

Gemological Institute of America 2026 Jeanne Clery Campus Safety Act Carlsbad, CA & New York, NY Campuses

This information is provided in compliance with a federal law, known as the Clery Act, Violence Against Women Act (VAWA), and California and New York state laws.

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1. Preparation of the Annual Campus Safety and Security Report (“Annual Report”)

GIA is dedicated to providing a safe and healthy environment for students and staff as well as any visitors to our facility. GIA publishes its Annual Report each year, on or before October 1st, in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. The Clery Act requires colleges and universities that receive federal funding to disseminate a public annual security report (ASR) to employees and students every October 1st. This ASR must include campus crime statistics for the preceding three calendar years, plus details about efforts to improve campus safety. ASRs must also include policy statements regarding (but not limited to) crime reporting, campus facility security and access, law enforcement authority, incidences of alcohol and drug use, and the prevention of/response to sexual assault, domestic or dating violence, and stalking.

This report is prepared in cooperation with campus officials, local law enforcement agencies, and the security department’s campus crime statistics log. This report outlines the applicable safety and security policies as well as Clery crime statistical disclosures for the GIA campuses in Carlsbad, California and New York City, New York.

2. Annual Safety Report Distribution and Notification

The Annual Safety Report is posted on GIA’s website under the Student Consumer Information page. Each year, on or before October 1, GIA distributes notification of the report’s availability to all prospective students, currently enrolled students, and employees via email or provided in person.

The notification includes the exact electronic address where the report is available, a brief description of its contents, and instructions for requesting a paper copy by contacting GIA’s education compliance department at ed-compliance@gia.edu.

The Annual Safety Report contains information regarding GIA’s campus security policies and procedures, crime prevention programs, emergency response and evacuation procedures, and campus crime statistics for the three most recent calendar years.

3. Authority of Campus Personnel – General

The Campus Security Authorities (CSA) at GIA are comprised of GIA’s security officers, Title IX Coordinator, Deputy Title IX Coordinator, and School Director. GIA security officers have the authority to ask for personal identification and to determine whether individuals are allowed on the premises. The function of a Campus Security Authority is to report to the official or office designated by the institution to collect crime report information and document those allegations of Clery Act crimes in their capacity as CSAs. Security officers also have the authority to issue parking citations to students, faculty and staff. Security officers do not have the authority to arrest persons. Criminal incidents are generally referred to the local police who have jurisdiction on campus. GIA’s security department works closely with the New York City Police Department, Carlsbad Police Department, and FBI. Depending upon the situation, other community emergency services and county, state and federal emergency response services may be provided. There is no written memorandum of understanding between GIA and the local law enforcement agencies.

If you are experiencing a life-threatening emergency, dial 911. For non-emergency situations, please refer to the contacts listed below by campus location.

Local and Campus Authorities – Carlsbad Facility

The following authorities may be called upon in response to emergencies:

- GIA Security Operations Center: +1 760 603 4031
- Carlsbad Police Department: +1 442 339 2197
- San Diego Sheriff’s Department: +1 858-868-3200

- Carlsbad Fire Department: +1 442 339 2141
- Carlsbad Paramedics: +1 760 931 2141
- Federal Bureau of Investigation: +1 858 320 1800

In order to ensure GIA is aware of potentially hazardous or emergency situations that may affect the Carlsbad area, GIA security and facilities departments liaise with the Carlsbad Office of Emergency Preparedness, and the Carlsbad Police and Fire Departments.

Local and Campus Authorities - New York Facility

The following authorities may be called upon in response to an emergency:

- GIA Security: +1 212 221 5858 ext. 3147 or ext. 3153
- New York City Police Department: +1 311
- New York City Fire Department: +1 311
- Federal Bureau of Investigation: +1 212 384 1000

To ensure GIA is aware of potentially hazardous or emergency situations that may affect the NYC area, the security department liaises with the New York City Office of Emergency Management, and the New York City Police and Fire Departments.

4. Reporting Incidents, Crimes and Emergencies

GIA students are expected to always behave in a professional manner, both in and out of the classroom, and to treat others with dignity and respect. Students are expected to adhere to the GIA Student Code of Conduct and Standards of Behavior to ensure a safe, secure and positive learning environment.

Anyone who observes or is confronted with a situation that they believe is a threat to their personal safety or that of others, or appears to be criminal in nature, is highly encouraged to report it immediately to the CSA and appropriate police agencies. Prompt reporting will assist in achieving a timely and appropriate response and ensure inclusion in the annual crime statistics reporting and disclosure. Phone numbers and office locations of each office are listed below.

If a crime is reported by an individual while on campus, GIA security will dispatch an officer to the scene of the crime for a preliminary report of the date, time and incident. GIA security will assist all crime victims in reporting the incident to the local police agency if the victim chooses or is unable to. If a student is involved, the preliminary report will be referred immediately to the school director for investigation. Incidents raising potential Title IX, or sexual discrimination implications, will be reported to GIA's Title IX coordinator or Deputy Title IX Coordinator.

Carlsbad Campus

Title IX Coordinator:

Kimberly Overlin, Director of Student Services, Title IX & ADA/504 Coordinator

titleixcoordinator@gia.edu

koverlin@gia.edu

+1 760 603 4093

The Robert Mouawad Campus Mailstop #15 5345 Armada Drive

Carlsbad, CA 92008

Web: www.gia.edu

Deputy Title IX Coordinator:

Nikole Ellis, Manager, Student Services, Deputy Title IX & ADA/504 Coordinator nellis@gia.edu

+1 760 718 2673

The Robert Mouawad Campus Mailstop #15 5345 Armada Drive
Carlsbad, CA 92008
Web: www.gia.edu

New York Campus

Deputy Title IX Coordinator:
Jennifer Kim, New York School Director, Deputy Title IX & ADA/504 Coordinator
jkim@gia.edu
+1 212 944-5900 ext. 3662
50 W. 47th Street, New York, NY 10036
Web: www.gia.edu

The security department encourages employees, students, and guests to report criminal incidents that occur on public property that immediately borders or is accessible to and from the campus. Examples of this are the public sidewalk that borders the campus, the public street along the sidewalk, and the public sidewalk on the other side of the street.

The security department provides new employees with a safety briefing, which includes how to report any situation or incident on campus that involves a significant event or emergency. On-campus students receive this information from the Student Services Department during the enrollment process prior to their first day of class.

5. Informing Students and Staff about GIA Security Procedures and Practices

New students and employees receive a copy of the Education Catalog or Employee Handbook, outlining the security and safety rules and procedures in place. Employees are offered training sessions throughout the year on various safety-related topics.

GIA addresses the Clery Act at all new student orientations. Each student is provided with an information sheet outlining where the full report can be found on GIA's website, tips to avoid becoming a victim, and a list of national and local resources is available for assistance.

Carlsbad Security

Security officers are present on campus at all times during operating hours.

- Security Department: +1 760 603 4031
- On site internal emergency number: ext. 7911
- School Director is available during normal business hours: +1 760 603 4093
- Title IX Coordinator is available during normal business hours: +1 760 603 4093
- Deputy Title IX Coordinator is available during normal business hours: +1 760 718 2673

New York Security

Security officers are present on campus at all times during operating hours.

- Security Department: +1 212 221 5858 ext. 3147 or ext. 3153
- On site internal emergency number: ext. 3911
- School Director: +1 212 944 5900 ext. 3662
- Title IX Coordinator is available during normal business hours: +1 760 603 4093
- Deputy Title IX Coordinator is available during normal business hours: +1 917 286 3662 x3662

6. Making a Confidential Report

If you are the victim of a crime and do not want to pursue action through GIA or the criminal justice system, you may want to consider making a confidential report. With your permission, any of the contacts listed above can file a report on the details of the incident without revealing your identity or the identity of others. The purpose of a confidential report is to allow the Institute to take steps to ensure the future safety of you and others. With this information, the Institute can keep accurate records of the number of crimes involving students on campus, determine if there is a pattern of crime, and alert the Institute to potential danger. Reports of crimes filed in this manner are counted and disclosed with the school's annual crime statistics report. The confidential report process does not replace the student complaint process. Please refer to GIA's current Education Catalog or Employee Handbook for additional information about filing a complaint.

7. Professional Counseling Services

GIA does not provide on-campus professional counseling services. However, students whose well-being is negatively impacted by challenging circumstances are encouraged to seek professional guidance. GIA students have access to Telus, a counseling service that is confidential, at no charge:

Telus: <https://myssp.app/us/home>

Other Resources

Carlsbad

- Becky's House: <http://www.ywcasandiego.org/get-help/beckys-house/>
- Women's Resource Center: www.wrcsd.org/
- County Services: www.211sandiego.org/new/

New York City

- The Mayor's Office to Combat Domestic Violence: www.nyc.gov
- The Single Stop: <https://singlestop.org/>

8. Security of GIA Facilities

Due to the nature of its business, GIA ensures the integrity and security of its premises and processes, including but not limited to customer service and the handling of customer property. Accordingly, GIA facilities are protected 24 hours a day by gates and/or other physical barriers, security officers, and electronic video and audio monitoring. Because such video and audio security and recording is an integral part of GIA's facilities, any person may have his/her movements recorded and there can be no expectation of privacy on the GIA premises. Additionally, admittance to certain areas, such as GIA's laboratory and the research department, is restricted to authorized personnel. Restrooms and dressing areas are not monitored. Exterior doors of GIA buildings are locked and secured after normal operating hours, and security officers routinely patrol campus buildings.

Access to GIA Facilities

Access to GIA facilities is restricted to persons with at least one of the following:

- An employee with GIA access badge or government-issued photo identification card OR
- A visitor with an appointment and in possession of a current government-issued photo identification card
- A contractor with GIA access badge or a current government-issued photo identification card
- A reservation for a specific GIA event

All visitors are required to obtain a visitor badge after checking in with security; the badge must be worn in plain sight while on GIA's campus. Carlsbad visitors check in at the atrium desk in the main lobby, and New York visitors check in at the fourth floor lobby.

9. Timely Warnings

The Clery Act requires that a timely warning be issued for any Clery Act crime that occurs on or near a campus that has been reported to the CSA or local police agencies and is considered by the Institution to represent a serious or continuing threat to students and employees. Any GIA security employee who becomes aware of the commission of any Clery Act crime will report such to the security manager immediately. In the event the security manager is not available, attempts to contact the senior security manager, and/or director of security will be made. The security manager, along with other GIA management and executive staff, will evaluate the circumstances and determine the need and mechanism for implementation of any timely warning notification. Each incident will be evaluated on a case-by-case basis. Factors considered include: the nature of the crime, the continuing danger to the campus community and the possible risk of compromising law enforcement efforts. The security manager and director will issue timely warnings in a manner that is timely, includes information about the crime that triggered the warning, and that will aid in the prevention of similar crimes. Timely Warnings typically include the following information, if known:

1. Statement of the incident
2. The nature and severity of the threat
3. Locations and persons who might be affected
4. Any connection to previous incidents
5. Physical description and or composite drawing of the suspect(s)
6. Appropriate safety tips

Depending on the circumstances, any of the following methods may be distributed to the entire GIA community (including but not limited to):

1. Emergency text
2. Notification via Blackboard LMS
3. E-mail alert
4. Voice message
5. GIA emergency evacuation alarms or procedures may also be activated
6. GIA Communications e-mail

Staff and student notification information is uploaded daily to the emergency notification system's database to ensure accuracy of message delivery. The system is tested at least once each year.

10. Emergency Response and Evacuation Procedures

While the issuance of timely warnings is predicated on receiving a report of a crime as defined by the Clery Act, emergency notifications are triggered by a far broader range of potential threats — any significant emergency or dangerous situation involving an immediate threat to the health or safety of students, employees or visitors on campus. GIA's security department responds to on campus emergency situations (e.g., earthquake, fire, life-safety issues), determines when further emergency response resources may be required and contacts the appropriate emergency response agency. GIA's security department addresses all emergency situations and consults appropriate executive staff when time permits.

Emergency notifications will be made without delay, considering the scope of the emergency and the safety of the community.

Upon confirmation of a significant emergency, notifications may be issued by GIA security staff, the school director or an executive staff member who will determine when an emergency notification alert is issued, which segments of the campus community receive the notification alert and the content of the message. The entire campus community will be notified when there is at least the potential that a very large segment of the community will be affected by a situation, or when a situation threatens the operation of the campus as a whole. There will be a continuing assessment of the situation and additional segments of the campus community may be notified if a situation warrants such action.

For some emergency situations, GIA has pre-recorded audio and text notifications to eliminate avoidable delay in issuing certain emergency notifications. An emergency notification alert may not be issued if, in the professional judgment of the responsible authorities, doing so would compromise efforts to assist a victim, or to contain, respond to, or otherwise mitigate the emergency. GIA may or may not post updates during an emergency on its website at www.gia.edu.

The decision to immediately evacuate buildings will be made by GIA security management. GIA has various systems in place for communicating information quickly that may include audible and visual alarms in each building, telephone, email, the GIA website, the emergency notification system and/or verbal directives that will be used for notification to evacuate.

In general, GIA students and staff should plan ahead for possible evacuations and know the closest evacuation routes from their classroom or work area. Evacuation maps are posted in each classroom and throughout the buildings in compliance with building and fire codes. Evacuation drills are conducted at a minimum of once per year.

In the case of potential workplace violence, the emergency notification system will be activated to include specific instructions on what to do. Students and staff may be instructed to stay where they are or to move to another location. If the evacuation alarm is sounded, never assume it is a false alarm. Leave the building immediately via the nearest stairwell or exit. Do not go to the restrooms. Do not use the elevators.

In the case of a fire, building evacuation will begin immediately upon sounding of the alarm without waiting for the order from campus authorities. The emergency notification system may also be activated. Leave the building immediately via the nearest stairwell or exit.

When outside, report to the GIA staff member assigned to that evacuation area. They will communicate with the Safety and Security command post so everyone is accounted for, or additional help can be summoned.

Faculty members must ensure that all students in attendance that day have evacuated and are accounted for and must report their status to the security staff member assigned to their evacuation area. Department heads must ensure all staff members and any visitors who are present that day are accounted for and report their status to the security staff member assigned to their evacuation area.

GIA conducts emergency response exercises each year, including table-top exercises, field exercises and tests of the emergency notification systems on campus. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution; they also provide opportunities for staff and students to practice the appropriate response in preparation for an actual emergency.

Emergency response and evacuation tests may be announced or unannounced. In conjunction with at least one test each calendar year, GIA publicizes its emergency response and evacuation procedures to the campus community. GIA maintains documentation of each test, including a description of the exercise, the date and time it was conducted, and whether the test was announced or unannounced.

In the event of an actual emergency, GIA's corporate communications department disseminates information as appropriate to GIA and larger community using various methods including:

- Prepare message updates on the GIA website; implementation of messaging is done by marketing and IT/Web development manager

- Prepare message updates on the GIA telephone systems; implementation of messaging is done by IT/Technology department
- Prepare message updates for the emergency notification system; implementation is done by IT/Technology department
- Publish messages on social media platforms including Twitter and Facebook
- Issue media advisories to select media outlets (i.e. radio, TV, print, web)
- Provide talking points/key messages to relevant departments within the organization (i.e. admissions, human resources, guest services, student services)
- Brief organization's key leadership including international teams

11. Evacuation of Persons with Special Needs

GIA security receives a list of individuals who may require assistance during an evacuation from student services and will send someone to assist in the event of an emergency. If you assist someone with exiting the building that has special needs, report the name and location of that person to the nearest security staff member so everyone can be accounted for.

Evacuation Questions

Questions pertaining to emergency procedures should be referred to the safety and security office:

- Carlsbad: +1 760 603 4031
- New York: +1 212 221 5858 ext. 3147 or ext. 3153

12. Crime Prevention

Part of the security department's role is crime detection and prevention. GIA security utilizes foot patrols, vehicle patrols, and video surveillance to detect and dissuade criminal behavior. The department also staffs security officers who maintain campus access control, internal access control, and use an array of technical security systems to safeguard the campus, staff, students and guests.

Crime Prevention and Awareness Training

GIA provides crime prevention and awareness training to students as part of its enrollment and orientation process. Prior to their first day on campus, students are required to complete online training covering crime prevention, drug and alcohol prevention and awareness, and sexual assault prevention and awareness.

Employees in student-facing roles are also required to complete the same online training annually to reinforce awareness of crime prevention, drug and alcohol prevention, and sexual assault prevention/response.

These training programs are intended to educate students about campus safety, promote awareness of potential risks, and support a safe and secure educational environment.

Law Enforcement Liaison Agency – New York Police Department (NYPD)

- The security department coordinates external security and special events with the NYPD and meets regularly with a representative to ensure responding officers are familiar with the GIA emergency response plan and protocols.

Law Enforcement Liaison Agency - Carlsbad Police Department (CPD)

- The security department coordinates external security and special events with the CPD and meets regularly with a representative to ensure responding officers are familiar with the GIA emergency response plan and protocols.

13. Student Housing and Student Organizations with Non-Campus Locations

GIA does not have campus residences/on-campus student housing facilities. Additionally, GIA does not control, monitor, recognize or in any way sponsor off-campus housing facilities. All GIA students make their off-campus housing arrangements. GIA does not have officially recognized student organizations with non-campus locations. Students who are victims of a crime or witness a crime at off-campus locations are strongly advised to immediately report the crime to the appropriate local law enforcement agency.

14. Prohibited Conduct

Notice of Non-Discrimination and Retaliation Prohibition

Gemological Institute of America is committed to upholding standards that promote respect and dignity in an environment that fosters teamwork, professionalism and excellence. It is GIA's policy to maintain an educational and work environment free from all forms of unlawful discrimination, harassment, and retaliation.

GIA prohibits and does not tolerate unlawful discrimination against or harassment of its employees, students, clients, vendors, visitors, contingent workers, unpaid interns and volunteers, or applicants for employment or admission, on the basis of age, race, religious creed, color, national origin, ancestry, ethnicity, physical disability, mental disability, medical condition, pregnancy (which includes pregnancy, childbirth and medical conditions related to pregnancy, childbirth or breastfeeding), genetic information, marital or familial status, sex, sexual orientation, gender, gender identity (including transgender identity), gender expression, gender or sex stereotyping, reproductive health choices (including but limited to a decision to use or access a particular drug, device or medical service), domestic violence victim status, covered military or veteran status, citizenship status, or any other characteristic protected by federal, state, or local law.

In addition, GIA prohibits unlawful retaliation, i.e., adverse action being directed against an individual because the individual filed in good faith a charge of discrimination, opposed a practice believed in good faith to be unlawful discrimination or participated in an employment discrimination proceeding.

GIA has designated a Title IX Coordinator to oversee the institute's compliance with federal civil rights laws regarding protected characteristics, including Title IX and other laws and regulations as referenced above:

Kimberly Overlin, Director of Student Services, Title IX & ADA/504 Coordinator

titleixcoordinator@gia.edu

koverlin@gia.edu

+1 760 603 4093

The Robert Mouawad Campus Mailstop, #15 5345 Armada Drive

Carlsbad, CA 92008

GIA complies with all federal and state laws that protect individuals with disabilities from discrimination based on their disability or perceived disability status. As such, reasonable accommodations and auxiliary aids and services are available to individuals with disabilities when such modifications and services are necessary to access the institution's programs and services.

The institute's ADA/504 Coordinator is:

Kimberly Overlin, Director of Student Services, Title IX & ADA/504 Coordinator

titleixcoordinator@gia.edu

koverlin@gia.edu

+1 760 603 4093

The Robert Mouawad Campus, Mailstop #15 5345 Armada Drive

Carlsbad, CA 92008

Inquiries about Title IX or the institute's prohibitions against discrimination, harassment, and retaliation can be directed to the Title IX & 504/ADA Coordinator, or to the U.S. Department of Education, Office for Civil Rights, at the contact information listed below:

Office for Civil Rights (OCR)

U.S. Department of Education 400 Maryland Avenue, SW Washington, D.C. 20202-1100

Customer Service Hotline #: +1 800 421-3481

Facsimile: +1 202 453-6012

TDD#: +1 877 521-2172

Email: OCR@ed.gov

Web: <http://www.ed.gov/ocr>

15. Alcohol and Drug Policies and Prevention Programs

Institutional Policy

The Gemological Institute of America (GIA) is committed to maintaining a safe, healthy, and productive educational and work environment free from the effects of illegal drugs and alcohol misuse. In accordance with federal and state requirements, GIA maintains separate Drug and Alcohol Abuse Prevention Policies for students and employees.

The student policy applies to all students at GIA's U.S. locations. The employee policy applies to GIA employees and individuals who perform work at or for GIA, attend GIA activities, or otherwise are on GIA property.

Alcohol and Illegal Drug Prohibitions

GIA prohibits the unlawful use, sale, purchase, transfer, manufacture, distribution, or possession of illegal drugs, controlled substances, or alcohol on GIA premises, while using GIA vehicles or equipment, while conducting GIA business, or at GIA-sponsored events and activities.

Students are prohibited from reporting to campus under the influence of alcohol, drugs, or any substance that impairs their mental or physical capacity. Employees may not report to work under the influence of illegal drugs or alcohol.

Alcoholic beverages are prohibited at GIA educational locations. It is unlawful to sell, furnish, or give alcohol to anyone under the age of 21. Individuals under the age of 21 are prohibited from possessing or consuming alcohol in any area of GIA.

The employee policy permits an exception for minor to moderate alcohol consumption at certain GIA events. Individuals who consume alcohol at these events are expected to comply with applicable laws and conduct themselves in a professional, responsible, and safe manner.

GIA's prohibition on illegal drugs includes marijuana, regardless of whether its use is permitted under applicable state laws, except to the extent otherwise required by law.

Enforcement and Disciplinary Action

GIA enforces its institutional alcohol and drug policies and cooperates with appropriate law enforcement authorities regarding violations of applicable federal, state, and local laws, including state underage drinking laws and federal and state drug laws.

Students who violate GIA's Drug and Alcohol Abuse Prevention Policy are subject to institutional disciplinary action, which may include verbal or written warnings, screening tests, referral to an approved rehabilitation or counseling agency, referral for prosecution, or dismissal from GIA.

When GIA becomes aware of a suspected student policy violation, the school director initiates an investigation and provides the student with an opportunity to be heard before determining appropriate sanctions.

Employees who violate GIA's Drug and Alcohol Abuse Prevention Policy may be subject to disciplinary action, up to and including termination of employment and referral to law enforcement.

Violations of institutional policy that also constitute violations of federal, state, or local law may be referred to the appropriate law enforcement agencies. Institutional disciplinary proceedings and criminal proceedings may occur concurrently.

Drug and Alcohol Abuse Prevention and Education

GIA recognizes that illegal drug use and alcohol misuse can create significant health and safety risks for individuals and the broader GIA community.

GIA provides students and employees with information concerning its Drug and Alcohol Abuse Prevention Policies, applicable disciplinary sanctions, legal consequences, associated health risks, and available assistance resources.

Students receive a copy of the student policy upon admission. The policy is also distributed annually to currently enrolled students through email and GIA's learning management system.

Employees receive an annual written notice containing information regarding the employee policy, applicable sanctions, associated health risks, and available assistance resources.

Student and Employee Assistance Resources

GIA provides information and assistance resources for students and employees experiencing difficulties related to illegal drug use or alcohol misuse.

Students seeking assistance may contact the school director for information regarding counseling, treatment, rehabilitation, and other available resources. GIA also provides students with access to LifeWorks and maintains a directory of external drug and alcohol treatment resources.

Employees are encouraged to seek assistance through GIA's Employee Assistance Program (EAP), which provides confidential assistance to employees and their families 24 hours a day, seven days a week.

Additional information regarding employee assistance resources is available through GIA's Human Resources department.

Additional Policy Information

GIA maintains separate Drug and Alcohol Abuse Prevention Policies for students and employees.

The complete student policy is available in the applicable Education Catalog and on GIA's Student Consumer Information webpage.

The complete employee policy is available through GIA's internal corporate policies site.

16. Procedures for Reporting Sexual Offences (Sexual Assault, Dating Violence, Domestic Violence, and Stalking)

Filing a report with GIA's security department will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers. When a student or employee reports to the school that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the school will provide the student or employee with a written explanation of the victim's rights and options including written notification of 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 within the campus community, and the availability of changes to academic, living, transportation, and working situations, or protective measures regardless of whether the victim reports the incident to law enforcement.

The GIA security department will assist victims in notifying law enforcement, if the victim so chooses. Filing a report with local law enforcement may help with the following:

- Ensure that a victim of a sexual offense receives the necessary medical treatment and tests

- Provide the opportunity for collection of evidence helpful in prosecution, as applicable. Time is a critical factor for evidence collection and preservation that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order. Such evidence often cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam)
- Assure the victim has access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention

The victim of a sexual offense may choose for the investigation to be pursued through the criminal justice system and GIA's internal investigation process or only the latter. A member of GIA's security department, Title IX Coordinator, school director, or GIA's chief human resource officer will guide the victim through the available options and support the victim in his or her decision.

Programs to Prevent Dating Violence, Domestic Violence, Sexual Assault, and Stalking and Ongoing Prevention & Awareness Programs

The Gemological Institute of America strives to provide a place of work and study free of discrimination on the basis of sex, including sexual harassment, sexual assault, and domestic and dating violence, stalking, and other forms of sexual misconduct. As such, GIA has partnered with Vector Solutions to provide the *Sexual Assault Prevention for Adult Learners* online training program designed to educate students about sexual assault, healthy relationships, consent, and bystander intervention. Students are required to complete this training course as part of their online student orientation.

Additionally, GIA's education faculty and staff receive the *Building Supportive Communities: Clery Act & Title IX* training annually. This training provides an overview of GIA's legal obligations under Title IX and The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act or Clery Act, along with ways of identifying signs that someone may be experiencing abuse or violence and teaches them how to respond in a supportive manner.

Change of Student Status and Confidentiality

A student who has been accused of, or is the victim of, any crime involving another student may request adjustments to their academic schedule or a leave of absence. GIA will accommodate such requests to the extent that space is available and that such a change would not violate any regulations or standards, or negatively impact the student's academic progress.

GIA has a responsibility to uphold orders of protection, "no contact" orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court or by the school. GIA will protect the confidentiality of victims and other necessary parties when completing publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim. Additionally, GIA 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 school to provide the accommodations or protective measures.

Registered Sex Offender Notice

The state of California requires sex offenders to register with the police in the jurisdiction in which they reside. The California Department of Justice makes this information available to law enforcement agencies and to the public; registered sex offenders living in California are listed on their website at <http://www.meganslaw.com/>.

The State of New York, Division of Criminal Justice Services, is responsible for maintaining New York's Sex Offender Registry, which provides information about sex offenders living in their communities. New York has three levels of sex offenders – Level 1 (low risk), Level 2 (medium risk) and Level 3 (high risk). By law, only information about Level 2 and Level 3 sex offenders are listed on the website at <https://www.criminaljustice.ny.gov>.

Complaint Procedure

If you feel that you have been harassed or discriminated against or have witnessed any harassment or discrimination by an employee, contract worker, student or anyone who does business with GIA, you should immediately report such conduct to your supervisor, any other member of management, or the human resources department. If the incident occurred off-campus, then contact the appropriate government agency in accordance with GIA's Policy Prohibiting Discrimination, Harassment and Retaliation. Students should follow the published complaint policy in the current Education Catalog located on the [Student Consumer Information](#) page.

Do not allow an inappropriate situation to continue by not reporting it, regardless of who is responsible for creating the situation. No employee, contract worker, student, or anyone who does business with GIA is exempt from the prohibitions described in this policy. In response to every complaint, GIA will conduct an investigation and, if improper conduct is found, take appropriate corrective action.

Sanctions, Disciplinary Action & Remedies

GIA may consider a number of factors when determining a sanction and/or remedy and will focus primarily on actions aimed at ending, and preventing the recurrence of, discrimination, harassment, and/or retaliation and the need to remedy the effects on the Complainant and campus community. Sanctions will be imposed upon either expiration of the appeal window, or after Final Determination on any appeal filed.

Sanctions or actions may include, but are not limited to, those listed below. These may be applied individually or in combination and GIA may assign sanctions not listed, as deemed appropriate.

Applicable Student Sanctions

As a result of the investigation, with sufficient evidence, GIA at its sole discretion may impose one or more sanctions, depending upon factors that include the nature and severity of the offense. Sanctions may include verbal warning, written warning or probation, or dismissal. In cases involving potential criminal conduct, GIA will determine in its sole discretion whether the appropriate law enforcement or other authorities will be notified. To maintain the safety and the integrity of its investigation, GIA reserves the right to suspend students pending investigation. Because it is impossible to list all the rules that might cover every situation, GIA will make every effort to operate on the fundamental principle of mutual trust and respect among all students, faculty, staff, and administration.

Applicable Employee Actions

If it becomes necessary to discipline an employee because of unsatisfactory job performance, excessive tardiness/absenteeism or violation of Institute policies, we may elect to use progressive steps in the disciplinary process. These steps may include a verbal discussion and warning by your manager to correct the problem, formal written warning, paid or unpaid administrative leave, or termination of employment. However, such steps are not mandatory, and it is in our sole discretion whether to use such steps, the order in which to use them, and whether to proceed directly with dismissal. In addition, the action taken by management in an individual case should not be assumed to establish a precedent in other circumstances.

Retaliation Is Prohibited

GIA prohibits retaliation under this Policy. Retaliation may include intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy and procedure. Alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. GIA will take appropriate action to protect individuals who fear that they may be subjected to retaliation. Disciplinary action may be taken if a person intentionally makes a false statement during a grievance proceeding. Taking this action is not considered retaliation.

17. Anti-Hazing Policy

1. Policy Statement

Gemological Institute of America (“GIA,” the “Institute,” or “our”) prohibits hazing in any form. Any act that endangers the physical or mental health or safety of an individual, or that interferes with personal dignity, in connection with initiation, affiliation, or participation in any student organization or activity is not permitted. This prohibition applies regardless of an individual’s willingness to participate. Violations of this Anti-Hazing Policy will result in disciplinary action under applicable institutional procedures and may also result in criminal consequences under federal or state law.

2. Purpose

This Policy establishes GIA’s expectations for hazing prevention, reporting, and response. It is intended to protect the wellbeing of the GIA community, promote a culture of respect and accountability, and provide clear guidance on identifying, addressing, and preventing hazing. This Policy also supports compliance with applicable laws and regulatory requirements, including federal campus safety laws and relevant state statutes.

3. Scope

3.1 This Policy covers conduct occurring on or off campus, including at off-site events, in virtual environments, during travel, and in any setting connected to GIA programs or student activities. It applies to all U.S.-based GIA students; recognized and unrecognized student organizations; student volunteers; and visitors.

4. Applicability

4.1 This Policy applies to all GIA education employees in the US who engage in student-related activities.

4.2 This Policy requires attestation by all GIA education employees in the US who engage in student-related activities.

5. Legal Framework and Standards

5.1 Hazing (federal definition)

Any intentional, knowing, or reckless act committed by a person (individually or with others) against another person, regardless of willingness to participate, that (a) is committed during initiation, affiliation, or maintenance of membership in a student organization, and (b) causes or creates a risk of physical or psychological injury above reasonable risks of sanctioned participation (e.g., ordinary athletic training). Examples include, but are not limited to:

5.1.1. Whipping, beating, striking, electronic shocking, or placing harmful substances on the body;

5.1.2. Sleep deprivation, exposure to the elements, confinement in a small space, or extreme calisthenics;

5.1.3. Coercing consumption of food, liquid, alcohol, drugs, or other substances;

5.1.4. Coercing sexual acts;

5.1.5. Threats that create reasonable fear of bodily harm;

5.1.6. Activities that violate local, state, Tribal, or federal law.

5.2. Student organization means any organization (club, society, association, athletic or club sport team, band, student government, etc.) where two or more members are enrolled students, whether or not the organization is established or recognized by the institution.

5.3. State Law References

5.3.1. California (Matt’s Law)

Hazing as an initiation or pre-initiation method likely to cause serious bodily injury is a crime; misdemeanor penalties may apply even where injury does not occur, and felony prosecution is possible if serious injury or death results; civil liability is also authorized.

5.3.2. New York

Hazing in the second degree (creating substantial risk of physical injury) is a violation; hazing in the first degree (causing injury) is a Class A misdemeanor.

5.4 Institutional Expectation

5.4.1. Conduct that meets the federal definition is prohibited by GIA even if that falls below the state criminal thresholds (e.g., does not cause injury).

6. Prohibited Conduct

The following conduct is prohibited under this Policy, and is non-exhaustive:

6.1. Any act as described in section 5.1.

6.2. “Traditions,” “tests,” or “pranks” that humiliate, degrade, endanger, or deprive basic needs.

6.3. Conditioning participation or status on alcohol/drug use, servitude, or illegal acts.

6.4. Retaliation or intimidation against anyone who reports, participates, or refuses to participate in hazing.

7. Reporting Options

7.1. GIA provides multiple reporting options for concerns involving immediate danger or medical emergencies, available 24 hours a day, 7 days a week.

7.1.1. Call 911 (all campuses)

7.1.2. Carlsbad campus security + 1 760 603 4031

7.1.3. New York campus security +1 212 221 5858, ext. 3147

7.1.4. Local Police

7.2 Confidential or Crisis Support

7.2.1 These options do not replace official reporting:

- San Diego County/Carlsbad: Access & Crisis Line +1 888 724 7240 or 988 (24/7; language line available; can dispatch Mobile Crisis Response Team).
- New York City: NYC Well +1 888 NYC Well (+1 888 692 9355) (24/7 mental health/substance use support); Safe Horizon +1 866 689 HELP (crime victim support, including assault).
- National: Anti-Hazing Hotline +1 888 NOT HAZE (anonymous); 988 Suicide & Crisis Lifeline (24/7).

7.2.2. Good-faith reporting & amnesty: GIA offers limited amnesty for reporters and witnesses for minor policy violations (e.g., personal alcohol use) discovered because of a hazing report, to remove barriers to seeking help. This does not apply to actions that themselves constitute hazing or to egregious misconduct.

7.2.3. Retaliation prohibited: Retaliation against any person who makes a report, cooperates, or refuses to participate in hazing is a separate policy violation.

8. Institutional Response, Investigation and Adjudication

8.1. Intake & safety assessment: The School Director (or designee) coordinates immediate safety steps and supportive measures; referrals to crisis services as needed.

8.2. Jurisdiction: Conduct is covered on or off campus, including off-site events, online spaces, third-party venues, and travel tied to student organizations.

8.3. Process: Reports are assessed under the Student Conduct Code. Parties and witnesses may be interviewed; evidence gathered; interim measures may be imposed to protect individuals and campus safety. Parallel criminal processes may occur; the school's process proceeds on its own timeline and standard of proof.

8.4. Findings & notice: Written outcome letters will state responsible/not responsible findings and sanctions (if any).

8.5. Sanctions (illustrative; tailored to severity, history, harm): educational mandates; loss of privileges; probation, suspension, or expulsion for individuals; social probation, suspension, charter revocation, loss of facility access, or permanent deregistration for organizations. State criminal exposure may also apply (refer to section 5).

8.6. Appeal: Parties may appeal based on procedural error, new evidence, or disproportionate sanction, within three business days.

9. Transparency & Required Public Reporting

9.1. Campus Hazing Transparency Report (CHTR): GIA will maintain a publicly accessible webpage, updated at least twice per year, listing substantiated violations by student organizations (name of the organization; general description, whether drugs/alcohol were involved; sanctions; and four dates: alleged incident, investigation start, final finding, and final notice after appeals). Reports will remain posted for at least five years.

9.2. Annual Security Report (ASR): Beginning with 2025 data, hazing will be included as a separate Clery category in the ASR (due October 1) and in statistics submitted to the U.S. Department of Education.

9.3. Recordkeeping: The institution will maintain investigation files and statistics sufficient to meet the Clery reporting and audit needs.

10. Prevention and Education

GIA implements prevention and awareness programs that reach students, staff, and faculty and include:

10.1 Required prevention training for all incoming students as part of their onboarding (orientation).

10.2. Annual training for student-facing staff and leaders.

11. Resources and Support

11.1. Carlsbad / San Diego County (local)

11.1.1. San Diego Access & Crisis Line (24/7): +1 888 724 7240 (mental health & substance use: coordinates Mobile Crisis Response Team).

11.1.2. San Diego County Mobile Crisis Response Team (via ACL/988): Non-law-enforcement crisis response; youth-trained teams available county-wide.

11.2. New York City (local)

11.2.1. NYC Well (24/7): +1 888 NYC Well (+1 888 692 9355) (mental health/substance use support, all languages via interpretation).

11.2.2. Safe Horizon (24/7): +1 866 689 HELP (crime victim support incl. assault/harassment).

11.2.3. NYPD Emergency 911 / non-emergency 311; NYC victim services hotlines directory.

11.3. National & Specialized

11.3.1. Anti-Hazing Hotline (anonymous): +1 888 NOT HAZE (+1 888 668 4293).

11.3.2. 988 Suicide & Crisis Lifeline (voice/text/chat).

11.3.3. StopHazing (research-based frameworks, tools, and bystander resources).

12. Failure to Comply

12.1. Failure to comply with this Policy may result in disciplinary action up to and including termination.

13. Responsibility

13.1. Responsible Executive and Policy Owner – Senior Vice President and Chief Learning Officer

14. References and Related Documents

14.1. [Title IX Non-Discrimination Grievance Policy and Process \(U.S.\)](#)

15. Related Regulations

15.1. [Stop Campus Hazing Act, Public Law 118 173 \(2024\), amending the Jeanne Clery Campus Safety Act \(20 U.S.C. §1092\(f\)\)](#)

15.2. [Jeanne Clery Campus Safety Act \(formerly the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act\)](#)

15.3. [California Penal Code §245.6](#) (“Matt’s Law”)

15.4. New York Penal Law §§[120.16](#) and [120.17](#)

18. Title IX Non-Discrimination Grievance Policy and Process (U.S.)

1. Policy Statement and Purpose

Title IX of the Education Amendments Act of 1972 prohibits discrimination on the basis of sex, including pregnancy or related conditions, and prohibits [Sexual Harassment](#) in any [Education Program or Activity](#) operated by a recipient that receives federal financial assistance. As an educational institution subject to Title IX, Gemological Institute of America, Inc. (“GIA,” the “Institute,” or “our”) has adopted this Title IX Non-Discrimination Grievance Policy and Process (“Policy”). As detailed in this Policy, GIA:

- 1.1. Does not discriminate on the basis of sex, including pregnancy or related conditions; prohibits Sexual Harassment in admissions and employment; and is committed to providing an educational and workplace environment free from sex-based discrimination, harassment and [Retaliation](#).
- 1.2. Prohibits discrimination on the basis of sex, including pregnancy, childbirth, and related conditions, in its Educational Programs and Activities, as required by law.
- 1.3. Is committed to promoting fairness and equity in all aspects of its operations.
- 1.4. Values and promotes the equal dignity of all community members and is committed to the pursuit of just resolutions with respect to the rights of all [Parties](#) involved.
- 1.5. Inquiries about this Policy, or the application of Title IX can be referred to GIA’s [Title IX Coordinator](#), the Assistant Secretary of the U.S. Department of Education’s Office for Civil Rights, or both.

2. Overview of Title IX Policy and Grievance Process: General Provisions

2.1. Responsibilities of the Title IX coordinator:

The Title IX Coordinator oversees the implementation and enforcement of this Policy. This includes primary responsibility for coordinating GIA’s efforts related to the intake, investigation, resolution, and implementation of supportive measures designed to restore or preserve equal access to GIA’s Education Program or Activity.

The Title IX Coordinator is identified below and is the primary point of contact for questions about this Policy, for filing a report or [Formal Complaint](#), or for requesting supportive measures.

Title IX Coordinator

Address: 5345 Armada Drive, Carlsbad, CA, 92008

Tel.: 760-603-4093

Email: titleixcoordinator@gia.edu

Web: www.gia.edu

2.2. U.S. Department of Education’s Office for Civil Rights

Individuals may contact the U.S. Department of Education’s Office for Civil Rights (“OCR”) with Title IX questions. However, inquiries to OCR alone are insufficient to allow appropriate responsive action by GIA. To have your concern appropriately addressed under this Policy, please file a report with GIA’s Title IX Coordinator.

Office for Civil Rights (OCR)

U.S. Department of Education

400 Maryland Avenue, SW

Washington, D.C. 20202-1100

Customer Service Hotline #: (800) 421-3481

Facsimile: (202) 453-6012

TDD#: (877) 521-2172

Email: ocr@ed.gov

Web: <http://www.ed.gov/ocr>

2.3. Determining Title IX applicability for Student-Employees

When a party is both a student and an employee the Title IX Coordinator must conduct a thorough inquiry to determine the appropriate grievance process. This includes assessing whether the party's primary association with the Institution is educational and whether the alleged sex-based harassment occurred during an Educational Program or Activity.

2.4. Pregnancy and Related Conditions

GIA prohibits discrimination based on pregnancy or related conditions for students, employees, or applicants. To ensure equal access to Education Programs and Activities, GIA provides reasonable modifications for students, lactation breaks for employees, and lactation spaces. Documentation for modifications may only be requested when necessary. Employees must **promptly inform pregnant students of the Title IX Coordinator's contact information and role** in preventing discrimination when they first learn of the pregnancy or related conditions unless the Title IX Coordinator has already been notified.

2.5. How to Make a Report or Formal Complaint of an Alleged Title IX Violation

Any person may report alleged sex discrimination, Sexual Harassment, or Retaliation to the Title IX Coordinator, regardless of whether the reporting person is the alleged victim of such conduct. A report is different from a Formal Complaint ("Complaint"), which is a document filed/signed by the Complainant or signed by the Title IX Coordinator alleging Sexual Harassment and requesting that GIA investigate the allegation(s) and implement GIA's Grievance Process. Informal resolution may only be offered after a Formal Complaint has been filed and if both Parties voluntarily consent in writing.

A report or Complaint may be filed through multiple channels, including with the Title IX Coordinator in person, by phone, by mail, or by email at any time, including non-business hours, ensuring flexibility for those wishing to report concerns. Reports may be submitted using the contact information provided in the section immediately above or as outlined below. Individuals making a report are encouraged to provide as much detail as possible to support a prompt and effective response.

To document reports appropriately, all phone and in-person conversations regarding reports or Complaints will be summarized in writing by the Title IX Coordinator. These records must be maintained in accordance with our confidentiality and record retention policies.

2.5.1. Title IX Coordinator and Director, Student Services

Address: 5345 Armada Drive, Carlsbad, CA, 92008

Tel.: 760-603-4093

Email: titleixcoordinator@gia.edu Web:

www.gia.edu

2.5.2. Deputy Title IX Coordinator and Director, School Address: 50 W.

47th Street, New York, New York 10036

Tel.: 917-286-3662 Web:

www.gia.edu

2.5.3. Online via the [GIA Ethics point](#)

2.5.4. By telephone via GIA harassment/discrimination hotline at +1 866-295-2625

2.6. After Making a Report or Formal Complaint

Upon receipt of a report or Complaint, the Title IX Coordinator will conduct an initial assessment to determine the appropriate next steps as required under this Policy. This includes conducting an initial threat assessment to ensure there is no immediate danger to the Complainant or the campus community. If there is a threat, the Title IX Coordinator will take appropriate action, which may include emergency removal of the [Respondent](#) as described below.

The Title IX Coordinator will contact Complainant to discuss the available supportive measures, which may be implemented with input from the Complainant. This is irrespective of, and in addition to, any resolution process including the [Formal Grievance Process](#). The Complainant will also be informed about their right to have an advisor.

If the report was made without filing a Complaint, the Title IX Coordinator will review the allegations and discuss options with the Complainant, including the option of proceeding with a Complaint. If the Complainant does not want to proceed, the Title IX Coordinator may initiate a Complaint if it is deemed necessary.

If a Complaint is filed, or the Title IX Coordinator initiates a Complaint, the matter will proceed as described under Section 6, Formal Grievance Process.

Once a Complaint is submitted and the Respondent is notified of the allegations, the Parties will be informed about the availability of the [Informal Resolution Process](#), as applicable. All Parties must voluntarily consent in writing to any Information Resolution Process. Parties may withdraw consent at any time and resume the Formal Grievance Process.

At all stages of the process, responsive and reasonable supportive measures will be implemented to ensure continued access to GIA's Educational Program or Activities.

2.7. Emergency Removal of Respondent

GIA reserves the right to remove a Respondent from its Education Program or Activities on an emergency basis if the Respondent poses an immediate threat to the health or safety of any student or campus employee. GIA will implement the least restrictive emergency actions possible, in light of the circumstances and safety concerns. If an emergency removal is imposed, the Respondent will be given notice and the opportunity to meet with the Title IX Coordinator to show cause why the removal should not occur. Emergency removal decisions are not subject to appeal.

2.8. Administrative Leave of Employee Respondent

Respondents who are GIA employees may be placed on administrative leave during the pendency of a grievance process, as determined by GIA and the Title IX Coordinator.

2.9. Complainant's Decision to Pursue a Complaint

If a Complainant does not wish to be identified, does not wish for an investigation to occur, or does not want a Complaint pursued, they may request this from the **Title IX Coordinator**, who will evaluate the request based on the duty to ensure campus safety and compliance with state and federal law. GIA will comply with the Complainant's wishes unless the Title IX Coordinator determines that initiating a Complaint is necessary under the circumstances.

If the Title IX Coordinator independently initiates a Complaint, the Complainant may be as involved or uninvolved as desired in the process. The Complainant retains all rights under this Policy, regardless of participation level.

If the Complainant chooses not to file a Complaint, they retain the right to file a Complaint later. If the Title IX Coordinator initiates a Complaint, they must consider:

2.9.1. the Complainants' wishes;

- 2.9.2. the Complainants' reasonable safety concerns;
- 2.9.3. risk of additional discrimination;
- 2.9.4. severity of the allegations;
- 2.9.5. relationship between the Parties;
- 2.9.6. scope of the discrimination;
- 2.9.7. availability of evidence; and
- 2.9.8. whether GIA can prevent further discrimination without filing a Complaint.

2.10. Complaint Dismissal

GIA may dismiss a Formal Complaint or any allegations if at any time during the investigation or hearing:

- 2.10.1. GIA cannot identify the Respondent after reasonable efforts;
- 2.10.2. The Complainant voluntarily withdraws the Complaint or any allegations;
- 2.10.3. The Title IX Coordinator declines to initiate a Complaint if the allegations do not constitute sex discrimination;
- 2.10.4. The Respondent is no longer enrolled in or employed by GIA; or
- 2.10.5. Circumstances prevent GIA from gathering sufficient evidence.

Upon dismissal, GIA will promptly notify the Parties in writing, explaining the rationale. This dismissal decision is appealable by any Party under the procedures for appeal below.

Dismissed Complaints may include conduct that could be considered a potential violation of GIA's [Student Code of Conduct](#), [Policy Prohibiting Discrimination Harassment and Retaliation \(U.S.\)](#), [Workplace and Campus Violence Policy \(U.S.\)](#), or other conduct policies and may be addressed through other applicable, non-Title IX conduct policies and procedures accordingly.

2.11. [Consolidated Complaints](#)

If multiple Complaints arise from the same set of circumstances, GIA may choose to consolidate Complaints.

2.12. Time Limits on Reporting

There is no time limitation on making a report or Complaint. However, acting on reports or Complaints is significantly impacted by the passage of time and occurrence of other events (including, but not limited to, the rescission or any revision of this Policy, and is at the discretion of the Title IX Coordinator, who may, among other things, document allegations for future reference, offer supportive measures and/or [Remedies](#), and/or engage in informal or formal action, as appropriate. Where an investigation is launched, Complaints will be investigated pursuant to the Policy in place at the time of the reported conduct and pursuant to the procedures in place at the time the Complaint is filed. Incidents occurring prior to the publication date of this policy will be subject to the policy definitions that were in place at the time of the alleged incident(s) and the procedures in place at the time of the complaint. Additionally, if the Respondent is no longer subject to GIA's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide Remedies may be more limited or impossible.

2.13. Anonymous Report or Complaint

If a Complainant makes a report anonymously, it will be investigated by GIA to the extent possible, both to assess the underlying allegation(s) and to determine if supportive measures or Remedies can be

provided. Anonymous reports may limit GIA's ability to investigate and respond, depending on the information provided. In some cases, the Title IX Coordinator may proceed with the issuance of a Formal Complaint even if the Complainant has chosen to remain anonymous.

2.14. Confidentiality

GIA shall undertake reasonable efforts to preserve the confidentiality of reports and Complaints. GIA shall not disclose any report or Complaint except as provided herein and as necessary to effectuate this Policy, or as permitted by the [Family Educational Rights and Privacy Act \(FERPA\), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99](#), or as required under applicable law.

Certain professionals have a legal and/or ethical responsibility to maintain communications made in the scope of their professional roles in strict confidence. Some of these roles include licensed professional counselors/mental health providers, licensed medical and health care providers, victim advocates, ordained/licensed clergy, licensed attorneys, and rape crisis or domestic violence resources. Complainants or Respondents wishing to speak to someone confidentially are encouraged to seek out such resources. Communications with such professionals are considered legally privileged and cannot be revealed without a party's express written consent.

2.15. Supportive Measures

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Parties to restore or preserve access to GIA's Education Program or Activity, including measures designed to protect the safety of all Parties or GIA's educational environment, and/or deter harassment, discrimination, and/or Retaliation.

The Title IX Coordinator promptly makes supportive measures available upon receipt of a report or a complaint alleging possible Sexual Harassment. At the time that supportive measures are offered, GIA will inform the Complainant, in writing, that they may file a Formal Complaint with GIA either at that time or in the future, if they have not done so already. The Title IX Coordinator works with the Complainant to take their preferences into account with respect to the supportive measures that are planned and implemented.

GIA shall maintain the confidentiality of the supportive measures to the greatest extent reasonably practicable, provided that confidentiality does not impair GIA's ability to provide supportive measures or otherwise fulfill its obligations under this Policy. GIA will implement measures in a way that does not unreasonably burden the other party.

Supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, referral to medical or healthcare services, referral to community-based services, campus escort services, mutual restrictions on contact between the Parties, changes in work, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. At any time, Parties may appeal any decisions regarding supportive measures to an impartial party as referred to in Section 3, GIA's Mandatory Response Obligations.

It is in the best interest of the GIA community that Complainants choose to report misconduct to their direct supervisor or manager, or to any one of the GIA employees outlined in Section 3. **GIA's** Mandatory Response Obligations. It is also important that witnesses come forward to share what they know, and that all Parties are forthcoming during the process.

2.16. Right to an Advisor

The Parties have the right to select an advisor of their choice to accompany them to any or all meetings and interviews during the resolution process. There are no restrictions on who can serve as an advisor; it may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise,

support, and/or consult with them throughout the resolution process. Under Title IX, cross-examination is required during the hearing and must be conducted by the **Parties'** advisors. If a party selects an advisor of their choice, this advisor must perform cross-examination on their behalf during the hearing, as the Parties are not permitted to directly cross-examine each other or any witnesses. If a party does not have an advisor, or the advisor does not appear for a hearing, GIA will provide one for the limited purpose of conducting cross-examination on behalf of the party.

An advisor who is also a witness to the allegations in the Complaint creates potential for bias and conflict of interest. A party who chooses an advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing [Decision-maker\(s\)](#) and may, but will not necessarily, impact the [Final Determination](#).

GIA cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other party does not select or retain an attorney or cannot afford an attorney, GIA is not obligated to provide the party with an attorney.

2.17. Conflict of Interest and Bias

[Title IX Personnel](#) involved in the grievance process, including the Title IX Coordinator(s), [Investigators](#), Decision-makers and individuals facilitating informal resolutions, must be free from conflicts of interest and bias. These individuals are required to be trained on maintaining impartiality and conducting a fair process. If any party believes there is a conflict of interest or bias on the part of any Title IX Personnel, they may raise any concern with the Title IX Coordinator or **GIA's** chief academic officer. The concern will be reviewed, and appropriate action will be taken to maintain the integrity and impartiality of the grievance process.

2.18. Resolution Timeline

GIA will make a good faith effort to complete the resolution process fairly and promptly. Duration of a matter that proceeds through the Formal Grievance Process is determined by many factors including, but not limited to, the cooperation and availability of the Parties and witnesses, potential concurrent criminal investigations, and GIA closures, among others. GIA will avoid all undue delays within its control and will grant reasonable extensions of time, upon written request and showing of good cause, by a party. GIA shall provide the Parties written notice of delays and/or extensions, including appeal, which can be extended as necessary for appropriate cause by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the Parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

2.19. Notifications to Parties

Notifications to the Parties specified herein will be delivered through one or more of the following methods: in person, by mail to the local or permanent address as recorded in official GIA records, or via email to the GIA-issued or other account email address also recorded in official GIA records. Once mailed, emailed or received in person, notice will be presumptively delivered.

2.20. Clery Act Reporting

Reports or Complaints of sexual assault, domestic violence, dating violence, and/or stalking that pose a serious or continuing threat of bodily harm or danger to members of the campus community may trigger a timely warning obligation by GIA under the [Clery Act](#). If a warning is deemed necessary, GIA will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

In addition, GIA is obligated to report and disclose crimes under the Clery Act, including the crimes of sexual assault, domestic violence, dating violence and stalking as defined in this Policy, for statistical

reporting purposes only. Reports of these crimes do not include personal data and therefore preserve the confidentiality of any involved Parties.

2.21. Retaliation

GIA prohibits Retaliation under this Policy. Retaliation may include intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy and procedure. Alleged Retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. GIA will take appropriate action to protect individuals who fear that they may be subjected to Retaliation.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this Policy and procedure does not constitute Retaliation. Relatedly, a determination of responsibility alone is not sufficient to conclude that any party has made a materially false statement in bad faith.

3. GIA's Mandatory Response Obligations

GIA's obligation to respond under this Policy arises when it has actual knowledge of conduct that constitutes sexual discrimination, harassment, or Retaliation, as defined herein. Under Title IX, actual knowledge occurs when the Title IX Coordinator, [Deputy Title IX Coordinator](#) or an [Official with Authority](#) receives notice of Sexual Harassment or allegations of Sexual Harassment.

GIA has designated the Title IX Coordinator, Deputy Title IX Coordinator, and those listed in Sections 3.3 and 3.4 as Officials with Authority. These individuals have the authority to implement corrective measures on behalf of GIA.

GIA is required to respond promptly and effectively to any notice of Sexual Harassment received by an Official with Authority, meaning the response must be reasonable in light of the known circumstances. Additionally, GIA must provide supportive measures to all Parties upon receipt of a report of sexual harassment, even if a Formal Complaint is not filed.

All individuals listed in Sections 3.1 through 3.6 are designated as [Mandatory Reporters](#) under GIA policy. While all Officials with Authority are Mandatory Reporters, not all Mandatory Reporters are Officials with Authority. The following individuals are designated as Mandatory Reporters under GIA policy:

3.1. Title IX and 504/ADA Coordinator and Director, Student Services

5345 Armada Drive Carlsbad, CA
92008
titleixcoordinator@gia.edu
760-603-4093

3.2. Deputy Title IX and 504/ADA Coordinator and Director, School

50 W. 47th Street
New York, New York 10036
917-286-3662

3.3. Senior Vice President and Chief Learning Officer

5345 Armada Drive
Carlsbad, CA 92008
760-603-4156

3.4. Senior Vice President and Chief Human Resources Officer

5345 Armada Drive

Carlsbad, CA 92008
760-603-4000

- 3.5. Vice President, Human Resources
50 W. 47th Street
New York, New York 10036
917-286-3604
- 3.6. Senior Global Security Operations Manager
5345 Armada Drive
Carlsbad, CA 92008
760-603-4105
- 3.7. Manager, Security Operations
5345 Armada Drive
Carlsbad, CA 92008
760-603-4073
- 3.8. Manager, Security Operations
50 W. 47th Street
New York, New York 10036
646-465-5647

4. Notice, Dissemination and Publication of Policy

GIA complies with Title IX's notice requirements, including prominently publishing its Non-Discrimination Grievance Policy and Process and contact information for the Title IX Coordinator on its website and in other publications. GIA also disseminates the Policy and process in a way that is accessible to all members of the campus community, including students, faculty, staff and applicants for admission. This includes making the Policy readily available and accessible in multiple formats.

5. Sexual Harassment Defined, Jurisdiction and Scope of Policy

Sexual Harassment Defined

For purposes of this Policy and the grievance process, Sexual Harassment has the meaning set forth below. Sexual Harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, gender and/or gender identity of those involved.

Sexual Harassment means:

Conduct on the basis of sex that satisfies one or more of the following:

- 5.1. Quid Pro Quo:
 - 5.1.1. A GIA employee,
 - 5.1.2. conditions the provision of an aid, benefit, or service of GIA, 5.1.3. on an individual's participation in unwelcome sexual conduct; and/or
- 5.2. Sexual Harassment:
 - 5.2.1. Unwelcome conduct,
 - 5.2.2. determined by a reasonable person,

5.2.3. to be so severe, pervasive and objectively offensive,

5.2.4. that it effectively denies a person equal access to GIA's Education Program or Activity.

5.3. Sexual assault, defined as:

5.3.1. Sex Offenses, Forcible:

- Any sexual act directed against another person,
- without the consent of the Complainant,
- including instances in which the Complainant is incapable of giving consent.

5.3.2. Forcible Rape:

- Penetration,
- no matter how slight,
- of the vagina or anus with any body part or object, • oral penetration by a sex organ of another person, or
- without the consent of the Complainant.

5.3.3. Forcible Sodomy:

- Oral or anal sexual intercourse with another person,
- forcibly,
- and/or against that person's will (non-consensually), or
- not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

5.3.4. Sexual Assault with an Object:

- The use of an object or instrument to penetrate,
- however slightly,
- the genital or anal opening of the body of another person,
- forcibly,
- and/or against that person's will (non-consensually),
- or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

5.3.5. Forcible Fondling:

- The touching of the private body parts of another person (buttocks, groin, breasts),
- for the purpose of sexual gratification,
- forcibly,
- and/or against that person's will (non-consensually),
- or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

5.3.6. Sex Offenses, Non-forcible:

- Incest:
 - Non-forcible sexual intercourse,

- between persons who are related to each other, ○ within the degrees wherein marriage is prohibited by California and New York laws.
- Statutory Rape:
 - Non-forcible sexual intercourse, ○ With a person who is under the statutory age of consent in the States of California and New York.

5.4. Force, Coercion, Consent, and Incapacitation

As used in the offenses above, the following definitions and meanings apply:

- 5.4.1. **Force:** Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent.
- 5.4.2. **Coercion:** Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.
- 5.4.3. **Consent:** Consent is known permission to engage in sexual activity that is voluntarily given through clear verbal communication or by unambiguous behavior.

Since individuals may experience the same interaction in different ways, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain *their* consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on GIA to determine whether this Policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

- 5.4.4. **Incapacitation:** A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. As stated above, a Respondent violates this Policy if they engage in sexual activity with someone who is incapable of giving consent.

It is a defense to an alleged sexual assault violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. “Should have known” is an objective, reasonable person standard which assumes that a reasonable person is both sober and exercising sound judgment.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction).

Incapacitation is determined through consideration of all [Relevant](#) indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

This Policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

5.5. Jurisdiction of GIA

If the Respondent is unknown or is not a member of the GIA community, the Title IX Coordinator will assist the Complainant as requested in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement to file a police report upon request.

Further, even when the Respondent is not a member of GIA’s community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title IX Coordinator. In addition, GIA may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from GIA property and/or events. All vendors serving GIA through third-party contracts are subject to the policies and procedures of their employers, or if applicable, to these policies and procedures to which their employer has agreed to be bound by their contracts.

5.6. Scope of GIA’s Educational Program and Activities

5.6.1. For purposes of this Policy, GIA’s Educational Program or Activity includes locations, events, or circumstances, within the U.S., where GIA has substantial control over both the Respondent and the context in which the alleged Sexual Harassment occurs. This also includes any building owned or controlled by GIA or a student organization officially recognized by GIA.

6. Formal Grievance Process

If a Formal Complaint is filed, the matter will proceed through the Grievance Process as outlined below and will include an objective investigation, a live hearing with cross-examination conducted by **each party’s** advisor, and the right to appeal. This process will treat Complainants and Respondents equitably. Any provision, rule, or practice adopted by GIA as part of the grievance process, other than those required under Title IX and its implementing regulations, will apply equally to both Parties. The process will include an objective evaluation of all relevant evidence (inculpatory and exculpatory), conducted by trained Title IX Personnel free from any known conflict of interest or bias. The Respondent will be presumed not responsible until demonstrated otherwise by a preponderance of the evidence, and only after a Final Determination has been rendered. No disciplinary [Sanctions](#) or punitive measures will be imposed on the Respondent unless and until a determination of responsibility has been made.

If at any stage of the investigation it is determined that the conduct alleged in the Formal Complaint does not meet the Title IX definition of Sexual Harassment, did not occur within GIA’s Educational Program or Activity, or if the Complainant withdraws the Formal Complaint or the Respondent is no longer part of GIA’s community, the Complaint must be dismissed for Title IX purposes. However, GIA may address the alleged conduct under other applicable policies. GIA will provide written notice to the Parties of the dismissal and the rationale for the decision.

6.1. Notice of Allegations

Upon receipt of a Formal Complaint, the Title IX Coordinator will provide written notice of the allegations to the Respondent and Complainant. This notice will be provided prior to any initial meeting or interview with the Respondent or their advisor, if applicable, to allow for adequate preparation.

The notice will include:

- 6.1.1. A meaningful summary of all allegations, including the identities of the Parties involved (if known), the specific misconduct being alleged, and the date and location of the incident(s) (if known).
- 6.1.2. The specific policies alleged to have been violated, with reference to the Title IX policy or related provisions.
- 6.1.3. A description of the applicable procedures, including a statement regarding the opportunity for both Parties to participate in the process.
- 6.1.4. A statement that Respondent is presumed not responsible for the alleged misconduct unless and until a Final Determination has been rendered at the conclusion of the process.
- 6.1.5. A statement that both Parties will be given an opportunity to inspect and review all evidence directly related to the allegations, including exculpatory evidence, before a determination is made.
- 6.1.6. Information regarding the availability of an advisor of choice for both the Complainant and Respondent, including that the advisor may be an attorney.
- 6.1.7. Notice of GIA's prohibition against Retaliation, including the fact that Retaliation is subject to discipline under this policy.
- 6.1.8. Notice that false statements or false information provided in the grievance process can result in disciplinary action.
- 6.1.9. Information regarding the right to request disability accommodations during the interview process or any other part of the grievance procedure.
- 6.1.10. The instructions to preserve any evidence directly related to the allegations, including electronic and physical evidence, where applicable.

6.2. Investigation

Trained Investigators will be assigned to investigate allegations contained in a Formal Complaint and will do so objectively. The burden of collecting all evidence related to the allegations, including both inculpatory and exculpatory evidence, rests on GIA, and not on the Parties. Investigators must be free from bias and conflicts of interest and will conduct the investigation objectively, thoroughly, and impartially. Depending on the complexity of the case, more than one Investigator may be assigned. Both Parties will have an equal opportunity to suggest witnesses, provide evidence, and respond to all evidence gathered during the investigation.

6.3. Investigation Timeline

GIA will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the Parties to update them on the progress and timing of the investigation. GIA will notify the Parties in writing of the anticipated duration if there is any delay and the reason for the delay. GIA will communicate regularly with the Parties regarding the progress of the investigation and the expected timelines. GIA will promptly resume its investigation and resolution process as soon as feasible. During such a delay, GIA will implement supportive measures as deemed appropriate.

6.4. Concurrent Law Enforcement Investigation or Criminal Proceedings

GIA's grievance process is an administrative procedure required under Title IX to address sexual discrimination, and therefore is separate and independent of any law enforcement investigation or criminal proceedings. While a law enforcement investigation may necessitate a temporary delay in GIA's grievance process, such law enforcement investigation does not replace GIA's grievance process. GIA is legally obligated to address and remedy potential Sexual Harassment in its Educational Programs and Activities as set forth in this Policy.

6.5. The Investigation Process

Investigations will be conducted by trained and impartial Investigators, free from any conflict of interest or bias. The process will be thorough, reliable, impartial, prompt, and fair. Investigations will include interviews with all Relevant Parties and witnesses and the gathering of Relevant evidence.

GIA bears the burden of gathering all evidence, both inculpatory and exculpatory. Parties will have an equal opportunity to suggest witnesses, submit questions, provide evidence, and fully review and respond to all evidence related to the allegations.

The investigation will be completed in a reasonably prompt timeframe, allowing for thorough collection and evaluation of all evidence related to the allegations. The Investigator will provide the Parties with status updates and inform them of any delays or changes in the timeline.

6.6. Right to Inspection and Review of Evidence

Prior to the conclusion of the investigation, the Parties will be provided with an electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the allegations in the Formal Complaint, whether or not it will be used in reaching a determination. The Parties will have a reasonable opportunity to respond to the evidence or the accuracy description of the evidence. GIA shall take reasonable steps to prevent the Parties from unauthorized disclosure outside of the process.

The Investigator will incorporate any Relevant feedback provided by the Parties during the review process, and the final report will be shared with all Parties and their advisors through electronic transmission or hard copy at least ten (10) business days prior to the hearing.

6.7. Role and Participation of Witnesses in the Investigation

Witnesses who are GIA employees are expected to cooperate with and participate in GIA's investigation and resolution process. Failure of such witnesses to cooperate with and/or participate in the investigation or resolution process constitutes a Policy violation and may warrant discipline.

Interviews may occur in-person or virtually. Appropriate technologies may be used to facilitate virtual interviews. GIA will take reasonable steps to ensure the security and privacy of virtual interviews.

6.8. Recording of Interviews

No unauthorized audio or video recording of any kind is permitted during investigation meetings.

6.9. Evidentiary Considerations in the Investigation

6.10. The investigation includes collection of all evidence directly related to the allegations, which is not otherwise privileged. Only evidence which is also deemed Relevant is summarized in the investigative report which is considered by the Decision-maker(s), in rendering a determination of responsibility. All Parties are provided the opportunity to review all non-privileged evidence gathered during the investigation which is directly related to the allegations in the Complaint, whether or not it is also included in the investigative report. All Parties are also provided with a copy of the investigative report summarizing Relevant evidence only.

Relevant evidence does not include evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such evidence is offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the evidence concerns specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and is offered to prove consent.

Privileged evidence is likewise excluded from the investigation, investigative report, and hearing unless a party expressly waives this privilege in writing and consents to the release of this information during the grievance process.

6.11. Investigative Report

Upon conclusion of the investigation, the Investigator will create an investigative report that fairly summarizes Relevant evidence and, at least ten (10) days prior to a hearing, will send the report to each party and the party's advisor, if any, in an electronic format or hard copy, for their review and written response.

6.12. The Hearing

Upon conclusion of the investigation and distribution of the investigative report to the Parties, the matter will proceed to the hearing stage of the Grievance Process. The hearing will be offered live, in real-time and will include cross-examination. A Decision-maker(s) will be appointed to preside over the hearing, evaluate the evidence and make a determination as to each allegation in the Complaint. The Decision-maker will be independent and neutral and will not have had any previous involvement with the investigation. Investigators, the Title IX Coordinator (or designee) and Advisors are prohibited from serving as Decision-makers.

GIA reserves the right to adopt any hearing protocols, which will be applied and be made available equally to both Parties, to ensure the efficiency, order and decorum of the hearing process. Any such protocols will be provided in writing to the Parties, witnesses and participating individuals at least ten (10) days prior to the scheduled hearing date.

GIA may designate an administrative facilitator of the hearing, which may include the Title IX Coordinator, as long as they do not have a conflict of interest.

GIA may conduct the hearing virtually at their discretion or upon request of a party. Requests for remote participation by any party or witness should be directed to the Title IX Coordinator at least five (5) business days prior to the hearing.

The Decision-maker may question the Parties and any witness at the hearing.

Only Relevant questions, testimony and evidence may be proffered at the hearing, and the Decision-maker will make determinations as to relevancy of every question posed by an Advisor during cross-examination before it is answered, and of any evidence offered.

Privileged evidence or testimony, likewise, may not be proffered during the hearing, without a party's voluntary waiver and written consent allowing its consideration at the hearing.

Parties may not conduct cross-examination. Advisors will only conduct cross-examination on a party's behalf. Only Relevant questions will be allowed.

Parties, Advisors, witnesses, and all participating individuals are expected to behave respectfully during the hearing. Harassing, intimidating or disruptive behavior will not be tolerated, and GIA reserves the right to exclude anyone from participation in the process that fails to comport themselves accordingly.

An audio or audiovisual recording, or transcript will be made of the hearing, and will be made available to the parties for inspection and review. No other recording of the hearing will be allowed.

6.13. Evidentiary Considerations in the Hearing

6.13.1. Only Relevant Evidence Allowed

Any evidence that the Decision-maker(s) determine(s) is Relevant and credible may be considered. Only evidence that is directly related to the allegations, not subject to a legally recognized privilege, and not otherwise excludable as described here is considered Relevant. The hearing will not consider evidence of a Complainant's prior sexual behavior, unless such evidence is offered to prove that someone other than the Respondent committed the alleged conduct, or if it concerns specific incidents of prior sexual behavior between the Complainant and Respondent and is offered to prove consent.

6.13.2. Privileged Evidence Must be Excluded

Evidence subject to any recognized legal privilege will not be allowed in the hearing without the prior written voluntary waiver of the privilege and consent for its consideration during the Grievance Process.

6.13.3. When a Party/Witness Refuses to Submit to Cross-Examination

If a party or witness does not attend or chooses not to submit to cross-examination at the hearing, Decision-maker(s) may not draw any inference solely from a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.

6.14. Final Determination as to Responsibility and Standard of Proof

Upon completion of the hearing, the Decision-maker will deliberate privately and will render a [Finding](#) as to each allegation in the Complaint by applying the preponderance of the evidence standard; whether it is more likely than not that the Respondent violated the Policy as alleged. The decision will be provided simultaneously to the Parties through the issuance of a written determination letter, delivered by one or more of the following methods: in person, by mail to the local or permanent address as recorded in official GIA records, or via email to the GIA issued email address or other email address of record. Once mailed, emailed, or received in person, notice will be presumptively delivered.

The determination letter will include:

6.14.1. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including notifications to the Parties, interviews with Parties and witnesses, site visits, methods used to gather evidence, and hearing held;

6.14.2. A statement, and rationale for, the results as to each allegation, including a determination regarding responsibility, any disciplinary Sanctions GIA imposes on the Respondent, and whether Remedies will be provided to the Complainant; and

6.14.3. Information on the appeal process and permissible bases for appeal.

The determination regarding responsibility becomes final either on the date the appeal outcome is provided, or if no appeal is filed, the date on which the appeal window expires.

7. Sanctions, Disciplinary Action & Remedies

GIA may consider a number of factors when determining a Sanction and/or remedy and will focus primarily on actions aimed at ending, and preventing the recurrence of, discrimination, harassment, and/or Retaliation and the need to remedy the effects on the Complainant and campus community. Sanctions or actions may include, but are not limited to, those listed below.

7.1. Applicable Student Sanctions:

As a result of the investigation, with sufficient evidence, GIA at its sole discretion may impose one or more Sanctions, depending upon factors that include the nature and severity of the offense. In cases

involving sexual harassment, GIA will proceed under the Title IX grievance process and issue sanctions after a determination of responsibility has been made. In cases involving potential criminal conduct, GIA will determine in its sole discretion whether the appropriate law enforcement or other authorities will be notified. Sanctions will not be imposed until after a Finding of responsibility has been made. GIA will not impose sanctions without first allowing the Respondent to contest the allegations and findings through the formal grievance process. Because it is impossible to list all the rules that might cover every situation, GIA will make every effort to operate on the fundamental principle of mutual trust and respect among all students, faculty, staff and administration.

7.2. Applicable Employee Actions

Where the investigation has resulted in sufficient evidence, GIA may, at its sole discretion, impose one or more Sanctions, depending upon factors that include the nature and severity of the offense. These steps may include a verbal discussion and warning by the employee's manager to correct the problem, formal written warning, paid or unpaid administrative leave or termination of employment. However, such steps are not mandatory, and it is in our sole discretion whether to use such steps, the order in which to use them and whether to proceed directly with dismissal. Sanctions will not be imposed until after a Finding of responsibility has been made. In cases of sexual harassment involving employees, GIA will follow the procedures outlined in the Title IX grievance process and ensure fair and impartial treatment of both Parties. In addition, the action taken by management in an individual case should not be assumed to establish a precedent in other circumstances.

7.3. False Allegations and Evidence

Making deliberately false and/or malicious accusations, knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an official conducting an investigation are policy violations subject to discipline. However, GIA will not penalize a Complainant for making a report in good faith, even if the report is ultimately not substantiated.

7.4. Long-Term Remedies/Other Actions

Following the conclusion of the resolution process, and in addition to any Sanctions imposed, the Title IX Coordinator may implement additional long-term Remedies or actions with respect to the Parties and/or the campus community that are intended to stop the harassment, discrimination, and/or Retaliation, remedy the effects, and prevent reoccurrence.

These Remedies/actions may include, but are not limited to:

7.4.1. Referral to counseling and health services

GIA does not provide on-campus professional counseling services. However, GIA students have access to the [My SSP](#) service that connects students with confidential emotional health and wellbeing support. This service is free of charge and is conveniently available 24 hours a day, 7 days a week via a mobile app, telephone number and through the web. The My SSP app also contains an extensive library of emotional and physical wellbeing resources, virtual fitness sessions and self-administered assessments.

GIA staff have access to Lifeworks, a free of charge confidential counseling service:

877-234-5151

<https://www.lifeworks.com/>

User ID: gem

Password: 11018

7.4.2. Education for the individual and/or the community

GIA may implement Educational Programs and Activities to address the issues identified and prevent further incidents of discrimination, harassment, or Retaliation.

7.4.3. Alteration of work arrangements for employees

GIA may modify employee work arrangements as needed to provide a safe and supportive work environment.

7.4.4. Provision of campus safety escorts

Safety escorts may be offered to help individuals navigate campus safely.

7.4.5. Policy modification

GIA may review and adjust policies to address concerns and prevent recurrence.

7.4.6. Training or awareness campaigns

GIA may introduce training or awareness campaigns to educate the campus community about Title IX regulations and non-discrimination policies.

7.4.7. Implementation of long-term contact limitations between the Parties

GIA may impose contact limitations between the Parties involved in the grievance process when necessary.

7.4.8. Adjustments to academic deadlines, course schedules, etc.

Reasonable adjustments to academic schedules or requirements may be provided to minimize disruption to the Complainant's education. This may include the option to change academic courses or schedules if the Complainant requests such adjustments.

7.4.9. Modified campus security measures

GIA may implement security measures to support the safety of the affected Parties.

Additional off-campus resources are available, including but not limited to:

7.4.10. Center for Community Solutions

The Center for Community Solutions (CCS) is an organization whose mission is to end relationship and sexual violence by being a catalyst for caring communities and social justice. CCS provides a wide range of prevention and Education Programs and Activities and response services for those impacted by Domestic Violence and Sexual Assault. CCS provides a 24-hour hotline and legal, victim advocacy, counseling, and shelter and transitional services: (858) 272-5777.

7.4.11. [Community Resource Center](#)

7.4.12. San Diego Domestic Violence Hotline

888-385-4657

7.4.13. [San Diego Family Justice Center](#)

Located in downtown San Diego at 1122 Broadway, Suite 200, San Diego, CA 92101, the San Diego Family Justice Center is a public safety initiative launched by the City of San Diego to assist victims of family violence.

7.4.14. [New York City Community Resources](#)

7.4.15. [New York State Coalition Against Domestic Violence](#)

Confidential Domestic Violence hotline for crisis help, safety planning, emotional support, and help finding resources in your area including safe shelter, advocacy, counseling and legal assistance. The New York State Domestic Violence Hotline has access to advocates in 170 languages through interpreter services.

7.4.16. [New York State Office for the Prevention of Domestic Violence](#)

The Office for the Prevention of Domestic Violence (OPVD) is the country's only executive level state agency dedicated to the issue of Domestic Violence. Their mission is to improve New York State's response to and prevention of domestic violence with the goal of enhancing the safety of all New Yorkers in their intimate and family relationships: (866) 933-4673.

At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the Parties even if no Policy violation is found.

GIA will maintain the privacy of any long-term Remedies, provided **privacy does not impair GIA's** ability to provide these services.

7.5. Failure to Comply with Disciplinary Sanctions or other Remedies

Respondents are expected to comply with any disciplinary Sanction or remedy as set forth in the Final Determination or in response to a final outcome (i.e., informal resolution, appeal).

7.6. Appeals

Any party may appeal the dismissal of a Formal Complaint, or the Final Determination of the Grievance Process on the following grounds, within five (5) days of the delivery of the notice of an appealable action.

7.6.1. Grounds for Appeal

Appeals may be made on the following bases:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

Any Sanctions imposed as a result of the Final Determination are stayed during the appeal process. The appeal process will allow both Parties an opportunity to participate equally and will not result in a further disadvantage to the Complainant or Respondent.

Title IX Personnel with prior involvement in the matter will not be permitted to serve as a Decisionmaker in the appeal. Appeals will not include a hearing. A decision on the merits will be based on information provided in the appeal document. If an appeal is based on the availability of new evidence, this evidence must be described with specificity and must be available for review within a reasonably prompt timeframe for consideration by the Appeal Decision-maker.

The appeal outcome will specify the Finding on each ground for Appeal, any specific instructions for remand or reconsideration, and the rationale supporting the Findings. Appeal decisions will be made within ten (10) business days, barring exigent circumstances, including the review of new evidence not immediately available for submission with the appeal request. Decisions on appeal will be made by applying the preponderance of evidence standard.

Notification of the appeal outcome will be made in writing and will be delivered simultaneously to the Parties by one or more of the following methods: in person, by mail to the local or permanent address as recorded in official GIA records, or via email to the GIA-issued or other account email address also recorded in official GIA records. Once mailed, emailed or received in-person, notice will be presumptively delivered. Decisions on appeal are considered final.

8. Training

- 8.1. All Title IX Coordinators, Investigators, Decision-makers, informal resolution facilitators and any other individuals responsible for implementing Title IX grievance procedures or modifying or terminating supportive measures shall receive training that includes:
 - 8.1.1. understanding GIA's obligations under Title IX;
 - 8.1.2. the grievance procedures themselves;
 - 8.1.3. maintaining impartiality, avoiding bias and conflicts of interest;
 - 8.1.4. interpreting the term "Relevant" in relation to questions and evidence;
 - 8.1.5. recognizing impermissible types of evidence regardless of relevance; and
 - 8.1.6. training on how to conduct an impartial investigation and hearing, including the prohibition on conflicts of interest or bias.
- 8.2. Facilitators of the Informal Resolution Process shall be trained on the rules and procedures associated with the Informal Resolution Process, as well as how to serve impartially, including avoiding conflicts of interest and bias, and understanding the requirements for live hearings with cross-examination.
- 8.3. Title IX Coordinators and their designees shall be trained on their specific responsibilities, the recipient's recordkeeping system, and Title IX recordkeeping requirements, in addition to any other training necessary to coordinate the recipient's compliance with Title IX.

9. Records Retention

GIA shall maintain the following records related to the implementation of this Policy for at least seven years:

- 9.1. Reports or Formal Complaints alleging sexual discrimination, including harassment.
- 9.2. Records of any dismissal of a Formal Complaint.
- 9.3. Each Sexual Harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation.
- 9.4. Any disciplinary Sanctions imposed on the Respondent.
- 9.5. Any Remedies implemented by GIA designed to restore or preserve equal access to GIA's Educational Program or Activity.
- 9.6. Any appeal and its result.
- 9.7. Any Informal Resolution and its result.
- 9.8. All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution Process. GIA will make these training materials publicly **available on GIA's website**.
- 9.9. Any actions, including any supportive measures, taken in response to a report or Formal Complaint of Sexual Harassment, including:

- 9.9.1. The basis for all conclusions that the response was not deliberately indifferent.
- 9.9.2. Any measures designed to restore or preserve equal access to GIA's Educational Program or Activity.
- 9.9.3. If no supportive measures were provided, GIA shall document the reasons why such a response was not clearly unreasonable in light of the known circumstances, including a written record of why supportive measures were not offered.

10. Failure to Comply

- 10.1. Failure to comply with this Policy may result in disciplinary action, up to and including, dismissal (for students) and termination (for employees).

11. Responsibility

- 11.1. Responsible Executive and Policy Owner – vice president, student affairs

12. Definitions

- 12.1 [Definitions](#)

13. References and Related Documents

- 13.1. [Annual Safety Report](#)
- 13.2. [California Addendum](#)
- 13.3. [Code of Conduct \(Global\)](#)
- 13.4. [Complaint Form for Reporting Harassment \(U.S.\)](#)
- 13.5. [Concern Reporting System](#)
- 13.6. [Education Catalog](#)
- 13.7. [New York Addendum](#)
- 13.8. [Policy Prohibiting Discrimination Harassment and Retaliation \(U.S.\)](#)
- 13.9. [Sexual Harassment Policy for GIA New York State Employees \(U.S.\)](#)
- 13.10. [Title IX Complaint Form \(California\)](#)
- 13.11. [Title IX Complaint Form \(New York\)](#)
- 13.12. [US Employee Handbook](#)
- 13.13. [Whistleblower and Non-Retaliation Policy \(Global\)](#)
- 13.14. [Workplace and Campus Violence Policy \(U.S.\)](#)

14. Related Regulations

- 14.1. [20 USC 1400 et seq.](#)
- 14.2. [34 C.F.R. Part 106](#)
- 14.3. [Family Educational Rights and Privacy Act \(FERPA\), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99](#)
- 14.4. [Section 504 \(29 USC 794\)](#)

Definitions

1. Actual Notice

Notice of Sexual Harassment or allegations of Sexual Harassment to GIA's Title IX Coordinator or any official of GIA who has the authority to institute corrective measures on behalf of GIA. GIA receives notice when an employee, student, or third-party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct. Imputation of actual knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge.

2. Complaint

A request, either spoken or written, that clearly asks the recipient to investigate and decide on alleged discrimination under Title IX.

3. Complainant

An individual who is alleged to be the victim of conduct that could constitute Sexual Harassment, discrimination, or Retaliation under Title IX.

4. Consolidated Complaint

A Formal Complaint that includes more than one Complainant or Respondent when multiple parties submit complaints arising from the same facts or circumstances, and the Title IX Coordinator determines it is appropriate to consolidate them for resolution.

5. Decision-maker(s)

A trained individual(s) responsible for making a Final Determination regarding the allegations in a Formal Complaint. Decision-makers must remain neutral and cannot have a conflict of interest or bias. They must not have been involved in the investigation or served in other roles related to the grievance process.

6. Deputy Title IX Coordinator

An employee designated by the Title IX Coordinator to assist with Title IX compliance responsibilities. The Deputy Title IX Coordinator acts within the scope of authority delegated by the Title IX Coordinator and may assist with the implementation of grievance procedures, supportive measures, and other Title IX obligations.

7. Education Program or Activity

Locations, events, or circumstances where GIA exercises substantial control over both the Respondent and the context in which the alleged Sexual Harassment or discrimination occurs. This includes any building or property owned or controlled by GIA or a student organization officially recognized by GIA and also includes any activities occurring within the United States in which GIA has substantial control over the Respondent and the environment where the conduct occurs.

8. Final Determination

A written decision provided to the Parties at the conclusion of the Formal Grievance Process, determining whether the Respondent is responsible for the alleged conduct in violation of this Policy. The decision will be based on a preponderance of the evidence standard and will include a detailed explanation of the Findings of fact, the application of the relevant policy, and any Sanctions or Remedies imposed.

9. Finding

A conclusion within the Final Determination, based on the preponderance of the evidence standard, regarding whether a specific allegation in a Formal Complaint occurred or did not occur. The Finding will be based on the evaluation of all Relevant evidence, including both inculpatory and exculpatory evidence.

10. Formal Complaint

A document filed and signed by the Complainant, or signed by the Title IX Coordinator, alleging Sexual Harassment or other conduct that violates this Policy and requesting that GIA initiate the Grievance Process. A Formal Complaint must include the Complainant's signature or the Title IX Coordinator's signature and must contain the specific allegations for which the investigation is requested.

11. Formal Grievance Process

The method of formal resolution designated by GIA to address allegations of Sexual Harassment conduct that falls within the scope of this Policy. The process will comply with the requirements outlined in 34 CFR Part 106.45, including providing an equitable and impartial process for both the Complainant and Respondent, with the opportunity for a live hearing, cross-examination, and a written determination.

12. Hostile Environment Harassment

Unwelcome sex-based conduct is considered harassment when it is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to GIA's Educational Program or Activity. This conduct must meet both an objective and subjective standard, meaning that a reasonable person would find the conduct offensive, and the individual subjected to it must also find it offensive.

13. Informal Resolution Process

An alternative resolution process that may be available to the Parties to resolve allegations of Sexual Harassment either before or after a Formal Complaint has been filed, and in lieu of the Formal Grievance Process. Informal resolution is facilitated by appropriately trained individuals and is offered at the discretion of GIA and the Title IX Coordinator, only when all Parties have voluntarily agreed to participate in writing. Both Parties must give informed, written consent before informal resolution can proceed. At any point during the Informal Resolution Process, any party may withdraw their consent, and the matter will proceed through the Formal Grievance Process. Examples of informal resolution include, but are not limited to, mediation and restorative justice. Informal resolution is not available to resolve allegations that an employee sexually harassed a student, in compliance with Title IX regulations.

14. Investigator

A trained individual responsible for conducting a fair, impartial and thorough investigation of the allegations within a Formal Complaint. The Investigator is responsible for gathering and evaluating all Relevant evidence, both inculpatory and exculpatory, as required under GIA's Grievance Process. The Investigator must be free from bias and conflict of interest and will ensure that the investigation is conducted in a manner consistent with the principles of equity and due process.

15. Mandatory Reporter

An employee of GIA who is required by Policy to promptly report to the Title IX Coordinator any knowledge, notice, or reports of harassment, discrimination, and/or Retaliation. The employee must notify the Title IX Coordinator regardless of whether the individual who experiences the conduct wishes to file a Formal Complaint.

16. Official with Authority

An employee of GIA who has the authority to institute corrective measures on behalf of GIA in response to Title IX harassment, discrimination, and/or Retaliation. This includes any employee who has been designated by GIA to take corrective action in response to reports of Title IX violations.

17. Parties

The individuals involved in the Title IX grievance process, including the Complainant(s) (the individual(s) who allege(s) a Title IX violation) and the Respondent(s) (the individual(s) accused of the Title IX violation). Both the Complainant and Respondent have specific rights throughout the grievance process.

18. Relevant

Refers to information that is directly related to the allegations of Sexual Harassment being investigated. Questions are considered relevant if they help to gather evidence that shows whether a violation of policy occurred. Evidence is Relevant if it helps the Decision-maker determine whether the discrimination or a violation of policy occurred.

19. Remedies

Actions that may be implemented to restore or preserve equal access to GIA's Educational Program or Activity, address safety, prevent the recurrence of harassment, and ensure continued participation of the Complainant and/or the campus community in GIA's Educational Programs or Activities.

20. Respondent

An individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment, discrimination or Retaliation under Title IX.

21. Retaliation

Intimidation, threats, coercion, or discrimination against anyone in the recipient's Educational Programs and Activities, including students, employees, or authorized individuals, who aim to interfere with a right or privilege protected by Title IX. This includes actions against those who report information, file complaints, testify, assist, or participate (or choose not to) in investigations, proceedings, or hearings under Title IX regulations.

22. Sanction

A disciplinary consequence imposed by GIA on a Respondent who is found to have violated this Policy following the completion of the Grievance Process under Title IX.

23. Sexual Harassment

Unwelcome behavior or conduct on the basis of sex as defined under Title IX and its implementing regulations at 34 CFR 106.30, including any conduct that meets the specific criteria for Sexual Harassment as set forth in this Policy.

24. Title IX Coordinator

GIA's employee responsible for overseeing and ensuring compliance with Title IX, including coordinating the recipient's efforts to comply with Title IX regulations and addressing reports and complaints of sex-based discrimination, harassment, or Retaliation.

25. Title IX Personnel

Those individuals collectively responsible for the implementation of this Policy and Grievance Process including the Title IX Coordinator (and any designees), Investigators, Decision-makers, and any other individuals involved in the resolution of complaints under Title IX.

CALIFORNIA ADDENDUM

Affirmative Consent

California law requires that colleges and universities adopt an affirmative consent standard determining whether a sexual assault complainant consented. Affirmative consent is defined as an affirmative, conscious and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that they have the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a 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.

Neither the lack of protest or resistance nor silence constitutes consent, and consent may be withdrawn at any time. Affirmative consent must be given by all parties to sexual activity.

It is not a valid excuse that the accused believed the complainant consented if: **(A) the accused's belief arose** from their own intoxication or recklessness, or **(B) the accused did not take reasonable steps to ascertain whether the complainant affirmatively consented.**

It is not a valid excuse that the accused believed the complainant affirmatively consented where the accused knew or reasonably should have known that the complainant was unable to consent because he or she was: (A) asleep or unconscious, (B) incapacitated due to drugs/alcohol/medication, or (C) unable to communicate due to a mental or physical condition.

Reporting Crimes

When the allegations described could be a crime under the Clery Act or California law, University staff members designated as Campus Security Authorities are also required by California law to notify GIA Security at 760-603-4031. Under California law, violent crimes, including sexual assault, and hate crimes must be reported immediately by calling 9-1-1 or 760-931-2197.

Except in the event the person who is the subject of the potential criminal act is a minor, the name of this **individual should not be released to the Department of Public Safety without the individual's consent.**

Stranger and Non-Stranger Sexual Assault

The following definitions apply to all acts of sexual assault:

- A non-stranger someone known to the Complainant, whether casually or intimately.
- A stranger is someone unknown to the Complainant at the time of the Sexual Assault.

California law requires universities to describe how a school will respond to instances of stranger and nonstranger sexual assault: GIA applies the same policies and sanctions for both stranger and non-stranger sexual assault.

Amnesty Policy

An individual who participates as a complainant 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 GIA's student conduct policy at or near the time of the incident, unless GIA 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.

NEW YORK ADDENDUM

Student Bill of Rights

All GIA students have the right to:

1. Make a report to local law enforcement and/or state police;
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;

3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by the institution;
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
6. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
7. Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from retaliation by the institution, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;
9. Access to at least one level of appeal of a determination;
10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process; and
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution.

Affirmative Consent

New York law requires that colleges and universities adopt an affirmative consent standard for sexual activity. 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 words 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. In addition:

- a. Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
- b. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- c. Consent may be initially given but withdrawn at any time.
- d. Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
- e. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
- f. When consent is withdrawn or can no longer be given, sexual activity must stop.

Policy for Alcohol and/or Drug Use Amnesty

The health and safety of every student at GIA is of utmost importance. GIA recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but

not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. GIA strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to institution officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to GIA's officials or law enforcement will not be subject to GIA's code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

Appeal Panel

Under New York 129-B, in instances where a student is accused of sexual assault, domestic violence, dating violence, stalking, or sexual activity that may otherwise violate GIA's policies, appeals of investigation determinations must go before a panel of two or more individuals.

Impact Statements

Under New York 129-B, where accusations of sexual assault, domestic violence, dating violence, stalking, or sexual activity that may otherwise violate GIA's policies are at issue, all students have the right to make an impact statement during the point of the proceeding where the decision maker is deliberating on appropriate sanctions.

Transcript Notations

Under New York 129-B, for crimes of violence (including, but not limited to sexual violence, defined as crimes that meet the reporting requirements pursuant to the federal Clery Act), GIA will make a notation on the transcript of students found responsible after a conduct process that they were "suspended after a finding of responsibility for a code of conduct violation" or "expelled after a finding of responsibility for a code of conduct violation." For the respondent who withdraws from the institution while such conduct charges are pending, and declines to complete the disciplinary process, institutions shall make a notation on the transcript of such students that they "withdrew with conduct charges pending." If a finding of responsibility is vacated for any reason, any such transcript notation shall be removed.

19. Definitions for Clery Act reporting purposes

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 and with consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship. Dating 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.

Domestic violence: includes felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who—

- is a current or former spouse or intimate partner of the victim, or person similarly situated to a spouse of the victim;
- is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
- shares a child in common with the victim; or
- commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

Economic Abuse, in the context of domestic violence [and] dating violence means behavior that is coercive, deceptive, or unreasonably controls or restrains a person's ability to acquire, use, or maintain economic resources to which they are entitled, including using coercion, fraud, or manipulation to—

- restrict a person's access to money, assets, credit, or financial information;
- unfairly use a person's personal economic resources, including money, assets, and credit, for one's own advantage; or
- exert undue influence over a person's financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or failing or neglecting to act in the best interests of a person to whom one has a fiduciary duty.

Technological Abuse means an act or pattern of behavior that occurs within domestic violence, sexual assault, dating violence or stalking and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor, except as otherwise permitted by law, another person, that occurs using any form of technology, including but not limited to: internet enabled devices, online spaces and platforms, computers, mobile devices, cameras and imaging programs, apps, location tracking devices, or communication technologies, or any other emerging technologies.

Abuse in Later Life means —

- neglect, abandonment, economic abuse, or willful harm of an adult aged 50 or older by an individual in an ongoing relationship of trust with the victim; or
- domestic violence, dating violence, sexual assault, or stalking of an adult aged 50 or older by any individual; and
- does not include self-neglect.

Restorative Practice means a practice relating to a specific harm that—

- is community-based and unaffiliated with any civil or criminal legal process;
- is initiated by a victim of the harm;
- involves, on a voluntary basis and without any evidence of coercion or intimidation of any victim of the harm by any individual who committed the harm or anyone associated with any such individual—

- 1 or more individuals who committed the harm;
- 1 or more victims of the harm; and
- the community affected by the harm through 1 or more representatives of the community;
- shall include and has the goal of— collectively seeking accountability from 1 or more individuals who committed the harm; developing a written process whereby 1 or more individuals who committed the harm will take responsibility for the actions that caused harm to 1 or more victims of the harm; and to develop a written course of action plan—shall include and has the goal of—
 - that is responsive to the needs of 1 or more victims of the harm; and
 - upon which 1 or more victims, 1 or more individuals who committed the harm, and the community can agree; and
 - is conducted in a victim services framework that protects the safety and supports the autonomy of 1 or more victims of the harm and the community.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.

For the purposes of this definition: **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.

Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

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

Criminal Homicide—Manslaughter by Negligence: The killing of another person through gross negligence. **Criminal Homicide—Murder and Non-negligent Manslaughter:** The willful (non-negligent) killing of one human being by another.

Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

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

Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

Burglary: The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned—including joyriding.)

Weapons: The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

Drug Abuse Violations: The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation,

manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

Liquor Law Violations: The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

Sex Offenses: Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

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

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

Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent. For the purposes of this definition:

Consent means the affirmative, unambiguous, and voluntary agreement to engage in a specific sexual activity during a sexual encounter. Additionally:

- Someone who is incapacitated cannot consent;
- Past consent does not imply future consent, silence or an absence of resistance does not imply consent;
- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another;
- Consent can be withdrawn at any time; and
- Coercion, force, or threat of either invalidates consent.

Larceny-Theft (Except Motor Vehicle theft): The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc. are excluded.

Simple Assault: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

Intimidation: To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Destruction/Damage/Vandalism of Property: To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Unfounded crimes: On rare occasions, GIA may remove a reported crime from its crime statistical disclosure. This may only be done when a sworn or commissioned law enforcement personnel has fully investigated the reported crime and, based on the results of this full investigation and evidence, has made a formal determination that the crime report is false or baseless and has been determined unfounded.

Hazing: "The term 'hazing', for purposes of reporting statistics on hazing incidents...means any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that:

- is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and
- causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury including—

- whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity;
- causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
- causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
- causing, coercing, or otherwise inducing another person to perform sexual acts;
- any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
- any activity against another person that includes a criminal violation of local, State, Tribal, or Federal law; and
- any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, Tribal, or Federal law."

A **student organization** is defined as "an organization at an institution of higher education (such as a club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, or student government) in which two or more of the members are students enrolled at the institution of higher education, whether or not the organization is established or recognized by the institution"

Definitions in the Applicable Jurisdiction of GIA Campuses

California Penal Code Crime Definitions

§ 261.5 "Consent" – In prosecutions under Section 261 [rape], 262 [spousal rape], 286 [sodomy], 288a [oral copulation] or 289 [penetration by a foreign object], in which consent is an issue, "consent" shall be defined to mean positive cooperation in an act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved. A current or previous dating or marital relationship shall not be sufficient to constitute consent where consent is at issue in a prosecution under Section 261, 262, 286, 288(a) or 289.

Nothing in this section shall affect the admissibility of evidence or the burden of proof on the issue of consent. §

261.5 (a) Unlawful sexual intercourse is an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator, if the person is a minor. For the purposes of this section, a "minor" is a person under the age of 18 years and an "adult" is a person who is at least 18 years of age. (b) Any person who engages in an act of unlawful sexual intercourse with a minor who is not more than three years older or three years younger than the perpetrator, is guilty of a misdemeanor. (c) Any person who engages in an act of unlawful sexual intercourse with a minor who is more than three years younger than the perpetrator is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year.

§ 242 A battery is any willful and unlawful use of force upon the person of another. § 243(e)(1) - A battery committed against a spouse, a person with whom the defendant is cohabiting, a person who is the parent of the defendant's child, former spouse, fiancé, or fiancée, or a person with whom the defendant currently has, or has previously had, a dating or engagement relationship. § 273.5(a) - Any person who willfully inflicts corporal injury resulting in a traumatic condition upon a victim described in subdivision (b) is guilty of a felony. (b) Subdivision

(a) shall apply if the victim is or was one or more of the following: (1) The offender's spouse or former spouse.

(2) The offender's cohabitant or former cohabitant. (3) The offender's fiancé or fiancée, or someone with whom the offender has, or previously had, an engagement or dating relationship.

§ 13700(b) – "Domestic violence" means abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship. For purposes of this subdivision, "cohabitant" means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to, (1) sexual relations between the

parties while sharing the same living quarters, (2) sharing of income or expenses, (3) joint use or ownership of property, (4) whether the parties hold themselves out as husband and wife, (5) the continuity of the relationship, and (6) the length of the relationship.

§245.6 – “Hazing” (a) It shall be unlawful to engage in hazing, as defined in this section. (b) “Hazing” means any method of initiation or preinitiation into a student organization or student body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury to any former, current, or prospective student of any school, community college, college, university, or other educational institution in this state. The term “hazing” does not include customary athletic events or school-sanctioned events. (c) A violation of this section that does not result in serious bodily injury is a misdemeanor, punishable by a fine of not less than one hundred dollars (\$100), nor more than five thousand dollars (\$5,000), or imprisonment in the county jail for not more than one year, or both. (d) Any person who personally engages in hazing that results in death or serious bodily injury as defined in paragraph (4) of subdivision (a) of Section 243 of the Penal Code, is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170. (e) The person against whom the hazing is directed may commence a civil action for injury or damages. The action may be brought against any participants in the hazing, or any organization to which the student is seeking membership whose agents, directors, trustees, managers, or officers authorized, requested, commanded, participated in, or ratified the hazing.

§ 243.4(b) – (Fondling) Any person who touches an intimate part of another person who is institutionalized for medical treatment and who is seriously disabled or medically incapacitated, if the touching is against the will of the person touched, and if the touching is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. § 243.4(e)(1) - Any person who touches an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of misdemeanor sexual battery.

§ 261(a) “Rape” – Is an act of an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances: (1) Where a person is incapable, because of mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act. (2) Where it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another. (3) Where a person is prevented from resisting by any intoxicating or anesthetic substance, and this condition was known, or reasonably should have been known by the accused. (4) Where a person is at the time unconscious of the nature of the act, and this is known to the accused. (5) Where the person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with the intent to induce the belief. (6) Where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or another person, and there is reasonable belief that the perpetrator will execute the threat. (7) Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. § 263 – The essential guilt of rape consists in the outrage to the person and feelings of the victim of the rape. Any sexual penetration, no matter how slight, is sufficient to complete the crime.

“Sexual Assault” is generally considered to be an act or attempt in violation of any of the following: § 220 – Assault with intent to commit mayhem or specified sex offenses; assault of a person under 18 years of age with intent to commit specified sex offenses: § 261 – Rape § 261.5 – Unlawful Sexual Intercourse with a minor § 262 – Spousal Rape § 264.1 – Punishment for aiding or abetting rape § 266c- Inducing consent to a sexual act by fraud or fear § 269 – Aggravated sexual assault of a child § 285 – Incest § 286 – Sodomy § 288 – Lewd or lascivious acts involving children § 288.5 – Continuous sexual abuse of a child § 288a – Oral Copulation § 289 – Penetration by foreign object § 647.6 – Annoying or molesting children

§ 261.5(a) – (Statutory rape) – Unlawful intercourse is an act of sexual intercourse accomplished with someone who is not the spouse of the perpetrator if the person is a minor. For the purposes of this section, a “minor” is a person under

the age of 18 years and an “adult” is a person who is at least 18 years of age.

§ 646.9(a) – (Stalking) – Any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person, and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family, is guilty of the crime of stalking.

Definitions of Sex Offenses Under New York State Law

Consent: Lack of consent results from: forcible compulsion; or incapacity to consent; or where the offense charged is sexual abuse or forcible touching, any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor’s conduct. Where the offense charged is rape in the third degree, a criminal sexual act in the third degree, or forcible compulsion in circumstances under which, at the time of the act of intercourse, oral sexual conduct or anal sexual conduct, the victim clearly expressed that he or she did not consent to engage in such act, and a reasonable person in the actor’s situation would have understood such person’s words and acts as an expression of lack of consent to such act under all the circumstances. A person is incapable of consent when he or she is: less than 17 years old; or mentally disabled; or mentally incapacitated; or physically helpless; or committed to the care and custody of the state department of correctional services, a hospital, the office of children and family services and is in residential care, or the other person is a resident or inpatient of a residential facility operated by the office of mental health, the office for people with development disabilities, or the office of alcoholism and substance abuse services, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to the care and custody of such department or hospital.

Dating violence: New York State does not specifically define “dating violence.” However, under New York Law, intimate relationships are covered by the definition of domestic violence when the act constitutes a crime listed elsewhere in this document and is committed by a person in an “intimate relationship” with the victim. See “Family or Household Member” for definition of “intimate relationship.”

Domestic violence: An act which would constitute a violation of the penal law, including, but not limited to acts constituting disorderly conduct, harassment, aggravated harassment, sexual misconduct, forcible touching, sexual abuse, stalking, criminal mischief, menacing, reckless endangerment, kidnapping, assault, attempted murder, criminal obstruction or breaching or blood circulation, or strangulation; and such acts have created a substantial risk of physical or emotional harm to a person or a person’s child. Such acts are alleged to have been committed by a family member. The victim can be anyone over the age of sixteen, any married person or any parent accompanied by his or her minor child or children in situations in which such person or such person’s child is a victim of the act.

Family or household member: Person’s related by consanguinity or affinity; Persons legally married to one another; Person formerly married to one another regardless of whether they still reside in the same household; Persons who have a child in common regardless of whether such persons are married or have lived together at any time; Unrelated persons who are continually or at regular intervals living in the same household or who have in the past continually or at regular intervals lived in the same household; Persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time. Factors that may be considered in determining whether a relationship is an “intimate relationship” include but are not limited to the nature or type of relationship regardless of whether the relationship is sexual in nature; the frequency of interaction between the persons; and the duration of the relationship. Neither a casual acquaintance nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute an “intimate relationship;” any other category of individuals deemed to be a victim of domestic violence as defined by the office of children and family services in regulation. Intimate relationship status shall be applied to teens, lesbian/gay/bisexual/transgender, and elderly individuals, current and formerly married and/or dating heterosexual individuals who were or are in an intimate relationship.

§120.16 Hazing in the first degree: A person is guilty of hazing in the first degree when, in the course of another person’s initiation into or affiliation with any organization, he intentionally or recklessly engages in conduct, including, but not limited to, making physical contact with or requiring physical activity of such other person, which creates a substantial risk of physical injury to such other person or a third person and thereby causes such injury.

Hazing in the first degree is a class A misdemeanor.

Parent: means natural or adoptive parent or any individual lawfully charged with a minor child's care or custody.
Sexual assault: New York State does not specifically define sexual assault. However, according to the Federal Regulations, sexual assault includes offenses that meet the definitions of rape, fondling, incest, or statutory rape as used in the FBI's UCR program.

Sex offenses; lack of Consent: Whether or not specifically stated, it is an element of every offense defined in this article that the sexual act was committed without consent of the victim.

Sexual misconduct: When a person (1) engages in sexual intercourse with another person without such person's consent; or (2) engages in oral sexual conduct or anal sexual conduct without such person's consent; or (3) engages in sexual conduct with an animal or a dead human body.

Rape in the third degree: When a person (1) engages in sexual intercourse with another person who is incapable of consent by reason of some factor other than being less than 17 years old; (2) Being 21 years old or more, engages in sexual intercourse with another person less than 17 years old; or (3) engages in sexual intercourse with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent.

Rape in the second degree: When a person (1) being 18 years old or more, engages in sexual intercourse with another person less than 15 years old; or (2) engages in sexual intercourse with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It is an affirmative defense to the crime of rape in the second degree the defendant was less than four years older than the victim at the time of the act.

Rape in the first degree: When a person engages in sexual intercourse with another person (1) by forcible compulsion; or

(2) Who is incapable of consent by reason of being physically helpless; or (3) who is less than 11 years old; or (4) who is less than 13 years old, and the actor is 18 years old or more.

Criminal sexual act in the third degree: When a person engages in oral or anal sexual conduct (1) with a person who is incapable of consent by reason of some factor other than being less than 17 years old; (2) being 21 years old or more, with a person less than 17 years old; (3) with another person without such persons consent where such lack of consent is by reason of some factor other than incapacity to consent.

Criminal sexual act in the second degree: When a person engages in oral or anal sexual conduct with another person. (1) and is 18 years or more and the other person is less than 15 years old; or (2) who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It is an affirmative defense that the defendant was less than four years older than the victim at the time of the act.

Criminal sexual act in the first degree: When a person engages in oral or anal sexual conduct with another person (1) by forcible compulsion; (2) who is incapable of consent by reason of being physically helpless; (3) who is less than 11 years old; or (4) who is less than 13 years old, and the actor is 18 years old or more.

Forcible touching: When a person intentionally, and for no legitimate purpose, forcibly touches the sexual or other intimate parts of another person for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor's sexual desire. It includes squeezing, grabbing, or pinching.

Persistent sexual abuse: When a person commits a crime of forcible touching, or second- or third-degree sexual abuse within the previous ten-year period, has been convicted two or more times, in separate criminal transactions for which a sentence was imposed on separate occasions of one of one of the above mentioned crimes or any offense defined in this article, of which the commission or attempted commissions thereof is a felony.

Sexual abuse in the third degree: When a person subjects another person to sexual contact without the latter's consent. For any prosecution under this section, it is an affirmative defense that (1) such other person's lack of

consent was due solely to incapacity to consent by reason of being less than 17 years old; and (2) such other person was more than 14 years old and (3) the defendant was less than five years older than such other person.

Sexual abuse in the second degree: When a person subjects another person to sexual contact and when such other person is (1) incapable of consent by reason of some factor other than being less than 17 years old; or (2) less than 14 years old.

Sexual abuse in the first degree: When a person subjects another person to sexual contact (1) by forcible compulsion; (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than 11 years old; or (4) when the other person is less than 13 years old.

Aggravated sexual abuse: For the purposes of this section, conduct performed for a valid medical purpose does not violate the provisions of this section.

Aggravated sexual abuse in the fourth degree: When a person inserts a (1) foreign object in the vagina, urethra, penis or rectum of another person and the other person is incapable of consent by reason of some factor other than being less than 17 years old; or (2) finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person and such person is incapable of consent by reason of some factor other than being less than 17 years old.

Aggravated sexual abuse in the third degree: When a person inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person (1)(a) by forcible compulsion; (b) when the other person is incapable of consent by reason of being physically helpless; or (c) when the other person is less than 11 years old; or (2) causing physical injury to such person and such person is incapable of consent by reason of being mentally disabled or mentally incapacitated.

Aggravated sexual abuse in the second degree: When a person inserts a finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person by (1) forcible compulsion; or (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than 11 years old.

Aggravated sexual abuse in the first degree: When a person subjects another person to sexual contact: (1) By forcible compulsion; or (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than eleven years old; or (4) when the other person is less than thirteen years old, and the actor is twenty-one years old or older.

Course of sexual conduct against a child in the second degree: When over a period of time, not less than three months, a person: (1) Engages in two or more acts of sexual conduct with a child less than 11 years old; or (2) being 18 years old or more engages in two or more acts of sexual conduct with a child less than 13 years old. A person may not be subsequently prosecuted for any other sexual offense involving the same victim unless the other charges offense occurred outside of the time period charged under this section.

Course of sexual conduct against a child in the first degree: When a person over a period of time, not less than three months in duration, a person: (1) Engages in two or more acts of sexual conduct, or aggravated sexual contact with a child less than 11 years old; or (2) being 18 years old or more engages in two or more acts of sexual conduct which includes at least one act of sexual intercourse, oral sexual conduct, anal sexual conduct, or aggravated sexual contact with a child less than 13 years old.

Facilitating a sex offense with controlled substance: A person is guilty of facilitating a sex offense with a controlled substance when he or she: (1) knowingly and unlawfully possesses a controlled substance or any preparation, compound, mixture or substance that requires a prescription to obtain and administers such substance or preparation, compound, mixture or substance that requires a prescription to obtain to another person without such person's consent and with intent to commit against such person conduct constituting a felony defined in this article; and (2) commits or attempts to commit such conduct constituting a felony defined in this article

Incest in the third degree: A person is guilty of incest in the third degree when he or she marries or engages in sexual intercourse, oral sexual conduct or anal sexual conduct with a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or the half blood, uncle, aunt, nephew or niece.

Incest in the second degree: A person is guilty of incest in the second degree when he or she commits the crime of rape in the second degree, or criminal sexual act in the second degree, against a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or the half blood, uncle, aunt, nephew or niece.

Incest in the first degree: A person is guilty of incest in the first degree when he or she commits the crime of rape in the first degree, or criminal sexual act in the first degree, against a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or half blood, uncle, aunt, nephew or niece.

Stalking in the fourth degree: When a person intentionally, and for not legitimate purpose, engages in a course of conduct directed at a specific person, and knows or reasonably should know that such conduct (1) is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such person's immediate family or a third party with whom such person is acquainted; or (2) causes material harm to the mental or emotional health of such person, where such conduct consists of following, telephoning or initiating communication or contact with such person, a member of such person's immediate family or a third party with whom such person is acquainted, and the actor was previously clearly informed to cease that conduct; or (3) is likely to cause such person to reasonably fear that his or her employment, business or career is threatened, where such conduct consists of appearing, telephoning or initiating communication or contact at such person's place of employment or business, and the actor was previously clearly informed to cease that conduct.

Stalking in the third degree: When a person (1) Commits the crime of stalking in the fourth degree against any person in three or more separate transactions, for which the actor has not been previously convicted; or (2) commits the crime of stalking in the fourth degree against any person, and has previously been convicted, within the preceding ten years of a specified predicate crime and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or (3) with an intent to harass, annoy or alarm a specific person, intentionally engages in a course of conduct directed at such person which is likely to cause such person to reasonably fear physical injury or serious physical injury, the commission of a sex offense against, or the kidnapping, unlawful imprisonment or death of such person or a member of such person's immediate family; or (4) commits the crime of stalking in the fourth degree and has previously been convicted within the preceding ten years of stalking in the fourth degree.

Stalking in the second degree: When a person: (1) Commits the crime of stalking in the third degree and in the course of and furtherance of the commission of such offense: (a) displays, or possesses and threatens the use of, a firearm, pistol, revolver, rifle, sword, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, chukka stick, sand bag, sand club, slingshot, shuriken, "Kung Fu Star," dagger, dangerous knife, dirk, razor, stiletto, imitation pistol, dangerous instrument, deadly instrument or deadly weapons; or (b) displays what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm; or (2) commits the crime of stalking in the third against any person, and has previously been convicted, within the preceding five years, of a specified predicate crime, and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or (3) commits the crime of stalking in the fourth degree and has previously been convicted of stalking in the third degree; or (4) being 21 years of age or older, repeatedly follows a person under the age of fourteen or engages in a course of conduct or repeatedly commits acts over a period of time intentionally placing or attempting to place such person who is under the age of fourteen in reasonable fear of physical injury, serious physical injury or death; or (5) commits the crime of stalking in the third degree, against ten or more persons, in ten or more separate transactions, for which the actor has not been previously convicted.

Stalking in the first degree: When a person commits the crime of stalking in the third degree or stalking in the second degree and, in the course and furtherance thereof, him or her intentionally or recklessly causes physical injury to the victim of such crime.

20. Three-Year Comprehensive Listing of Reported Data

Campus safety and security statistics for the Carlsbad and New York facilities over the past three reporting periods are shown in the tables below. Reporting periods represent calendar years in which crimes were reported. *Note: The below reported crimes may involve individuals not associated with the institution.*

CARLSBAD CAMPUS												
Criminal Offenses	2023				2024				2025			
	On-Campus Property	Non-Campus Property	Public Property	Total	On-Campus Property	Non-Campus Property	Public Property	Total	On-Campus Property	Non-Campus Property	Public Property	Total
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Vawa Offenses												
Domestic Violence	0	0	1	1	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0
Hazing												
Hazing	N/A; federal collection requirement began January 1, 2025.								0	0	0	0
Arrests												
Weapons Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Referrals												
Weapons Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0

NEW YORK CAMPUS												
Criminal Offenses	2023				2024				2025			
	On-Campus Property	Non-Campus Property	Public Property	Total	On-Campus Property	Non-Campus Property	Public Property	Total	On-Campus Property	Non-Campus Property	Public Property	Total
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Vawa Offenses												
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0
Hazing												
Hazing	N/A; federal collection requirement began January 1, 2025.								0	0	0	0
Arrests												
Weapons Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Referrals												
Weapons Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0

CARLSBAD AND NEW YORK CAMPUSES							
Hate Crimes:	2023-2025						
On-Campus & Public Property ¹	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0
Motor Vehicle theft	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0
Simple assault	0	0	0	0	0	0	0
Larceny – theft	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0
Destruction/damage/vandalism of property	0	0	0	0	0	0	0
¹ GIA's Carlsbad & New York campuses do not have a non-campus property							
Hate crimes are bias motivated crimes							

Unfounded Crimes				
Campus	2023	2024	2025	Total
Carlsbad	0	0	0	0
New York	0	0	0	0