirada, CA 90638
Telephone: (562) 902-2960
- Los Angeles County Sheriff's Department
Hall of Justice
211 W. Temple St.
Los Angeles, CA 90012
Telephone: (213) 229-1700

Off-Campus Confidential Resources and Support

- Clergy (e.g., pastoral staff)
- National Sexual Assault Hotline: 1-800-656-HOPE or via their [live chat service](#).
- Sexual Assault Crisis 24-Hour Hotline: (714) 957-2737

A person experiencing Sexual Misconduct may need a variety of resources. Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, Biola will provide written notification to students and employees about existing assistance with and/or information about obtaining resources and services including counseling, health, mental health, victim advocacy, legal assistance, visa and

immigration assistance, student financial aid and assistance in notifying appropriate local law enforcement. The resources provided by the University are:

On Campus	Type of Services Available	Service Provider	Contact Information
Counseling	Counseling services	Biola Counseling Center	(562) 903-4800
Health	Basic medical services	Biola Student Health Center	(562) 903-4841
Mental Health	Psychiatric services	Biola Student Health Center	(562) 903-4841
Visa and Immigration Assistance	Visa and Immigration assistance	Registrar's Office	(562) 777-4007
Student Financial Aid	Assistance with student finances	Financial Aid Department	(562) 903-4742
Law Enforcement Assistance	Assistance in notifying law enforcement	Campus Safety	(562) 903-6000
Legal	Legal assistance	N/A	N/A

Some off-campus resources available are as follows:

Off Campus	Type of Services Available	Service Provider	Contact Information
Counseling	Counseling services	Contact the Biola Counseling Center for a referral	(562) 903-4800
Health	Forensic examination and medical services	PIH Health Hospital	(562) 698-0811
Mental Health	Mental health services	PIH Health Hospital	(562) 698-0811

Survivor Advocacy	Survivor assistance	Rape, Abuse & Incest National Network (RAINN)	(800) 656-4673
Visa and Immigration Assistance	Visa and Immigration assistance	USCIS Immigration Service Center	(800) 375-5283
Law Enforcement Assistance	Assistance in notifying law enforcement	New York Police Department	(212) 826-3211
Legal	Legal assistance	Community Legal Aid SoCal	(800) 834-5001

Other resources available to victims of Sexual Misconduct:

<http://www.rainn.org> – Rape, Abuse and Incest National Network

<https://www.justice.gov/ovw/sexual-assault> – Department of Justice

<http://www2.ed.gov/about/offices/list/ocr/index.html> – Department of Education, Office for Civil Rights

<https://waymakersoc.org> - Waymakers Sexual Assault Crisis Hotline 24-hour: 714-957-2737

<https://ywcagla.org/> - YWCA Greater Los Angeles 24-hour Sexual Assault Crisis Line: 877-943-5778

Local hospitals that have a SART (Sexual Assault Response Team):

PIH Health Hospital, 12401 Washington Blvd. Whittier, CA 90602, (562) 698-0811

Accommodations and Protective Measures Available for Victims

Upon receipt of a report of Domestic Violence, Dating Violence, Sexual Assault or Stalking, Biola University will provide written notification to students and employees about accommodations available to them, including academic, housing, transportation, protective measures and working situations. The written notification will include information regarding the accommodation options, available assistance in requesting accommodations, and how to request accommodations and protective measures (i.e., the notification will include the name and contact information for the individual or office that should be contacted to request the accommodations).

At the victim's request, and to the extent of the victim's cooperation and consent, University offices will work cooperatively to assist the victim in obtaining accommodations. If reasonably available, a victim may be offered changes to academic, housing, working or transportation situations regardless

of whether the victim chooses to report the crime to campus police or local law enforcement. Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, distance learning through the learning center, withdraw and take class at another time if there is no option for moving to a different section, etc. Potential changes to housing situations may include moving to a different room or residence hall. Possible changes to work situations may include changing working hours, changing assigned work location, etc. Possible changes in transportation may include assisting the student or employee with a safety escort, etc.

To request changes to academic, housing, transportation and/or working situations or protective measures, or to receive assistance in requesting these accommodations a victim should contact Sandy Hough, Title IX Coordinator, 562.944.0351, x5807.

Restraining Orders, Criminal No-Contact Orders, and University No-Contact Directives

Individuals who would like to avoid contact with another individual as a result of alleged Sexual Misconduct have several options available to them, including seeking a restraining order (also called a “protective order”) from a civil court, a criminal no-contact order from a criminal court, or requesting a no-contact directive from the University.

A no-contact directive is a University-issued directive that prohibits one or both parties from communication or contact with another. In appropriate circumstances, the University may issue an institutional no-contact directive on its own or at the request of the Complainant or the Respondent. To request a no-contact directive from the University, individuals should, if urgent, contact Campus Safety at (562) 777-4000. You may also contact the Title IX Coordinator at (562) 944-0351, Ext. 5807 or email at titleix.coordinator@biola.edu.

If the University receives a report that an institutional no-contact directive has been violated, the University may initiate disciplinary proceedings against the person who allegedly violated the no-contact directive and will impose sanctions if the person is found responsible for violating the directive.

Reporting Sexual Misconduct

The University encourages all individuals to report incidents of Sexual Misconduct or suspected Sexual Misconduct, including but not limited to Sexual Assault, Dating Violence, Domestic Violence, or Stalking, whether they are Complainants or Witnesses. Individuals subjected to Sexual Misconduct have several reporting options. At the University, individuals can report anonymously, can file a confidential report or institute a Formal Complaint. Resources outside the University are available to survivors of Sexual Misconduct to file a criminal charge with local law enforcement or file civil litigation against the Respondent.

Under California law, the University is required to immediately, or as soon as practicably possible, disclose to local law enforcement any report of Sexual Assault, whether committed on or off campus. If the individual communicates to the University that they would like their identity withheld, the

University will not disclose the individual's or the alleged Respondent's identity in its report to law enforcement.

Privacy and Confidentiality

Privacy The University encourages individuals who believe they have experienced Sexual Misconduct to talk to someone about what happened. The University will make every reasonable effort to preserve an individual's privacy and protect the confidentiality of information provided. The degree to which confidentiality can be protected, however, depends upon the professional role of the person being consulted and the circumstances surrounding the misconduct. Different people on campus have different reporting responsibilities and different abilities to maintain privacy or confidentiality.

The University will keep confidential the identity of any individual who has made a report or Formal Complaint to a Title IX Coordinator, including any Complainant, Respondent, or Witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA), as required by law, or to carry out the procedures in this Policy. This means that the University will protect the individual's privacy but may disclose information to those who have a legitimate need to know.

Confidential Communications and Resources: The University recognizes that some individuals may wish to keep their concerns confidential. Confidential communications are those communications which cannot be disclosed to another person, without the reporter's consent, except under limited circumstances. Exceptions to maintaining confidentiality are set by law. For example, physicians and nurses who treat a physical injury sustained during a sexual assault are required to report to law enforcement. Also, physicians, nurses, psychologists, psychiatrists, and social workers must report a sexual assault committed against a person under 18 years of age or a vulnerable adult. An imminent threat to the life of any person must also be reported.

An individual can speak confidentially with certain persons in legally protected roles. They include counselors, clergy, and sexual assault counselors. Information shared with other individuals is not legally protected from being disclosed.

The University has designated confidential resources who are not obligated to report information that is provided to them. These resources are the counselors in the Biola Counseling Center (562-903-4800) and Mike Ahn, Interim Dean of Spiritual Development & Campus Pastor (562-777-4041, spiritual.development@biola.edu, Student Services Building (south wing)).

The confidential resources will not share communications or the fact that communication occurred without consent from the Complainant except in rare circumstances (e.g., compelled testimony from a court of law, cases of child or elder abuse, or where there is a reasonable threat of harm to self or a third person).

Confidential resources are especially valuable for someone who is unsure about whether a formal complaint should be filed or how to label or process what happened. A person who speaks to a

confidential resource should understand, however, that if the person does not report the concern to a non-confidential person at the University, such as one of the University officials designated in the “Reports to the University” section below, the University will be unable to provide certain interim actions or protective measures that would require involvement from the University (such as issuing a no-contact directive), conduct an investigation into the particular incident, or pursue disciplinary action.

Non-Confidential Communications/Responsible Employees

Non-confidential communications are those communications with any University employee who is not a confidential resource as identified above. The University has designated certain categories of employees as “responsible employees” who have certain reporting obligations. “Responsible employees” who become aware of incidents or allegations of Sexual Misconduct have a responsibility to report the matter to the Title IX Coordinator and must report all known information such as the identities of the Parties, date, time and location and any other details about the incident. At the University, responsible employees are defined as follows:

- All regular and adjunct faculty members;
- Academic department administration personnel;
- Athletics personnel;
- Human Resources employees;
- Student Development officers and their administrative assistants;
- Residence Life staff, including Resident Advisors;
- All student employees of Student Development (e.g. SGA, SPA, GSPD, Commuter Life);
- Any employee who is supervising student employees.
- Student Enrichment and Intercultural Development staff, including student staff;
- Student Success staff, including Peer Academic Advisors and Peer Internship Ambassadors;
- Members of the President’s Administrative Council;
- The President and members of his Cabinet and the Executive Leadership Team

A responsible employee who fails to timely report suspected misconduct may be subjected to disciplinary action, the severity of which will be evaluated on a case-by-case basis.

All other employees and all students, even if not “responsible employees,” are also strongly encouraged to share any incidents of alleged Sexual Misconduct of which they become aware to a Title IX Coordinator or Campus Safety.

The University will protect the privacy of the individuals involved in a report of Sexual Misconduct by only sharing information with other University employees on a need-to-know basis. The allegations will not be shared with outside law enforcement without the consent of the individual who has alleged the Sexual Misconduct, unless the allegations relate to physical abuse, sexual abuse, or neglect of a child

under the age of 18 (see the “Mandatory Reporting of Child Abuse” section below for more information) or unless the University is compelled to do so by a subpoena or court order.

Statistical Reporting and Crime Alert

As required by federal law, the University includes statistics about certain offenses in its [Annual Security Report](#) and provides those statistics to the U.S. Department of Education in a manner that does not include any personally identifying information about individuals involved in an incident. In addition, the [Clery Act](#) requires the University to issue a crime alert (also referred to as a “timely warning”) to the campus community about certain reported offenses which may represent a serious or continuing threat to students and employees. The crime alert may include information such as the fact that an incident has been reported, general information surrounding the incident, and how incidents of a similar nature might be prevented in the future. The crime alert will not include any identifying information about the individual who has alleged the Sexual Misconduct.

Reports to the University

The University urges anyone who experiences or becomes aware of an incident involving Sexual Misconduct, including but not limited to Sexual Assault, Dating Violence, Domestic Violence or Stalking to report the incident to the University by contacting any of the following:

- Title IX Coordinator:
Sandy Hough
Upper Level of Student Union
13800 Biola Ave.
La Mirada, CA 90639
Telephone: (562) 944-0351, Ext. 5807
Email: titleix.coordinator@biola.edu
- Campus Safety Response Team:
13800 Biola Ave.
La Mirada, CA 90639
Telephone: (562) 777-4000

For Employees:

Susan Kaneshiro, Associate Director, Human Resources Business Partner or
Traci Hart, Human Resources Business Partner
Biola University
Metzger Hall, Human Resources
13800 Biola Ave.
La Mirada, CA 90639
Telephone: (562) 903-4757
Email: susan@biola.edu or traci.hart@biola.edu

For Inter-Collegiate Athletic Programs:

Nathanael Cook, Athletics Administrator for Facilities and Events
Biola University
Gymnasium
13800 Biola Ave,
La Mirada, CA 90639
Telephone: (562) 944-0351, Ext. 3140
Email: nathanael.d.cook@biola.edu

Reports can be made by telephone, email, or in person to any of the individuals listed above. To enable the University to respond appropriately, reports to the University should include as much information as possible, including the name of the individual alleged to have experienced Sexual Misconduct, the name of the accused(s), and the date, time, place, and circumstances of the incident(s).

The University will accept [anonymous reports](#) of Sexual Misconduct. The individual making the report is encouraged to provide as much detailed information as possible to allow the University to investigate the report and respond as appropriate. The University may be limited in its ability to investigate an anonymous report unless sufficient information is furnished to enable the University to conduct a meaningful and fair investigation.

Reports to Law Enforcement

Some types of Sexual Misconduct, including Sexual Assault, Dating Violence, Domestic Violence or Stalking prohibited by this Policy are crimes. Individuals who believe they may have been the victim of a crime are strongly encouraged to report it to the Campus Safety Response Team by calling (562) 777-4000 and/or by contacting local law enforcement. If the individual chooses, a member of the Campus Safety Response Team will assist in notifying law enforcement authorities and/or will help facilitate filing a report with the appropriate police agency. Actions by the police agency may include conducting an interview, facilitating with medical follow-up, and assisting with protective orders. Individuals also have the option to decline to notify such authorities. Campus Safety personnel will assist and give advice regarding the importance of preserving evidence for the proof of a criminal offense and to whom the alleged offense should be reported. However, it is the individual's decision whether or not to file a police report and/or to pursue civil action against the Respondent. Furthermore, victims have the right to decline to notify law enforcement. Individuals may file a criminal complaint and a report of Sexual Misconduct to the University simultaneously. Reporting to law enforcement is not necessary for the University to proceed with an investigation and the complaint resolution procedure under this Policy.

Individuals who would like to report Sexual Misconduct that involves crimes, including but not limited to Sexual assault, Dating Violence, Domestic Violence or Stalking, to law enforcement should contact the following:

- 911 (for emergencies)
- New York Police Department
167 East 51st Street
New York, NY, 10022
Telephone: (212) 826-3211

Immunity for Related Violations of Community Standards and University Policies

Sometimes an individual may be reluctant to report an instance of Sexual Misconduct because of the fear of being charged with a violation of the University's Community Standards and Policies by virtue of having had some involvement in the circumstances that may have led to the Sexual Misconduct (e.g., a person was at a party where the alleged Sexual Misconduct occurred, and has knowledge of it, but does not want to report because she/he had been drinking). The University's primary concern is for the safety of its students and employees and, accordingly, the University encourages individuals to report instances of Sexual Misconduct and will take into consideration the importance of reporting such instances in addressing violations of the University's Community Standards and Policies.

In accordance with California law, an individual who participates as a Complainant, reporting party, or Witness in an investigation of Sexual Assault, Domestic Violence, Dating violence, or Stalking will not be subject to disciplinary sanctions for a violation of the University's Community Standards or Policies at or near the time of the incident, unless the University determines that the violation was egregious, including but not limited to, an action that places the health or safety of any other person at risk, or involves plagiarism, cheating, or academic dishonesty. Examples of egregious violations include, but are not limited to:

- Not seeking help when an individual is aware of a known medical concern or condition of another individual (e.g., alcohol poisoning, drug overdose, etc.) at the time of the violation(s);
- Dealing, providing, or encouraging the use of drugs during the time of the violation(s); or
- Threatening or causing physical harm to another individual, including instances where an individual is harmed by the conduct constituting a violation of the University's Community Standards or Policies.

Requests for Non-Action or Anonymity

When the University receives a report of Sexual Misconduct, it has an obligation to respond in a timely and appropriate manner. Filing a report with the University does not require an individual to begin or participate in the complaint resolution procedure or to file a report with local law enforcement. However, based on the information gathered and the totality of the circumstances involved, the University may determine that it has a responsibility to move forward with the complaint resolution procedure, even without the participation of the individual who has alleged the Sexual Misconduct. If an individual requests that the University not investigate or seek action against the Respondent or that

their name or other identifiable information not be shared with the Respondent, the University will need to determine whether or not it can honor such a request while continuing to provide a safe and nondiscriminatory environment for all individuals, including the individual who reported the incident.

Actions Taken Upon Notification to Title IX Coordinator

Upon receipt of a report of Sexual Misconduct, the Title IX Coordinator will determine the best course of action based on the information presented. At least one of three of the following options may be pursued: (1) offer supportive measures, (2) initiate an informal resolution process, or (3) initiate a formal grievance process. Options 2 and 3 require the filing of a Formal Complaint.

Emergency Removal

At any time prior to or during implementation of the options identified above, the University may remove a Student Respondent from the education program or activity on an emergency basis when an individualized safety and risk analysis has determined that removal is justified due to an immediate threat to the physical health or safety of any individual. This risk assessment is performed by a team consisting of representatives from Student Development and Campus Safety to objectively evaluate the risk. The team may consult with other professionals or University personnel in reaching its decision but has the sole authority to make removal decisions such as how long it should be, whether it should be limited to certain activities (e.g., housing restriction only or a complete ban from all programs and activities, and whether a removal already implemented should be stayed). Should Respondent violate an emergency removal, the Respondent may be subject to discipline which could include permanent dismissal.

If the risk assessment team determines to implement an emergency removal, the Respondent shall be given written notice that contains the basis for the decision and the details of the restrictions, conditions and duration. The Respondent will have 72 hours to challenge the decision by submitting in writing his or her statement and any other information that supports Respondent's contention that the removal or any of its conditions are not warranted. The writing shall be submitted to the Office of the Provost (tamara.anderson@biola.edu) who will make a decision as to whether the emergency removal decision shall be upheld. This process is in addition to and does not replace the investigation and hearing process which will continue in accordance with the procedures in this Policy.

The emergency removal is also applicable to Employee Respondents who may be placed on paid administrative leave during the grievance process. The decision relating to employees will be made by the Chief Human Resources Officer or designee, whose decision is final and not subject to further review.

Initial Meeting with Title IX Coordinator

Upon receiving a report of potential Sexual Misconduct under this Policy, the Title IX Coordinator shall meet with a Student Complainant. A Deputy Title IX Coordinator for employees shall meet with an Employee Complainant. The Complainant may bring a support person to this initial meeting. During

the initial meeting with the Complainant, the appropriate Title IX Coordinator will discuss the availability of supportive measures and explain that they are available regardless of whether a Formal Complaint is filed. The Complainant shall also be informed of the process to file a Formal Complaint and the options to pursue an informal resolution process or to initiate a formal grievance process, as well as a description of what each entails. The Complainant will also be notified during this meeting of the right to have an Advisor present and the role the Advisor may play in the process.

Supportive Measures

Complainants and Respondents shall be informed of supportive measures which are non-disciplinary, non-punitive services or options designed to preserve or restore access to the University's programs or activities. These measures may include those designed to protect the safety of the Parties or the educational environment as well as deter Sexual Misconduct. Appropriate, reasonably available supportive services are available regardless of whether a Formal Complaint is filed and shall not unreasonably burden the other Party. During the initial meeting with the Title IX Coordinator, the Complainant will be able to express a preference with regard to what supportive measures are desired and this preference will be considered by the Title IX Coordinator in deciding what measures to implement or offer. The supportive measures available to both the Complainant and Respondent may include, but are not limited to the following:

- Access to counseling services and assistance in setting up an initial appointment, on and off campus;
- Imposition of a mutual or one-way on-campus "no-contact directive";
- Rescheduling of exams and assignments;
- Providing alternative course completion options;
- Changing class schedules, including the ability to transfer course sections or withdrawal from a course without penalty;
- Changing work schedules or job assignments;
- Changing a student's University-owned housing whether voluntary or not;
- Assistance from University support staff in completing University housing relocation;
- Limiting an individual's or organization's access to certain University facilities or activities pending resolution of the matter;
- Voluntary leave of absence;
- Providing an escort to ensure safe movement between classes and activities;
- Providing medical services;
- Providing academic support services, such as tutoring; and/or
- Any other remedy that can be tailored to the involved individuals to achieve the goals of this Policy.

Grievance Process

Filing a Formal Complaint

The Grievance Process begins with the filing of a Formal Complaint with the Title IX Coordinator. A Formal Complaint is a written, signed complaint that describes the facts of the incident involving the alleged Sexual Misconduct, including the date, time, location and parties involved in the incident. Complainants are only able to file a Formal Complaint under this Policy if they are currently participating, or attempting to participate in, the education programs or activities of the University, including as an employee. For Complainants who do not meet this criteria, the University will direct the Complainant to any other applicable existing policy.

If a Complainant does not wish to make a Formal Complaint, the Title IX Coordinator may still determine that a Formal Complaint is necessary. The University will inform the Complainant of this decision in writing, and the Complainant need not participate in the process further but will receive all notices issued under this Policy as part of the grievance process.

Nothing in the Grievance Policy prevents a Complainant from seeking the assistance of state or local law enforcement concurrent with the University's grievance process.

Initial Assessment/Dismissal of Complaint

Once a Formal Complaint has been filed, the appropriate Title IX Coordinator shall conduct an initial assessment to determine if the complaint falls within the scope of Title IX. The Title IX regulations *require* the University to dismiss a complaint if, at any time during the process, it is determined that one or more of the following is true:

1. The conduct is alleged to have occurred before August 14, 2020;
2. The conduct alleged in the Formal Complaint, even if proved, would not constitute Title IX sexual harassment;
3. The alleged conduct occurred against a person outside of the United States;
4. The alleged conduct did not occur in the University's educational programs or activities as defined in the Scope of this Policy above;
5. At the time of filing the Formal Complaint, the Complainant is not participating, or attempting to participate in, the education programs or activities of the University.

There are also circumstances when the University *may* dismiss a complaint. At any time during the investigation, informal resolution process if applicable, or the hearing stage, the complaint may be dismissed if:

1. The Complainant notifies the Title IX Coordinator in writing that he or she wants to withdraw the Formal Complaint or any of the allegations stated therein; or
2. The Respondent is no longer affiliated with the University due to not being enrolled (if a Student) or no longer being employed (if an employee); or

3. The University is unable to gather the evidence needed in order for a determination to be made.

In the event of a dismissal of a Formal Complaint, the University will promptly send written notice of the dismissal that also contains the reasons for the dismissal. Dismissal of the Formal Complaint under the Title IX regulations does not necessarily mean that the complaint cannot proceed under other policies or provisions of the University's code of conduct. If the University decides to pursue the complaint under other policies or codes of conduct, the Parties will be notified and any changes to the process stated herein will be explained to the Parties at the time of that notice.

The decision to dismiss the Formal Complaint is appealable to the Office of the Provost (email tamara.anderson@biola.edu). The appeal must be filed within ten (10) calendar days of being notified of the dismissal and *must* be based on one of the following:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the dismissal was made which could affect the outcome of the matter; or
3. The Title IX Coordinator had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

The University will notify the other party in writing when an appeal is filed and the timeframe in which both Parties will have an opportunity to submit a written statement in support of or against the decision to dismiss the Formal Complaint. The University will endeavor to reach a decision on the appeal within 21 calendar days of the initial filing of the appeal but will notify the Parties in the event of a delay.

Notice of Allegations

Once a Formal Complaint has been filed, the appropriate Title IX Coordinator will provide the Complainant and the Respondent, if known, written notice to either the Parties' Biola-issued email address, in person, or mailed to a physical address on file with the University. The notice shall contain the following:

- Notice of the allegations supporting the claim of Sexual Misconduct with sufficient details (the nature of the conduct allegedly constituting Sexual Misconduct, and the date and location of conduct, if known at the time) and with sufficient notice (normally between 3 and 5 calendar days) to prepare for the initial interview;
- Notice of the University's formal grievance process and informal resolution process;
- A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- A statement that the Parties may have an Advisor of their choice, who may be, but is not required to be, an attorney;

- A statement that before the conclusion of the investigation, the Parties may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility, and evidence that tends to both prove or disprove the allegations, whether obtained from a party or other source, and that the Parties' Advisor may inspect and review such evidence;
- A statement notifying the Parties of the University's policy against Retaliation and that knowingly making false statements or submitting false information during the grievance process is prohibited; and
- Information regarding disability accommodations available throughout the process.

If, in the course of an investigation, the University decides to investigate allegations about the Complainant or Respondent that are not included in the Notice of Allegations, the University will notify the Parties of the additional allegations to the Parties if known.

Rights, Obligations and General Principles

Right to an Advisor. The Complainant and the Respondent have the right to be assisted by an Advisor of their choice. The purpose of the Advisor is to support an individual during the grievance process, including accompanying the individual to in-person interviews, other meetings, at the adjudication hearing, and appeal meetings, as well as at informal resolution meetings.

- The Advisor may not appear in lieu of the Complainant or the Respondent or speak on their behalf in either in-person or written communications to the University. The only exception to this relates to the Advisor's role in conducting cross-examination as explained in the hearing procedures below.
- The Advisor may not communicate directly with the investigator(s), adjudicators, hearing officer(s), appeal officer(s), the Title IX Coordinator or any other school official involved in the grievance process and may not interrupt or otherwise delay the process.
- Advisors may have access to information concerning a case when a party has given permission for the Advisor to be copied on emails or other correspondence (for access to written communications). An Advisor's access to such information is subject to the same limitations as those placed upon the Parties and conditioned upon the Advisor's agreement to maintain the confidentiality of any student educational records or other confidential information. As such, the Advisor will not be provided with any information until he or she agrees to comply with these requirements.
- Parties must provide the name of the person they have selected as their Advisor to the Title IX Coordinator. Advisors will be required to sign an Advisor Agreement acknowledging receipt and understanding of the requirements described herein. Failure to comply with these requirements, including violations of confidentiality or other forms of interference with the complaint resolution procedure by the Advisor, may result in the disqualification of an Advisor.

- Choosing an Advisor who is also a Witness may create a potential for bias and conflict of interest, issues that the party should anticipate being raised and explored at the hearing by the other party or the adjudicators.
- The Parties are required to inform the investigators at least two business days before their first meeting with the investigators of the identity of their Advisor. The Title IX Coordinator should be promptly notified of any change in Advisor. As for the hearing, if any, notice of the Advisor's identity must be provided no later than two business days prior to the hearing and the University expects the Advisors will clear their calendars to accommodate the hearing date and time. The University has the discretion to change the date so long as it does not result in an unreasonable delay in the process.
- Communications between the Parties and his/her Advisor will remain confidential throughout the resolution process even if the Advisor is not an attorney. However, in the event an Advisor is appointed by the University for a Party, even if that Advisor is an attorney, their communications are not deemed privileged under the attorney-client privilege for any proceeding outside of the Title IX resolution process.

Non-Participation and Silence. Either party may decline, at any time, to provide information or participate further in the grievance process. If, at any time during the process, a party decides not to participate, the University will proceed with the process and make a determination based upon the information available. For more information pertaining to a party's participation at a hearing, see Hearing Procedures below.

Obligation to Act in Good Faith. Reports and complaints of alleged Sexual Misconduct should be made only in good faith. Complaints that are not made in good faith may be a form of retaliation under this Policy and/or may violate other University policies. All Parties and Witnesses have an obligation to be truthful throughout the grievance process.

Conflicts of Interest. If a Complainant or Respondent has any concern that any individual acting for the University under this Policy has a conflict of interest or bias, such concern should be reported in writing to the Title IX Coordinator within three (3) business days of learning of the potential bias or conflict of interest. The Title IX Coordinator or designee(s) will review the concern(s) and take appropriate steps to ensure that no conflicts of interest exist on the part of anyone investigating or participating in any other decision-making aspect of the grievance process.

If the Title IX Coordinator has a conflict of interest with respect to a Complaint, the Vice President of Student Development shall appoint an alternative person to oversee the grievance process and adherence to this Policy with respect to the Complaint.

Disability Accommodations. The University is committed to full access and inclusion of students with disabilities in its processes and services, including investigations, hearings and other student conduct processes. Students with documented disabilities involved in an investigative or hearing process should

notify the Title IX Coordinator if he/she needs assistance during the process in sufficient time before any interviews, meetings or hearings so that appropriate accommodations can be made.

Time Frames for Resolution. The University is committed to the prompt and equitable resolution of allegations of Sexual Misconduct, and generally seeks to conclude its process within 90 calendar days of the filing of the Formal Complaint and its appeal process within 21 calendar days thereafter. When an Informal Resolution is pursued, the University seeks to conclude that process within 30 days of the Formal Complaint having been filed. Circumstances may arise that require the extension of time frames based on: the complexity of the allegations; the number of Witnesses involved; the availability of the Parties involved; Witnesses being absent from campus; the effect of a concurrent criminal investigation; unsuccessful attempts at informal resolution; any intervening school break or vacation; or other unforeseen circumstances. When these circumstances warrant additional time, the Title IX Coordinator will notify the Parties in writing of the anticipated extended time frame.

In cases where an incident has also been reported to law enforcement, the University will strive to not delay its investigation and adjudication processes to wait for the conclusion of a criminal investigation or proceeding. The University will, however, comply with valid requests by law enforcement for information and/or cooperation in a criminal investigation. As such, the University may need to temporarily delay an investigation under this Policy while law enforcement is in the process of gathering evidence.

Complainants are encouraged to begin the grievance process as soon as possible following an alleged Sexual Misconduct incident. There is, however, no deadline for reporting prohibited conduct to the University under this Policy (so long as the conduct occurred on or after August 14, 2020). The University's ability to respond, however, may diminish over time, as evidence may erode, memories may fade, and the Respondent may no longer be affiliated with the University.

Applicable Policy. When the University receives a Report or a Complaint of a violation of this Policy, the University will generally apply the grievance processes and procedures from the Policy that is in effect at the time that the Report or Complaint is made and generally will apply the Sexual Misconduct definitions from the policy that was in effect at the time the alleged misconduct occurred.

Reservation of Flexibility. The procedures set forth in this Policy reflect the University's desire to respond to Complaints in good faith and in a manner that promotes fairness to all parties. The University recognizes that each case is unique and that circumstances may arise which require that it reserve some flexibility in responding to the particular circumstances of the matter. Where it is not possible or practical to follow these procedures, the University reserves the right to modify the procedures or to take other administrative action as appropriate under the circumstances.

Informal Resolution

Informal resolution is a voluntary process for timely and corrective action through the imposition of individual and/or community-focused remedies designed to maintain the Complainant's access to the

educational, extracurricular, and employment activities at the University and to eliminate a potential hostile environment. The option to pursue informal resolution will be presented to the Parties only after the University has sufficient information about the nature and scope of the conduct at issue. An informal resolution process will not be offered to resolve allegations of Sexual Misconduct against a Student by an employee but may be appropriate to resolve allegations between two employees and may be appropriate when the Parties to a given conflict are a Student Complainant and a Student Respondent.

Although both Parties may voluntarily consent to the informal resolution process, the ultimate decision as to whether such a process is appropriate is left to the sole discretion of the Title IX Coordinator.

Prior to implementing an informal resolution, the Title IX Coordinator will provide the Parties with written notice of the alleged Sexual Misconduct and any sanctions or measures that may result from participating in an informal resolution process, including information regarding any records that will be maintained or shared by the University. The University will obtain voluntary, written confirmation that all Parties wish to resolve the matter through informal resolution before proceeding and will not pressure the Parties to participate in an informal resolution.

If the Complainant, the Respondent, and the Title IX Coordinator or designee all agree to pursue an informal resolution, the Title IX Coordinator or appointed facilitator will attempt to reach a resolution that is agreeable to the Parties. The role of the Title IX Coordinator or facilitator is not to be an advocate for either party, but rather, to aid in the resolution of issues in a non-adversarial manner.

Under the informal process, the University will not necessarily need to complete the entire investigative process. Rather, it is acceptable to only conduct such fact-finding as is useful to resolve the conflict and as is necessary to protect the interests of the Parties, the University, and the University community.

The University will not compel a Complainant or Respondent to engage in mediation, to directly confront the other party, or to participate in any particular form of informal resolution. If at any point during the informal resolution process, the Complainant, the Respondent, or the University wishes to cease the informal resolution process and to proceed with the formal hearing process, the informal resolution process will stop and the formal hearing process described below will proceed. The informal resolution process can also proceed should there be the voluntary agreement to do so and the Title IX Coordinator agrees. Should the informal process be undertaken with no resolution or one of the parties decides to withdraw consent to the informal process, this may delay the ultimate resolution of the Complaint and the Title IX Coordinator will notify the parties of a new estimated schedule for completing the process.

Any informal resolution must adequately address the concerns of the Complainant, the rights of the Respondent, and the overall intent of the University to stop, remedy, and prevent Policy violations.

The University will take appropriate actions as necessary and use its best efforts to remedy any harm that occurred and to prevent any further incidents of Sexual Misconduct.

There is no right to appeal a resolution agreement once all Parties agree in writing to the resolution. Once there is an agreement in writing, the formal hearing process is unavailable to resolve the allegations raised in the Formal Complaint. The Title IX Coordinator will maintain records of all reports and conduct referred for informal resolution.

When the Parties cannot agree on all terms necessary to resolve the dispute, the formal grievance process will be resumed wherever it left off before the informal process was attempted. Information developed during the informal resolution process, if not already part of the record through the investigation already conducted or as stated in the Formal Complaint, will be treated as confidential and not available to be used in the formal grievance process.

Formal Resolution Process

1. Investigation

- a. **Gathering Evidence.** Sexual Misconduct investigations are typically investigated by Campus Safety personnel who are trained professional investigators or, in some instances where Clery crimes are not implicated, by other properly trained investigators. The University also reserves the right to hire an outside investigator to conduct a Sexual Misconduct investigation.

The University, not the Parties, has the burden of proof and the burden of gathering evidence, i.e., the responsibility for showing a violation of this Policy has occurred. This burden does not rest with either party, and either party may decide not to share their account of what occurred or may decide not to participate in an investigation or hearing. This does not shift the burden of proof away from the University and does not indicate responsibility.

When investigating the allegations in a Formal Complaint, the University will do the following:

- Provide an equal opportunity for the Parties to present Witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence, (i.e., evidence that tends to prove or disprove the allegations) as described below.
- Not restrict the ability of either Party to discuss the allegations or to gather and present relevant evidence.
- Allow both Parties to have an Advisor present during the investigation meetings although the Advisors may not speak for the Parties.
- Give written notice to the Parties of the date, time, location, participants, and purpose of all investigative interviews with sufficient time (normally two or three calendar days) for the party to prepare to participate in the interview.

b. Access to Medical Records. The University cannot access, consider, or disclose medical records without a waiver from the party (or parent, if student is a minor) about whom the records pertain.

c. Recording of Interviews. No unauthorized audio or video recording or transcription of any kind is permitted during investigation meetings. The investigator(s) will record interviews by audio and/or video with notice to the Parties of the fact of the recording. Although the recordings or transcriptions of interviews or investigation meetings will not be shared with the Parties, Witnesses or Advisors, a summary of relevant evidence obtained during the process that is directly related to the allegations in the Formal Complaint will be shared with the Parties and their Advisors as described below.

d. Witness Interviews/Use of Statements. When feasible, Witness interviews should be conducted in person. If, due to the location of the Witness, possible school breaks, etc., it is impractical to do so, a remote interview is acceptable. An investigator may also allow a Witness to submit a written statement instead of being interviewed. Any such statement may be used by either Party at the time of the hearing and the adjudicators will determine the weight to be given to the statement.

2. Inspection of Evidence and Investigation Report

Once the initial investigation is completed, the following steps will be followed by the University:

Inspection of Evidence. The Parties will be given an equal opportunity to inspect and review the evidence obtained through the investigation, including any evidence upon which the University does not intend to rely in reaching a determination and any inculpatory and exculpatory evidence. The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation.

- The University will send the evidence described above to the Parties' Biola issued e-mail account and to the Advisors, if any, to the email provided by the Parties. The Parties and the Advisors must adhere to any restrictions or limitations on access that are provided to them at the time of transmission.
- The Parties will be allowed 10 (ten) calendar days to respond in writing to the evidence presented and may submit additional evidence as part of the response. This response and any additional evidence will be considered by the investigator prior to completion of the final investigative report and will be shared with the other Party.
- The investigator will incorporate any additional relevant evidence in, and prepare, the final investigation report.

Evidence obtained in the investigation that is determined in the reasoned judgment of the investigator not to be directly related to the allegations in the Formal Complaint will be included in the appendices to the investigation report.

Note re: evidence that will not be considered - the following are certain types of evidence that the investigators will consider as not relevant: Other incidents not directly related to potential Sexual

Misconduct at issue will not be considered unless they are relevant for some other purpose such as showing a pattern of behavior. Likewise, evidence pertaining to the Complaint's prior sexual history will not be considered unless it is relevant to determine that someone other than the Respondent committed the misconduct or if it is used to demonstrate consent because of a history of behavior with the Respondent.

- The final investigation report shall contain a statement of the steps taken to obtain evidence during the investigation and a summary of all relevant evidence. The report will be sent to each Party and the party's Advisor, if any, in an electronic format for their review through the Parties' Biola issued e-mail account and to the advisors, if any, to the email provided by the Parties. The Parties and the Advisors must adhere to any restrictions or limitations on access that are provided to them at the time of transmission. The Parties will have at least ten (10) calendar days to submit a written response, including any additional evidence, prior to the hearing, which response and evidence, if any, will be shared with the other Party. The Parties will have the opportunity to respond to any new evidence at this stage at the time of the hearing.

3. Hearing Process

a. Live Hearings. The University will not issue a disciplinary sanction arising from an allegation of Sexual Misconduct (with the possible exception of Sexual Exploitation) as defined in this Policy without holding a live hearing. The live hearing may be conducted with all Parties physically present in the same room but only if the Parties agree and if the Title IX Coordinator determines it is in the best interests of the Parties and the University. Otherwise, and in most situations, the hearing will be conducted virtually through video conferencing which allows all Parties, Witnesses and other participants to see and hear each other simultaneously.

Although the Parties are entitled to a live hearing, the University nonetheless views this process as primarily an educational, not a legal process. Thus, except as provided herein, a Party is not entitled to the same legal safeguards and protections that must be provided to parties in a civil or criminal proceeding.

b. Hearing Panel/Participants. A hearing officer is the chair of the 3-person hearing panel ("adjudicators" or "hearing panel") who will decide a case assigned to it. The hearing panel is typically composed of trained faculty and/or staff members but the University reserves the right to select adjudicators who are not employed by the University so long as they are properly trained. In cases involving an employee as a Respondent and a Complainant, a one-person adjudicator may be appropriate at the discretion of the Title IX Coordinator.

The Title IX Coordinator or hearing officer may designate a person to serve as a hearing facilitator to perform such functions as scheduling the hearing, distributing materials to participants, managing the technology for the hearings, coordinating the presentation of evidence through the Parties and Witnesses.

Live hearings are not public, and the only individuals permitted to participate in the hearing are the Parties, their Advisors, the adjudicators, a hearing facilitator, and scheduled Witnesses (but only when they are being questioned).

The following are factors to be considered when determining the selection of the adjudicators of a particular case:

- No adjudicator will also have served as the Title IX Coordinator, Title IX investigator, or Advisor to any Party in the case, nor may any member of the hearing panel serve as an appellate officer in the case.
- No member of the hearing panel will have a conflict of interest or bias in favor of or against Complainants or Respondents generally, or in favor or against the Parties to the particular case.
- Members of the hearing panel will be trained on topics including how to serve impartially, issues of relevance, including how to apply the rape shield protections provided for complainants, and any technology to be used at the hearing.

c. Notice/Timing of Hearing. At least ten (10) calendar days prior to the date set for the live hearing, the Parties will receive a written notice by email stating the hearing date which shall be no more than 20 calendar days after the final investigation report is sent to the Parties. Hearings may be conducted prior to, simultaneously with, or following criminal or civil proceedings. The notice of hearing will also include the following information:

- a description of the behavior that allegedly violates the Sexual Misconduct Policy;
- a copy of all investigative materials provided to the hearing panel unless that has already been provided to the Parties (e.g., final investigation report, Parties response to the report, and other relevant information approved by the Hearing Officer);
- a reminder that if a Party does not have an Advisor, the University will provide an Advisor to appear on the Party's behalf;
- a description of how the hearing will be conducted including the technology to be used;
- a list of all participants with an invitation to the Parties to object to any adjudicator based on proof of bias no later than five (5) business days prior to the hearing.
- an opportunity for the Parties to agree that Witness testimony within the investigation report is sufficient so that live testimony is not needed. If there is agreement by the Parties, the Hearing Officer will make the decision as to whether the Witness needs to be present in person at the hearing;
- an opportunity to arrange for any disability accommodations that will be needed at the hearing - this must be requested no later than five (5) calendar days before the hearing;
- an opportunity for each Party to submit cross-examination questions that their Advisor intends to ask the other Party and Witnesses at the hearing. If this is done ahead of time, the Hearing Officer can make rulings relating to the relevance prior to the hearing which would assist in avoiding delays

during the hearing. The Parties will be told this is not mandatory as they may still submit cross-examination questions at the time of the hearing;

- an opportunity for each party to present to the Hearing Officer an impact statement for the adjudicators to consider when and if sanctions need to be determined. Such a statement should be submitted directly to the Title IX Coordinator who will provide it to the hearing panel only if there has been a finding that the Respondent violated this Policy.

d. Attendance/participation at the Hearing.

- The Parties cannot waive the right to a live hearing.
- The University may still proceed with the live hearing in the absence of a Party, and may reach a determination of responsibility in his or her absence.
- The University cannot compel a Party or a Witness to attend the hearing, nor will the University threaten, coerce, intimidate or discriminate against a Party in an attempt to secure the Party's attendance.
- If a Party or Witness does not submit to cross-examination, the adjudicators cannot rely on any prior statements of that Party or Witness in reaching a determination regarding responsibility, but may reach a determination regarding responsibility based on evidence that does not constitute a statement by the Party.
- The adjudicators cannot draw an inference about the determination regarding responsibility based solely on a Party's absence from the live hearing or refusal to answer cross examination or other questions.
- The Parties, Advisors and Witnesses are expected to conduct themselves in accordance with accepted rules of decorum and consistent with University standards of conduct and ethics.
- A Party's Advisor has only two roles during the hearing: (1) To confer with the Party during the hearing after requesting a break to do so; and (2) to conduct cross-examination of the other Party and witnesses. An Advisor may also respond to any questions asked directly to him or her by the Hearing Officer.

e. Conduct of Hearings. For all live hearings conducted under this Title IX Grievance Process, the **order** of the hearing will be as follows:

- Hearing Officer will open and establish rules and expectations for the hearing including an agenda and a list of Witnesses in the order they are expected to participate;
- Parties (not Advisors) will each be given the opportunity to introduce themselves and their Advisors and provide opening statements of not more than ten minutes;
- The Complainant will be asked to provide relevant information through materials provided to the Parties prior to the hearing, as well as through testimony. Adjudicators will ask questions directly of the Party and Witnesses about their testimony or evidence in the materials and then they will be subject to cross-examination by the Advisor of the other Party once the Hearing Officer

determines the questions are relevant. This same procedure is then used for the Respondent to present testimony and evidence, respond to questions and cross-examination.

- Parties (not Advisors) are given the opportunity to make a brief closing statement of not more than five minutes.

Other considerations relating to the conduct of live hearings are as follows:

- Parties will be given the opportunity for live cross-examination after the adjudicators conduct their initial round of questioning. During the Parties' cross-examination, the Hearing Officer will have the authority to pause cross-examination at any time for the purposes of allowing adjudicators to ask their own follow up questions and as necessary to enforce established rules of decorum;
- Each Party's Advisor will conduct live cross-examination of the other Party and Witnesses. During this live-cross examination the Advisor will ask the other Party or Witnesses relevant questions and follow-up questions, including those challenging credibility, directly, verbally, and in real time;
- Before any cross-examination question is answered, the Hearing Officer will determine if the question is relevant. Cross-examination questions that are duplicative of those already asked, including by the adjudicators, may be deemed irrelevant if they have been asked and answered;
- Cross-examination by Advisors must follow the hearing procedures and the standard rules of decorum, which prohibit questioning in an abusive, badgering, intimidating, or disrespectful manner. If a Party's Advisor of choice refuses to comply with these rules of decorum for the hearing, the Hearing Officer may require the party to use a different Advisor. If a University-provided Advisor refuses to comply with these rules of decorum, the Hearing Officer may provide that Party with a different Advisor to conduct cross-examination on behalf of that Party.
- Should a Party or the Party's Advisor choose not to cross-examine a Party or Witness, the Party shall affirmatively waive cross-examination through a written or verbal statement to the Hearing Officer. A Party's waiver of cross-examination does not eliminate the ability of the adjudicators to use statements made by the Party;
- The Hearing Officer will answer all questions of procedure presented before or during a hearing;
- Parties may confer with their Advisor during the hearing in such a way so the hearing is not disturbed and they are not overheard by other participants. The Parties will be cautioned against, however, excessive conferences, with a note that such conduct may be considered when weighing the Party's credibility. The Hearing Officer also has the discretion to limit the timing and length of breaks requested by the Parties to confer with Advisors.
- If, during the course of the hearing, additional Policy violations are discovered, the Respondent will be notified of the new alleged violation(s) and will be granted additional time, if needed, to prepare a defense of the new alleged violation(s). The Respondent may waive the additional time and the hearing can proceed with the new alleged violation(s) taken under consideration by the adjudicators. A record will be made in the hearing notes of additional alleged violation(s) and whether or not the Respondent desires additional preparation time.

4. Determination of Responsibility/Sanctions

Following the hearing, the adjudicators will deliberate in order to determine whether there was a violation of the Sexual Misconduct Policy. They will use the preponderance of the evidence standard (whether it is more likely than not that a violation occurred) and a majority vote is all that is required to determine the outcome.

If the adjudicators determine there was a violation of the Policy, the adjudicators will then deliberate to determine what sanctions are appropriate under the circumstances. The adjudicators will review and consider any impact statements previously presented by the Parties. Once a decision is made regarding responsibility and the appropriate sanctions, if any, the Hearing Office will notify the Title IX Coordinator.

a. Potential Sanctions. Potential sanctions for a Sexual Misconduct violation, depending on the severity of the conduct and the totality of the circumstances, are listed below. Typically, Sexual Misconduct that involves violence, force or coercion, will be treated as more severe. Also, more than one type of sanction may be imposed.

- **Warning:** Oral or written notice to the student that the student is violating or has violated the Sexual Misconduct Policy and that continuation or repetition of misconduct may result in a more severe sanction.
- **University Probation:** A status which indicates that a student's relationship with the University is tenuous. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found in violation of the Sexual Misconduct Policy or other policy violations. Probation may also result in the loss of privileges, depending on the policies of various University departments and organizations.
- **Loss of Privileges:** Such loss may include, but is not limited to, financial assistance, eligibility to represent the University officially on athletic teams or performing groups, or use of specific University facilities, or services.
- **Restitution:** Compensation for actual loss, damage or injury (e.g., torn or damaged clothing). Failure to pay such charges may result in additional sanctions (e.g., denial of re-enrollment).
- **Educational Sanctions:** Reading/writing assignment, drug or alcohol assessment/treatment, seminar attendance, appropriate community service (e.g., volunteer at a rape resource center) or other discretionary sanctions as deemed appropriate.
- **Dismissal from University Housing:** Loss of privilege to live in University housing. ^[1]_{SEP} In accordance with University housing policy, students required to live on campus who are dismissed from University housing may be dismissed from Biola University.
- **Suspension:** Temporary separation of the student from Biola University for a definite period of time, after which the student is eligible to return without reapplying through the office of admissions. Conditions for readmission may be specified.

- **Expulsion:** The student is permanently separated from the University with a notation of the reasons for the termination in his/her file. No refunds are made and the student will suffer the academic consequences of his/her actions. *Expulsion will be noted on a student's transcript.*

When students are suspended or expelled for disciplinary reasons, there will be no refund of tuition or room charges for the semester and financial aid may be canceled. Absences from classes and chapels are not excused and academic work that is missed may not be made up. Upon permanent separation from University housing, students may apply to Auxiliary Services for unused board charges.

If a violation occurs just prior to a student's scheduled graduation, sanctions may be imposed even if all academic requirements are completed. Sanctions may include, but are not limited to, community service, research or reflective paper, restitution, loss of privilege to participate in the graduation ceremony, deferment of degree, and a transcript hold. The University may withhold issuing a degree until all sanctions are fulfilled. In the case of a serious violation, the University may permanently withhold a degree.

If the Respondent who is found responsible is a staff employee or adjunct faculty member, the adjudicators will recommend sanctions to the Chief Human Resources Officer who, after consulting with the staff member's supervisor or Dean of the School in which the adjunct teaches (if an adjunct faculty), will make the final decision. If the Respondent who is found responsible is a Full-time Faculty member, the recommended sanctions will be sent to the Dean of the School where the faculty member teaches who, in consultation with the Title IX Coordinator, will determine the appropriate sanction.

The Title IX Coordinator will be consulted for the purpose of determining any appropriate remedies for the Complainant.

b. Letter of Determination.

Timing of Determination. After the hearing is concluded, the written decision letter will typically be sent to the Parties within three (3) business days. This timeframe may be altered when an employee is a Respondent due to required approval of sanctions by supervisors or others. While the University will use all reasonable efforts to adhere to this timeline, flexibility may be needed depending on the circumstances of a given case. The Parties will be notified of any delays.

Determination Letter. The determination letter shall include:

- A description of the allegations potentially constituting Sexual Misconduct;
- A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the Parties, interviews with Parties and Witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding which provisions of the Policy the Respondent did or did not violate;
- For each allegation:

- A statement of, and rationale for, a determination regarding responsibility;
- A statement of, and rationale for, any disciplinary sanctions the University imposes on the Respondent; and
- A statement of, and rationale for, whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided by the University to the Complainant; and
- The availability for and procedures relating to the right to an appeal (described below in "Appeal").

5. Appeal Process

Timing/Appellate Officer/Length. Within 10 (ten) calendar days from the date the Determination Letter is sent to the Parties, either Party may appeal from a determination regarding responsibility, and from the University's dismissal of a Formal Complaint or any allegations therein, to the appropriate Appellate Officer. If the Respondent is a Student, the appeal is to be made to the Vice President of Student Development. If the Respondent is a staff employee, the appeal is to be made to the appellate officer designated by the Senior Director of Human Resources. If the Respondent is a faculty employee, the appeal is to be made to the appellate officer designated by the Provost.

The length of appeal must not exceed 10 pages (double-spaced, 12-pt. font) unless prior approval is sought from and obtained by the Appellate Officer.

Grounds for Appeal. General dissatisfaction with the outcome of the decision or an appeal for mercy is not an appropriate basis for an appeal. Instead, the written appeal must be based on and state one or more of the four grounds specified below:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the dismissal was made which could affect the outcome of the matter; or
3. Bias or conflict of interest by the Title IX coordinator, investigator(s) or adjudicators for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

The non-appealing Party will be notified within two (2) business days after the time for filing an appeal has lapsed of the fact that the other Party has filed an appeal. The non-appealing party may request to review the written appeal and may submit a written response within seven (7) calendar days after being notified. The length of the response must not exceed 10 pages (double-spaced, 12-pt. font) unless prior approval is sought and obtained from the Appellate Officer.

Generally, the appellate process does not require a hearing, nor does it require the Appellate Officer to make personal contact with the sanctioned Respondent or the adjudicators. The Appellate Officer has the discretion, however, to contact any of the Parties or participants in the grievance process should it be determined doing so could aid in rendering a decision.

Within fifteen (15) business days from the date of receipt of the written appeal, the Appellate Officer will notify the Parties of the decision and the rationale for it. The Appellate Officer may affirm, reverse, or modify the sanction and may also return the case to the adjudicators for further consideration. The Appellate Officer's decision shall be final and effective immediately unless otherwise specified. The notification to the Parties will be by email to the Parties' Biola accounts.

Retention of Disciplinary Records

Other than University dismissal/expulsion or permanent withholding of a degree, disciplinary sanctions will not be made part of the student's permanent academic record, but will become part of the student's disciplinary record. Cases involving the imposition of sanctions other than University expulsion or dismissal or withholding of a degree will be expunged from the student's disciplinary record seven years after graduation.

Complaints of Retaliation, Violation of Supportive Measures, and Violation of Sanctions

Any complaint relating to retaliation in violation of this Policy, violations of supportive measures, or violations of sanctions should be reported promptly to the Title IX Coordinator. The University will take appropriate action against any individual who retaliates against another person in violation of this Policy or who violates supportive measures or sanctions.

When the University receives a complaint of retaliation or of violations of supportive measures or sanctions, the Title IX Coordinator may exercise discretion to determine an appropriate responsive process based on the facts and circumstances. Options for resolution include but are not limited to, informal discussions and resolution facilitated by the Title IX Coordinator or designee, or assignment of a designated individual to investigate the complaint and determine an appropriate response. This process will be separate and distinct from the complaint resolution procedures outlined above for addressing Sexual Misconduct Complaints. For a complaint of retaliation or of violations of supportive measures or sanctions, the Title IX Coordinator or designee will document the complaint received, the process used, and the outcome. In instances where the outcome of the process results in a suspension longer than one year, expulsion, or termination of employment, the impacted individual may appeal the decision in accordance with the appeal rights as set forth in this Policy. The University will notify the parties of the outcome of the complaint. Any party with concerns about the process or outcome should consult with the Title IX Coordinator.

Alternative Complaint Procedures

Individuals are encouraged to use the complaint resolution procedure in this Policy to resolve a complaint of Sexual Misconduct. However, nothing in this Policy is intended to interfere with the right of any individual to pursue other avenues of recourse which may include, but are not limited to, filing a complaint (at the beginning, during, or after use of the complaint resolution procedure) with the U.S.

Department of Education's Office for Civil Rights (OCR) or with the U.S Equal Employment Opportunity Commission:

U.S. Department of Education
Office for Civil Rights, San Francisco Office
50 United Nations Plaza
San Francisco, CA 94102
Telephone: (415) 486-5555
Fax: (415) 486-5570
Email: OCR.SanFrancisco@ed.gov

U.S. Equal Employment Opportunity Commission,
Los Angeles District Office
Roybal Federal Building
255 East Temple St., 4th Floor
Los Angeles, CA 90012
Telephone: (800) 669-4000
Fax: (213) 894-1118

In addition, for complaints regarding the University, including complaints related to institutional policies or procedures, an individual may contact the California Bureau for Private Postsecondary Education for review of a complaint:

Bureau for Private Postsecondary Education
2535 Capitol Oaks Drive, Suite 400
Sacramento, CA 95833 www.bppe.ca.gov
Telephone: (916) 431-6959
Fax: (916) 263-1897

Additional Information Regarding Domestic Violence, Dating Violence, Sexual Assault, and Stalking

New York Definitions of Domestic Violence, Dating Violence, Sexual Assault and Stalking

Domestic Violence

The State of New York defines domestic violence (DV) as:

A pattern of coercive tactics, which can include physical, psychological, sexual, economic and emotional abuse, perpetrated by one person against an adult intimate partner, with the goal of establishing and maintaining power and control over the victim

Dating Violence

Dating Violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement with consideration of the length of the relationship, and the frequency of interaction between the persons involved in the relationship.

The state of New York does not specifically define "dating violence," but under New York State law some intimate relationships can be covered under the definition of domestic violence.

Sexual Assault

Sexual Assault is a broad term that covers a range of sex offenses, including, but not limited to, public lewdness, rape, sexual batter, and sexual abuse. New York State does not specifically define sexual assault.

Stalking

Under New York State penal code, stalking is an intentional course of conduct directed at a specific person that causes harm to the mental or emotional distress of that person, fear for his or her health, safety or property, or the health, safety or property of his or her family or acquaintances, or fear that his or her employment, business or career is threatened.

Consent

Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those word or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

Under New York State penal code, consent cannot be compelled by violence, the threat of violence or where one is incapable of consent. New York State law states that a person is incapable of consent when he or she is

- under the age of 17,
- mentally disabled, or
- mentally incapacitated or physically helpless, including as a result of alcohol or drugs.

Consent cannot be assumed – the absence of "no" does not mean "yes." Consent can be withdrawn at any time. So, when engaging in mutual or romantic intimacies, be sure your partner wants to be there, is not too intoxicated to know what is going on and that you are confident they want to be intimate.

How to Be an Active Bystander

Bystanders play a critical role in the prevention of sexual and relationship violence. They are "individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it." We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some ways to be an active bystander. Further information regarding bystander intervention may be found at

www.biola.edu/campus-safety/sexual-assault#bystander_intervention. If you or someone else is in immediate danger, call 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt. Steps that you can take as a bystander can be remembered as the five D's. Consider your personal safety and abilities before taking any actions.

Direct – Be direct in addressing the aggressor.

Distract – Try to direct the aggressor's attention away from the victim or situation.

Delegate – Get others involved in the situation by delegating a task to them.

Delay – After the incident is over, check-in with the person that was being harassed or assaulted.

Document – If you can do so safely and legally*, gather evidence of the incident for the victim by recording.

* New York law does not have a statute that bans recording in public.

Risk Reduction Recommendations

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one's risk of dating or domestic violence, sexual assault, or stalking. These strategies, along with other information are available online

Domestic and Dating Violence

- Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
- If something feels wrong, get out of the relationship/ situation. Get help from a hotline.
- Be assertive and speak up. Clearly communicate your feelings and desires to your partner.

Sexual Assault

- Be aware of your surroundings. Knowing where you are and who is around you may help you find a way to get out of a bad situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Trust your instincts. If you find yourself in a situation where something feels wrong, look for a way out of the situation — move closer to other people or seek out a safe way to get home.
- Do not ignore sudden feelings of mistrust just because you have known someone for a long time. You can't tell if a person has the potential to rape based on past behaviors.
- Never leave a drink unattended or accept a drink that you did not see poured. Date-rape drugs can leave you unable to protect yourself, or even know what is happening to you.
- If you're going to drink, stop when you begin to feel the effects of alcohol. The more you drink, the harder it is to know when to stop. When you're drunk, you are more vulnerable.
- Take assertiveness training and self-defense classes. Passive and submissive behaviors can be dangerous. If you become frightened, do your best to be assertive. Speak loudly and firmly, or

yell.

- If you are with friends at social gatherings, watch out for each other, and check in from time to time to make sure you're both comfortable with how things are going.
- Say what you expect from your date. Be up front.

Stalking

Stalking is unpredictable and dangerous. No two stalking situations are alike. There are no guarantees that what works for one person will work for another, yet you can take steps to increase your safety.

- If you are in immediate danger, call 911.
- Trust your instincts. Don't downplay the danger. If you feel you are unsafe, you probably are.
- Take threats seriously. Danger generally is higher when the stalker talks about suicide or murder, or when a victim tries to leave or end the relationship.
- Contact Campus Safety at Biola's main campus in La Mirada, CA at (562) 777-4000. They can help you devise a safety plan, give you information about local laws, refer you to other services, and weigh other options. You may also choose to contact a crisis hotline, victim services agency, or a domestic violence or rape crisis program.
- Develop a safety plan, including things like changing your routine, arranging a place to stay, and having a friend or relative go places with you. Also, decide in advance what to do if the stalker shows up at your home, work, school, or somewhere else. Tell people how they can help you.
- Don't communicate with the stalker or respond to attempts to contact you.
- Keep evidence of the stalking. When the stalker follows you or contacts you, write down the time, date and place. Keep emails, phone messages, letters or notes. Photograph anything of yours the stalker damages and any injuries the stalker causes. Ask witnesses to write down what they saw.

Additional strategies to reduce one's risk of sexual assault or harassment are available from the Rape, Abuse, & Incest National Network online at www.rainn.org.

Evidence Preservation

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 victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with Campus Public Safety or other law enforcement to preserve evidence in the event that the victim decides to report the incident to law enforcement or the University at a later date to assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protection order.

Procedures the University Will Follow When a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking is Reported

The University has procedures in place that serve to be sensitive to victims who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim

advocacy, legal assistance, visa and immigration assistance, student financial aid and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available. The University will make such accommodations, if the victim requests them and if they are reasonable available, regardless of whether the victim chooses to report the crime to Campus Safety or local law enforcement.

Students should contact the Student Development Department.

Address: Student Development, Biola University, 13800 Biola Avenue, La Mirada, CA 90639, (Student Services Building)

Phone: (562) 903-4874

Employees should contact the Human Resources Department.

Address: Human Resources, Biola University, 13800 Biola Avenue, La Mirada, CA 90639, (Metzger Hall)

Phone: (562) 903-4757

If a report of domestic violence, dating violence, sexual assault or stalking is reported to the University, below are the procedures that the University will follow:

Incident Being Reported	Procedure the University Will Follow
Sexual Assault	<ol style="list-style-type: none"> 1. If Campus Safety receives the report, Campus Safety will immediately work in conjunction with Student Development staff to begin Clery/VAWA process and put measures in place. If Student Development receives the report, Student Development will immediately work in conjunction with Campus Safety to begin Clery/VAWA process and put measures in place 2. Campus Safety will assess the immediate safety needs of the complainant and put measures in place 3. Campus Safety will assist the complainant with contacting local police if the complainant requests AND provide the complainant with contact information for local police department 4. Upon gathering the facts, Campus Safety will assess whether to provide timely warning to other students and employees 5. Student Development or Human Resources staff will provide the complainant with referrals to on and off campus mental health providers 6. Campus Safety and Student Development or Human Resources will assess the need to implement interim or long-term protective measures, such as housing changes, on campus employment changes, changes in class schedule, and a "No Contact" directive between both parties 7. Campus Safety, Student Development, or Human Resources will provide the victim with a written explanation of the victim's rights and options 8. Campus Safety will provide a "No trespass" directive to the accused party if deemed appropriate 9. Campus Safety will provide written instructions on how to apply for a Protective Order 10. University staff will meet with the complainant. The applicable Deputy Title IX Coordinator will provide a copy of the "Procedure for Processing Complaints of Unlawful Discrimination, Including Sexual Harassment and Sexual Assault" to the complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution 11. Student Development or Human Resources will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is 12. Campus Safety and Student Development or the Human Resources Department will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based incidents

Incident Being Reported	Procedure the University Will Follow
Stalking	<ol style="list-style-type: none"> 1. If Campus Safety receives the report, Campus Safety will immediately work in conjunction with Student Development staff to begin Clery/VAWA process and put measures in place. If Student Development receives the report, Student Development will immediately work in conjunction with Campus Safety to begin Clery/VAWA process and put measures in place 2. Campus Safety will assist the complainant with contacting local police if the complainant requests AND provide the complainant with contact information for local police department 3. Campus Safety will provide written instructions on how to apply for a Restraining Order 4. Campus Safety will provide written information to complainant on how to preserve evidence 5. Campus Safety and Student Development or Human Resources will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate 6. Campus Safety and Student Development or Human Resources will provide the victim with a written explanation of the victim's rights and options 7. Campus Safety will provide a "No trespass" directive to the accused party if deemed appropriate
Dating Violence	<ol style="list-style-type: none"> 1. If Campus Safety receives the report, Campus Safety will immediately work in conjunction with Student Development staff to begin Clery/VAWA process and put measures in place. If Student Development receives the report, Student Development will immediately work in conjunction with Campus Safety to begin Clery/VAWA process and put measures in place 2. Campus Safety will assist the complainant with contacting local police if the complainant requests AND provide the complainant with contact information for local police department 3. Campus Safety will provide written instructions on how to apply for a Restraining Order 4. Campus Safety will provide written information to complainant on how to preserve evidence 5. Campus Safety and Student Development or Human Resources will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate 6. Campus Safety and Student Development or Human Resources will provide the victim with a written explanation of the victim's rights and options 7. Campus Safety will provide a "No trespass" directive to the accused party if deemed appropriate

Incident Being Reported	Procedure the University Will Follow
Domestic Violence	<ol style="list-style-type: none"> 1. If Campus Safety receives the report, Campus Safety will immediately work in conjunction with Student Development staff to begin Clery/VAWA process and put measures in place. If Student Development receives the report, Student Development will immediately work in conjunction with Campus Safety to begin Clery/VAWA process and put measures in place 2. Campus Safety will assist the complainant with contacting local police if the complainant requests AND provide the complainant with contact information for local police department 3. Campus Safety will provide written instructions on how to apply for a Restraining Order 4. Campus Safety will provide written information to complainant on how to preserve evidence 5. Campus Safety and Student Development or Human Resources will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate 6. Campus Safety and Student Development or Human Resources will provide the victim with a written explanation of the victim's rights and options 7. Campus Safety will provide a "No trespass" directive to the accused party if deemed appropriate

Rights of Victims and the Institution's Responsibilities for Orders of Protection, "No Contact" Orders, Restraining Orders, or Similar Lawful Orders Issued by a Criminal, Civil, or Tribal Court or by the Institution

Biola University complies with New York law in recognizing restraining orders (see chart below). The University cannot apply for a restraining order for a victim from the applicable jurisdiction(s).

Type Of Order	Rights of Victims	Institution's Responsibilities
Restraining orders	The right to a restraining order	Develop a Safety Action Plan when requested by the victim
Orders of protection	Same as restraining order	Same as restraining order
No contact orders	Same as restraining order	Same as restraining order
Similar lawful orders issued by a criminal, civil, or tribal court	Same as restraining order	Same as restraining order
Orders by the University	The right to request a "no contact" order	Campus Safety and/or Student Development will evaluate and issue a no contact order if necessary.

The victim is required to apply directly for these services with Campus Safety. Restraining orders and other protective orders may be available through the applicable jurisdiction (see chart below).

Type of Order:	Who Can File for One:	Court:	Based On:
Family Court Order of Protection	Family or household members including: <ul style="list-style-type: none"> • Spouses, former spouses • Parent, child, foster parent • People who have kids together • Intimate partners who lived together in the last 5 years • Same-sex couples are eligible 	Family Law Court – where victim lives, where abuser lives or has a business, or where incident(s) occurred	Causing or trying to cause injury or placing someone in fear of imminent serious harm
Criminal Court Order of Protection	Is issued as a condition of a defendant's release and/or bail in a criminal case	Criminal court	A criminal court order of protection may only be issued against a person who has been charged with a crime

The University may issue an institutional no contact order if deemed appropriate or at the request of the victim or accused. If the University receives a report that such an institutional no contact order has been violated, the University will initiate disciplinary proceedings appropriate to the status of the accused (student, employee, etc.) and will impose sanctions if the accused is found responsible for violating the no contact order.

Victim Confidentiality

Victims may request that directory information on file with the University be withheld by request at the Registrar's office located in Metzger Hall.

By only sharing personally identifiable information with individuals on a need-to-know basis, the institution will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

The University does not publish the name of crime victims or other identifiable information regarding victims in the Daily Crime Log or in the annual crime statistics that are disclosed in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Furthermore, if a Timely Warning Notice is issued on the basis of a report of domestic violence, dating violence, sexual

assault or stalking, the name of the victim and other personally identifiable information about the victim will be withheld.

Assistance for Victims: Rights & Options

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the university will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options. Such written information will include:

- the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred;
- information about how the institution will protect the confidentiality of victims and other necessary parties;
- a statement that the institution will provide written notification to students and employees about victim services within the institution and in the community;
- a statement regarding the institution's provisions about options for, available assistance in, and how to request accommodations and protective measures; and
- an explanation of the procedures for institutional disciplinary action

Programs to Prevent Domestic Violence, Dating Violence, Sexual Assault and Stalking

The University engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that:

- A. Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- B. Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

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 that:

- A. Biola University prohibits the offenses of domestic violence, dating violence, sexual assault and stalking (as defined by the Clery Act);
- B. Defines using definitions provided both by the Department of Education as well as state law what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;
- C. Defines what behavior and actions constitute consent to sexual activity in the State of New York;
- D. The affirmative consent standard is used by the University for the purposes of evaluating complaints, putting protective measures in place, or issuing sanctions in any disciplinary process.
- E. Provides a description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence,

overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;

- F. Provides information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence; and
- G. Provides information regarding:
- a. procedures victims should follow if a crime of domestic violence, dating violence, sexual assault and stalking occurs (as described in section “IV. Assistance Following Sexual Misconduct” of the Sexual Misconduct Policy, elsewhere in this document)
 - b. how the University will protect the confidentiality of victims and other necessary parties (as described in section “IV. Assistance Following Sexual Misconduct” of the Sexual Misconduct Policy, elsewhere in this document);
 - c. existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community (as described in section “IV. Assistance Following Sexual Misconduct” of the Sexual Misconduct Policy, elsewhere in this document);
 - d. options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures (as described in section “IV. Assistance Following Sexual Misconduct” of the Sexual Misconduct Policy, elsewhere in this document); and
 - e. procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking (as described in section “VII. Grievance Process” of the Sexual Misconduct Policy, elsewhere in this document).

Primary Prevention and Awareness Programs

These programs include of presentations that include distribution of educational materials to new students, presentation of information and materials during new employee orientation, and ongoing awareness and prevention campaigns for students and employees.

Specifically, the University offered the following **primary prevention and awareness programs** for all **incoming students in 2022**:

Name of Program	Date Held	Location Held	Which Prohibited Behavior* Covered?
Everfi: Sexual Assault Prevention Training	January 2022	Online Module	DoV, DaV, SA & S
Everfi: Sexual Assault Prevention Training	August 2022	Online Module	DoV, DaV, SA & S

*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

The University offered the following **primary prevention and awareness programs** for all **new employees** in **2022**:

Name of Program	Date Held	Location Held	Which Prohibited Behavior* Covered?
Sexual Assault Prevention Training	January 1, 2022 – December 31, 2022	Online Module	DoV, DaV, SA, & S
Harassment Prevention: New Employees	January 1, 2022 – December 31, 2022	Online Module	DoV, DaV, SA, & S

*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

Ongoing Prevention and Awareness Campaigns

The University has developed an annual educational campaign consisting of distribution of educational materials to new students, presentation of information and materials during new employee orientation, and ongoing awareness and prevention campaigns for students and employees

The University offered the following **ongoing awareness and prevention programs** for **students** in **2022**:

Name of Program	Date Held	Location Held	Which Prohibited Behavior* Covered?
Everfi: Sexual Assault Prevention Training	January 2022	Online Module	DoV, DaV, SA & S
Everfi: Sexual Assault Prevention Training	December 2022	Online Module	DoV, DaV, SA & S

*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

The University offered the following **ongoing awareness and prevention programs** for **employees** in **2022**:

Name of Program	Date Held	Location Held	Which Prohibited Behavior* Covered?
Sexual Assault Prevention Training	January 1, 2022 – December 31, 2022	Online Module	DoV, DaV, SA & S

*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

Sex Offender Registration

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State 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 New York, convicted sex offenders must register with the local law enforcement agency for the jurisdiction in which they live. You can link to this information on the [New York State Division of Criminal Justice official website](#) or by calling the City of New York Police Department at 212-826-3211.

Unfounded Statistics

There were no unfounded crimes for the years 2020, 2021, and 2021.

Hate Crimes

For purposes of this report, hate crimes include any of the crimes listed in the table on the next page, any other crime involving bodily injury, and any crime of larceny, simple assault, intimidation, and destruction/damage/vandalism of property, a local law enforcement agency, or a campus security authority, that manifests evidence that the victim was selected because of the perpetrator's bias.

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

There were no reported Hate Crimes at the New York campus for the years 2020, 2021, & 2021.

Crime Statistics for Biola University's New York Campus 2020-2022

Criminal and VAWA Offenses – On Campus

Criminal Offense	2020	2021	2021
Murder/Non-negligent manslaughter	0	0	0
Manslaughter by Negligence	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	0	0
Arson	0	0	0
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0

Criminal and VAWA Offenses – On Campus Housing Facilities

Criminal Offense	2020	2021	2022
Murder/Non-negligent manslaughter	0	0	0
Manslaughter by Negligence	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	0	0
Arson	0	0	0
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0

(Housing Facilities are a subset of On Campus)

Criminal and VAWA Offenses – Public Property

Criminal Offense	2020	2021	2022
Murder/Non-negligent manslaughter	0	0	0
Manslaughter by Negligence	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	0	0
Arson	0	0	0
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0

Arrests – On Campus

Law Violation	2020	2021	2022
Illegal weapons possession	0	0	0
Drug law violation	0	0	0

Liquor law violation	0	0	0
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Disciplinary Actions – On Campus

Law Violation	2020	2021	2022
Illegal weapons possession	0	0	0
Drug law violation	0	0	0
Liquor law violation	0	0	0

Arrests – Residence Halls

Law Violation	2020	2021	2022
Illegal weapons possession	0	0	0
Drug law violation	0	0	0
Liquor law violation	0	0	0

(Residence Halls are a subset of On Campus)

Disciplinary Actions – Residence Halls

Law Violation	2020	2021	2022
Illegal weapons possession	0	0	0
Drug law violation	0	0	0
Liquor law violation	0	0	0

(Residence Halls are a subset of On Campus)

Arrests – Public Property

Law Violation	2020	2021	2022
Illegal weapons possession	0	0	0
Drug law violation	0	0	0
Liquor law violation	0	0	0

Disciplinary Actions – Public Property

Law Violation	2020	2021	2022
Illegal weapons possession	0	0	0
Drug law violation	0	0	0
Liquor law violation	0	0	0

Definitions of Geography

On-Campus

Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution's educational purposes, including residence halls; and any building or property that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes.

Note: *Statistics for university housing facilities are recorded and included in both the all on-campus category and the on-campus residential category*

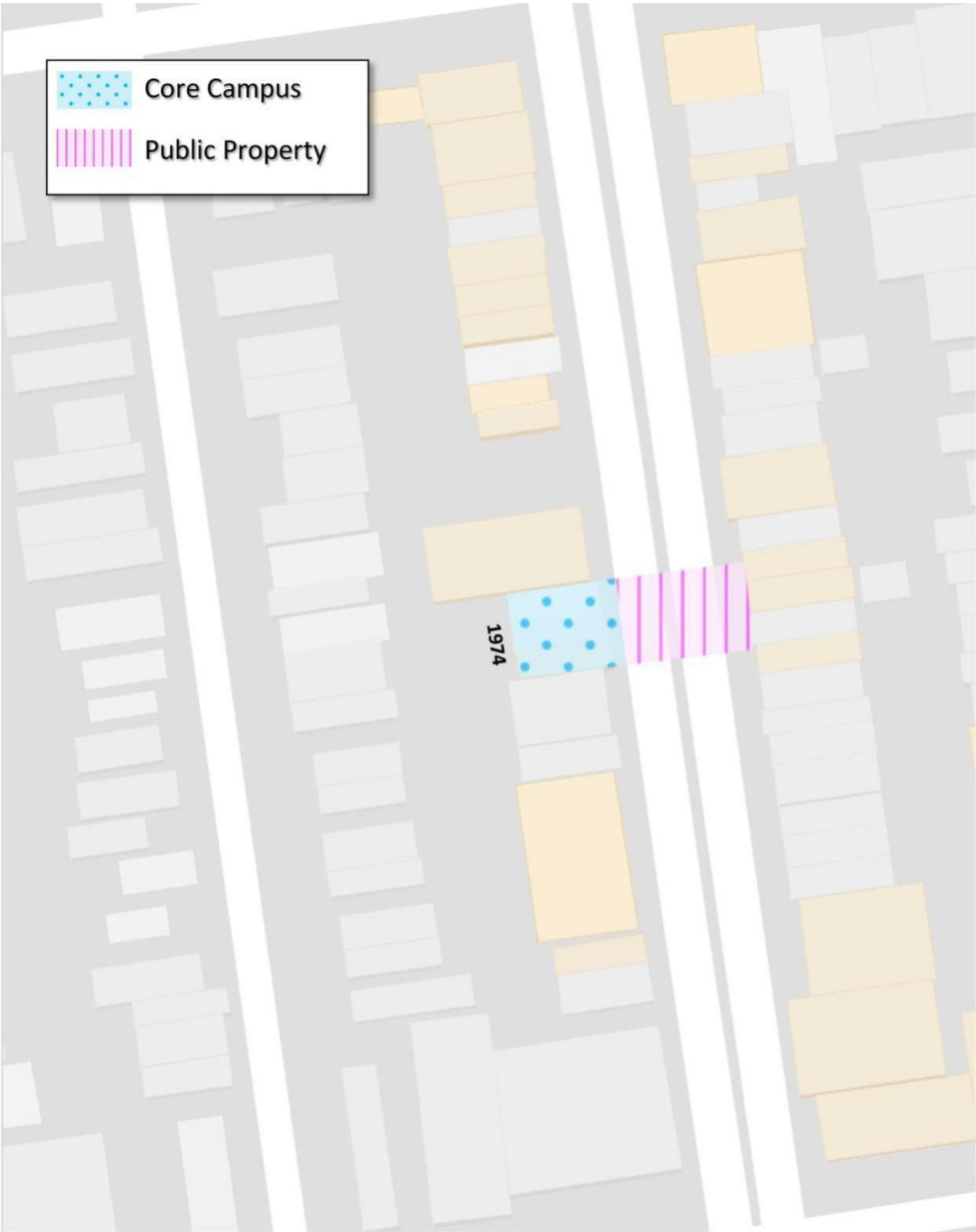
Non-Campus Building or Property

Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Public Property

All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus. The Biola University crime statistics do not include crimes that occur in privately owned homes or businesses adjacent to the campus buildings.

Campus Map



Non-Campus Properties

There are no non-campus properties that were owned or controlled by Biola University for the New York campus during the periods listed.

Annual Fire Safety Report for Biola University 2020-2022

Fire Log

The Talbot School of Theology – Charles L. Feinberg Center Extension (CFC) keeps a daily fire safety log of all reported fires at on-campus student housing facilities. This log includes the date the fire was reported, the nature of the reported fire, the date and time the reported fire occurred, and the general location of the reported fire. Updates to the log are made within two business days from when a fire is reported to the CFC office.

All employees and students of the Talbot School of Theology – CFC Extension must report any fire alarm or fire occurring in an on-campus student housing facility to the CFC office, regardless of whether or not the fire has been extinguished.

Fires should be reported to the City of New York Fire Department by calling 911.

A written log of all fires reported within the past 60 days at on-campus student housing facilities is available to the public at the [Campus Safety website](#).

Student Housing Fire Safety Policies

Smoking

Smoking is not permitted on Biola New York University's campus, including in residence halls.

Fire Safety:

- All fire protection equipment has been installed to protect life and property.
- Tampering with fire equipment in any way is considered a misdemeanor. This includes:
 - any fire equipment on a door, e.g., automatic door closers;
 - any other fire protection equipment, e.g., fire extinguishers, smoke detectors, fire alarms;
 - or removing fire equipment, e.g., batteries from smoke detectors, fire extinguishers from walls.

Procedures for Residence Hall Evacuation in the Event of a Fire

In the event of a fire, the University expects that all campus community members will evacuate by the nearest exit, closing doors and activating the fire alarm system (if one is present) as they leave. Once safely outside a building, it is appropriate to contact 911. Students and/or staff are informed where to relocate to by staff if circumstance warrants at the time of the alarm. In the event fire alarms sound, University policy is that all occupants must evacuate from the building. No training is provided to students or employees in firefighting or suppression activity as this is inherently dangerous and each community member's only duty is to exit safely and quickly, and to activate the alarm as they exit. At no time should the activation of the alarm delay the exit from the building.

Fire Statistic Reporting

- For the purposes of including a fire in the statistics in the annual fire safety report, students and employees must report all incidents of fire occurring on campus to the Department of Campus Safety.

Fire Safety Education and Training Programs for Students, Faculty, and Staff Charles L. Feinberg Center Theological Seminary is responsible for conducting any fire safety education and training programs for its campus and buildings. Talbot School of Theology – CFC Extension students and employees should participate in any education and training programs and exercise common sense and good fire safety practices at all times.

All employees are encouraged to become familiar with the escape routes for all buildings and floors and the locations of fire extinguishers, hoses and alarms. In the event of a fire or evacuation, every employee should follow the fire safety evacuation route and vacate the premises until the officials in charge declare the premises safe to enter. Exits and areas around fire extinguishers must be kept clear at all times. Periodic fire safety inspections and drills are held to test equipment and procedures.

Procedures that students and employees should follow in case of a fire include the following:

Fire Evacuation:

- In the event of a fire, alert others and GET OUT. Move everyone away from area of fire; close (but do not lock) all doors behind you as you leave, in order to slow down spread of fire.
- Remain calm.
- Walk, do not run. Keep noise to a minimum. Walk carefully to avoid tripping.
- Do not use elevator.
- On stairways, use handrails and keep to right.
- Check all doors for heat (top and bottom) with back of hand. If hot, do not open.
- Assist people with disabilities (refer to section on persons with disabilities).

- If you are caught in smoke, drop to hands and knees and crawl; breathe shallowly through nose and use blouse, shirt, or jacket as filter.
- Assist those leaving the building to move to safe areas away from falling debris.
- If you have relocated away from the building, do not return until you are notified that it is safe to do so.
- If your clothing catches fire, DO NOT RUN. STOP. . . DROP. . . ROLL.

If Trapped By Fire in Room:

- Place (moist, if possible) cloth material around/under door to prevent smoke from entering.
- RETREAT – close as many doors as possible between you and fire. Be prepared to signal from windows, but do not break glass unless necessary. (Outside smoke may be drawn in.)

Prepare in Advance:

- Thoroughly familiarize yourself now with all possible routes you could take to exit your building during a fire. Practice walking through alternate exit routes. Remember, during a fire, smoke may obscure normally visible exit signs.
- Avoid creating fire hazards. Do not store things in corridors, overload electrical circuits, put up flammable decorations or prop open doors. Report any problems with smoke detectors, fire alarms, or fire hazards to Campus Safety.

Fire safety education materials and materials for other potential emergencies are available in [the Emergency Response Guidebook](#). These materials give fire safety tips and recommended procedures to help students and employees be responsible for their own safety and the safety of others.

Planned Upgrades

There are currently no planned upgrades to the fire safety systems in the New York residence hall.

Description of Student Housing Fire Systems

The City of New York Fire Department shall play the primary role in any fires they respond to on campus. The following tables give a description of the fire detection and suppression systems in the residence hall. The PDSO conducts one fire drill during the year for the residence hall. The following tables give a description of the fire detection and suppression systems in the residence hall.

Fire Systems and Drills – 2022

BUILDING NAME	ADDRESS	FIRE ALARM MONITORING	PARTIAL SPRINKLER SYSTEM	FULL SPRINKLER SYSTEM	SMOKE DETECTION	FIRE EXTINGUISHER DEVICES	EVACUATION PLAN AND PLACARDS	FIRE DRILLS
Feinberg Extension	1974 Coney Island	Yes	No	No	Yes	Yes	Yes	1

2020 - Statistics and Related Information Regarding Fires in Residential Facilities

Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Feinberg Extension	0	0	N/A	N/A	N/A	N/A

2021 - Statistics and Related Information Regarding Fires in Residential Facilities

Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Feinberg Extension	0	0	N/A	N/A	N/A	N/A

2022 - Statistics and Related Information Regarding Fires in Residential Facilities

Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Feinberg Extension	0	0	N/A	N/A	N/A	N/A