



**GIA®**

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**Gemological Institute of America  
2022 Annual Safety Report  
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 requires colleges and universities that receive federal funding 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 Notification of the Clery Report to Current and Prospective Students and Employees**

The Annual Report is posted on GIA’s website under the [Student Consumer Information](#) page. Each year, a notification is sent to all prospective and current students and employees via email or provided in person on or before October 1st annually.

Please review the information in this report to become familiar with the programs and services provided by the school so you may become involved as a responsible member of our community. Working together, the campus community, the Carlsbad and New York City first responders and campus partners will endeavor to keep the GIA community safe.

## **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, School Director and Dean of Students. 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 closely works 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.

### **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: +1 760 931 2197
- San Diego Sheriff ’s Department: +1 858-565-5200

- Carlsbad Fire Department: +1 760 931 2141
- Carlsbad Paramedics: +1 760 931 2141
- Federal Bureau of Investigation: +1 760 929 0811

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: +1 212 767 8400
- New York City Fire Department: +1 911
- New York City Emergency Medical Services: +1 212 242 3679
- Federal Bureau of Investigation: +1 212 384 1000

In order 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**

Part of every student’s experience at GIA includes learning to become a jewelry professional. GIA students are expected to behave in a professional manner at all times, 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 so chooses or is unable to. If a student is involved, the preliminary report will be referred immediately to the dean of students or 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.

Title IX Coordinator:

Vusala Arango, Director of Education Compliance, Title IX & ADA/504 Coordinator

[titleixcoordinator@gia.edu](mailto:titleixcoordinator@gia.edu)

[varanjo@gia.edu](mailto:varanjo@gia.edu)

+1 442 235 2455

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5345 Armada Drive

Carlsbad, CA 92008

Web: [www.gia.edu](http://www.gia.edu)

Deputy Title IX Coordinator:

Jennifer Kim, New York School Director, Deputy Title IX & ADA/504 Coordinator

[jkim@gia.edu](mailto:jkim@gia.edu)

+1 212 944-5900 ext. 3662

50 W. 47th Street, New York, NY 10036

Web: [www.gia.edu](http://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 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 are available for assistance.

### **Carlsbad Security**

Security officers are on duty at the school during all hours when the campus is open.

Security Department: +1 760 603 4031

On site internal emergency number: ext. 7911

Dean of students is available during normal business hours. Dean of Students: +1 760 603 4093

Title IX Coordinator is available during normal business hours. Title IX Coordinator: +1 442 235 2455

### **New York Security**

Security officers are on duty at the school during all hours when the campus is open.

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: +1 442 235 2455

## **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 still 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 Lifeworks, a counseling service that is confidential, at no charge:

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

A professional counselor is not required to report crimes for inclusion in the annual disclosure of crime statistics, but as a matter of GIA policy, they are encouraged to do so. Professional counselors, as they deem appropriate, may counsel individuals on the procedures to report crimes on a confidential and voluntary basis for inclusion in the annual crime statistics. The decision to provide this information to the person being counseled is entirely within the counselor's professional discretion.

## **Other Resources**

### **Carlsbad**

Becky's House: <http://www.ywcasandiego.org/get-help/beckys-house/>

Women's Resource Center: [www.wrcsd.org/](http://www.wrcsd.org/)

County Services: [www.211sandiego.org/new/](http://www.211sandiego.org/new/)

### **New York City**

The Mayor's Office to Combat Domestic Violence: [www.nyc.gov](http://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.

GIA is committed to maintaining a safe environment for students, faculty, and staff that extends to maintenance

issues such as campus landscaping, lighting and door locks. Both safety and security officers and facilities maintenance staff routinely check the campus for maintenance, safety and security issues. All members of the campus community are encouraged to report any issues to the facilities department by calling the Facilities Director in Carlsbad at +1 760 603 4229 or the Sr. Manager of Facilities in New York at +1 212 221 5858 ext. 3515.

## **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 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.

In order to enter the Carlsbad campus by vehicle, one must have a GIA parking permit or a parking pass issued by the security department.

## **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, taking into account 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 dean of students, school director or an executive staff member 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](http://www.gia.edu).

The decision to immediately evacuate buildings will be made by the GIA security senior manager or 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.

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. GIA security management meets regularly with local police agencies to discuss methods of crime prevention and ways our employees, students, and guests can safeguard themselves and their property against crime.

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:

Vusala Arango, Director of Education Compliance, Title IX & ADA/504 Coordinator

[titleixcoordinator@gia.edu](mailto:titleixcoordinator@gia.edu)

[varanjo@gia.edu](mailto:varanjo@gia.edu)

+1 442 235 2455

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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:

Vusala Arango, Director of Education Compliance, Title IX & ADA/504 Coordinator

[titleixcoordinator@gia.edu](mailto:titleixcoordinator@gia.edu)

[varanjo@gia.edu](mailto:varanjo@gia.edu)

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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](mailto:OCR@ed.gov)

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

## **15. 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 in the 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, dean of students, 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 Everfi 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](#).

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.

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.

## **16. Title IX Non-Discrimination Grievance Policy and Process**

### **1. Policy Statement and Purpose**

Title IX of the Education Amendments Act of 1972 prohibits discrimination on the basis of sex 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 set forth in detail herein, GIA:

- 1.1. Does not discriminate on the basis of sex, including in admissions and employment, and is committed to providing an educational and workplace environment that is free from sex-based discrimination, harassment, and retaliation;
- 1.2. Prohibits discrimination on the basis of sex 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; and
- 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. This Policy is adopted to prevent discrimination prohibited under Title IX and provide a prompt, fair, and impartial process to address complaints of alleged discrimination based on sex.
- 1.6. Inquiries about this Policy, or the application of Title IX may be referred to GIA’s Title IX Coordinator, the Assistant Secretary of the 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 implementation and enforcement of this Policy, which includes primary responsibility for coordinating GIA’s efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent discrimination, harassment, and retaliation prohibited under this policy.

GIA’s Title IX Coordinator is identified below and may be contacted with questions about this Policy, to file a report or Formal Complaint, or to otherwise assist individuals in ensuring equal access to GIA’s educational programs or activities in compliance with Title IX.

Title IX Coordinator: Ms. Vusala Aranjó

Address: 5345 Armada Drive, Carlsbad, CA, 92008

Tel: +1 442 235 2455

Email: [varanjo@gia.edu](mailto:varanjo@gia.edu), [titleixcoordinator@gia.edu](mailto:titleixcoordinator@gia.edu)

Web: [www.gia.edu](http://www.gia.edu)

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

Individuals may also contact the U.S. Department of Education’s Office for Civil Rights (“OCR”) with Title IX questions. (Please note that inquiries to OCR alone are not sufficient to allow appropriate responsive action by GIA. To ensure your concern is 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 #: + 1 800 421-3481

Facsimile: +1 202 453-6012

TDD#: + 1 877 521-2172

Email: OCR@ed.gov

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

### 2.3. 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, irrespective of whether the reporting person is the alleged victim of such conduct. A report is differentiated 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. A report or complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail at any time (including during non-business hours), using the contact information in the section described below:

#### 2.3.1. Title IX Coordinator Ms. Vusala Aranjó

Address: 5345 Armada Drive, Carlsbad, CA,  
92008

Tel.: +1 442 235 2455

Email: [varanjo@gia.edu](mailto:varanjo@gia.edu),

[titleixcoordinator@gia.edu](mailto:titleixcoordinator@gia.edu) Web:

[www.gia.edu](http://www.gia.edu)

#### 2.3.2. Deputy Title IX Coordinator Ms. Jennifer Kim

Address: 50 W. 47th Street, New York, New  
York 10036 Tel.: + 1 212 944-5900 ext. 3662

Email: [jkim@gia.edu](mailto:jkim@gia.edu)

Web: [www.gia.edu](http://www.gia.edu)

#### 2.3.3. Online via the [Concern Reporting Portal](#)

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

### 2.4. After Making a Report or Formal Complaint

Upon receipt of a report or Complaint, the Title IX Coordinator shall undertake an initial assessment to determine appropriate next steps as required under this Policy, including making an initial threat assessment to ensure there is no immediate danger to the Complainant or the campus community and, if there is, to take appropriate action, which may include emergency removal of Respondent as described below.

The Title IX Coordinator shall contact Complainant to discuss the availability of appropriate supportive measures that may be implemented with input from the Complainant irrespective of, and in addition to, any resolution process including the Formal Grievance Process, and will notify Complainant about the right to have an advisor.

If the report has been 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 with a Complaint, the Title IX Coordinator may initiate a Complaint if the Title IX Coordinator determines that a Complaint is warranted.

If the Complainant files a Complaint, or the Title IX Coordinator initiates a Complaint, the matter will proceed as described under the Grievance Process.

After submission of a Complaint and after notifying the Respondent of the Complaint's allegations, the parties will be notified of the availability of informal resolution, as applicable. All parties must voluntarily consent in writing to any informal resolution process. The parties may withdraw such consent at any time and resume the Formal Grievance Process.

At all stages of the process, irrespective of any resolution or grievance process, which may be implemented, responsive and reasonable supportive measures will be implemented to ensure continued access to GIA's educational program or activities.

#### 2.5. Emergency Removal of Respondent

GIA reserves the right to remove a Respondent from its Education Program or Activities on an emergency basis when the Respondent poses an immediate threat to the health or safety of any student or campus community member. 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 of the removal and the option to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show-cause why the removal should not be implemented. Emergency removal decisions are not subject to Appeal.

#### 2.6. Administrative Leave of Employee Respondent

Respondents that 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.

#### 2.7. Complainant's Decision to Pursue a Complaint

If a Complainant does not wish to be identified, does not wish for an investigation to take place, or does not want a Complaint to be pursued, the Complainant may make such a request to the Title IX Coordinator, who will evaluate the request in light of the duty to ensure campus safety and compliance with state and federal law. GIA will comply with Complainant's wishes unless the Title IX Coordinator determines that initiating a Complaint is warranted under the circumstances.

If the Title IX Coordinator independently initiates a Complaint, the Complainant may have as much or as little involvement in the process as the Complainant desires. The Complainant retains all rights of a Complainant under this Policy irrespective of participation level. Irrespective of whether a Complaint is filed, GIA shall offer supportive measures to ensure Complainant's continued access to GIA's educational program and activities. If the Complainant elects not to file a Complaint, the Complainant shall retain the right to file a Complaint later.

#### 2.8. Complaint Dismissal

##### 2.8.1. Mandatory Dismissal

GIA must dismiss a Complaint if, at any time during the investigation or hearing, it is determined that:

- The conduct alleged in the Complaint does not constitute sexual harassment as defined under Title IX; and/or
- The conduct did not occur in an educational program or activity controlled by GIA (including buildings or property controlled by recognized student organizations); and/or
- The conduct did not occur against a person in the United States; and/or
- At the time of filing a Complaint, the Complainant is not participating in or attempting to participate in the education program or activity of GIA.

#### 2.8.2. Discretionary Dismissal

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

- A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Complaint or any allegation therein; or
- The Respondent is no longer enrolled in or employed by GIA; or
- Circumstances prevent GIA from gathering evidence sufficient to reach a determination as to the Complaint or allegations therein.

Upon any dismissal, GIA shall promptly send written notice of the dismissal and its rationale simultaneously to the parties. 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, Workplace and Campus Violence Policy, or other conduct policies and may be addressed through other applicable, non-Title IX conduct policies and procedures accordingly.

#### 2.9. Consolidated Complaints

If multiple Complaints involve one or more Complainant and/or Respondent and allegations arising out of the same set of circumstances, GIA may elect to consolidate Complaints.

#### 2.10. 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. Where reported conduct occurred prior to August 14, 2020, any investigation would be pursuant to the previous Policy. 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.

#### 2.11. 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 typically limit GIA's ability to investigate and respond, depending on what information is shared. In some situations, the Title IX Coordinator may proceed with the issuance of a Formal Complaint even when the Complainant's report has been made anonymously.

#### 2.12. 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, <sup>1</sup> possible roles include licensed professional counselors/mental health providers, licensed medical and health care

#### 2.13. 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 ensure that their wishes are taken 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.

GIA encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report or participate in grievance processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interest of the GIA community that Complainants choose to report misconduct to GIA officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the process.

#### 2.14. 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 limits 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 other party with an attorney.

#### 2.15. Conflict of Interest and Bias

Title IX Personnel are trained to ensure they have no conflict of interest and are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally. To raise any concern involving bias, conflict of interest or other misconduct by any Title IX Personnel, contact GIA's chief academic officer, Mr. Duncan Pay to report your concern.

#### 2.16. 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.

#### 2.17. Notifications to Parties

All notifications to the parties noted herein will be made by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official GIA records, or emailed to the parties' GIA-issued email or otherwise approved account. Once mailed, e-mailed

and/or received in-person, notice will be presumptively delivered.

### 2.18. 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 personally identifiable information ("PII") and therefore preserve the confidentiality of any involved parties.

### 2.19. 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

The mandatory response obligations under this Policy arise when GIA has actual knowledge of conduct that may constitute sexual discrimination, harassment, or retaliation, as defined herein. Actual knowledge occurs when the Title IX Coordinator or a GIA Official with Authority to implement corrective measures becomes aware of the potential occurrence of such conduct. Actual Notice received by any of these OWAs constitutes actual knowledge upon which GIA's mandatory response obligations arise under this Policy. Additionally, GIA has identified Mandatory Reporters who are required under GIA's policy to report known or suspected discrimination to the Title IX Coordinator. In these cases, GIA must act to stop, remedy and prevent future recurrence of prohibited conduct through application of this Policy.

GIA has identified the following as Official's with Authority ("OWA"):

### 3.1. Vusala Aranjó

Director of Education Compliance, Title IX & 504/ADA Coordinator

5345 Armada Drive  
Carlsbad, CA 92008  
varanjo@gia.edu; titleixcoordinator@gia.edu,  
+1 442-235-2455

3.2. Jennifer Kim

Director of New York Education, Deputy Title IX & 504/ADA Coordinator  
50 W. 47th Street  
New York, New York 10036  
jkim@gia.edu  
+1 212-944-5900 x3662

3.3. Duncan Pay

Senior Vice President, Chief Academic Officer  
5345 Armada Drive  
Carlsbad, CA 92008  
dpay@gia.ed  
u  
+1 760-603-  
4251

3.4. Lisa Garris

Vice President, Human Resources  
50 W. 47th Street  
New York, New York 10036  
lgarris@gia.edu  
+1 917-286-3604

3.5. Kimberly Overlin

Dean of Students  
5345 Armada Drive  
Carlsbad, CA  
92008  
koverlin@gia.edu  
+1 760 603-4093

3.6. Abhishek Misra

Senior Manager, Security Operations  
5345 Armada Drive  
Carlsbad, CA  
92008  
amisra@gia.edu  
+1 760 603-4105

3.7. Robert Claborn

Senior Manager, Security Operations  
5355 Armada Drive  
Carlsbad, CA 92008  
dtravis@gia.edu  
+1 760-603-4194

- 3.8. Christopher Cordes  
Senior Manager, Security Operations  
50 W. 47th Street  
New York, New York 10036  
ccordes@gia.edu  
+1 917-286-3588  
+1 646-276-5894 Mobile

Officials with Authority, also known as Mandatory Reporters are GIA’s designated officers for handling complaints and implementing the Institute’s policy against unlawful discrimination and harassment. Mandatory Reporters must notify the Title IX Coordinator of all reports or allegations of sexual misconduct, discrimination, harassment, or violence. These individuals are required to share all of the details that were shared with them with the Title IX Coordinator, including the name of the individual who made the report.

#### 4. Notice, Dissemination and Publication of Policy

Title IX requires GIA to notify applicants for admission or employment as well as students, employees, and, if applicable, unions or professional organizations holding collective bargaining agreements with GIA, of this 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.

#### 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, and
  - 5.2.4. pervasive, and,
  - 5.2.5. objectively offensive,
  - 5.2.6. 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, or
    - oral penetration by a sex organ of another person,
    - 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 states of California and New York.

5.4. Dating Violence, defined as:

5.4.1. violence,

5.4.2. on the basis of sex,

5.4.3. committed by a person,

5.4.4. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.

- The existence of such a relationship shall be determined based on the Complainant’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. For the purposes of this definition:
- 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.

5.5. Domestic Violence, defined as:

5.5.1. violence,

5.5.2. on the basis of sex,

5.5.3. committed by a current or former spouse or intimate partner of the Complainant,

5.5.4. by a person with whom the Complainant shares a child in common, or

5.5.5. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or

- 5.5.6. by a person similarly situated to a spouse of the Complainant under the applicable state domestic or family violence laws or
- 5.5.7. by any other person against an adult or youth Complainant who is protected from that person's acts under state domestic or family violence laws.

\*To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

5.6. Stalking, defined as:

- 5.6.1. engaging in a course of conduct,
- 5.6.2. on the basis of sex,
- 5.6.3. 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 Respondent 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 Complainant.
  - Substantial emotional distress means significant mental suffering or
  - anguish that may but does not necessarily require medical or other professional treatment or counseling.

5.7. Force, Coercion, Consent, and Incapacitation

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

- 5.7.1. 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.

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

- 5.7.2. 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.

- 5.7.3. 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.

- 5.7.4. Incapacitation: A person cannot consent if they are unable to understand what is happening or is 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.

#### 5.8. 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.

#### 5.9. Scope of GIA's Educational Program and Activities

For purposes of this Policy, GIA's educational program or activities include locations, events, or circumstances, within the U.S., where GIA exercises substantial control over both the Respondent and the context in which the alleged sexual harassment or discrimination occurs and also includes any building owned or controlled by GIA or by a student organization that is officially recognized by GIA. It also includes online, and cyber manifestations of conduct prohibited by this Policy, when those behaviors occur in or have an effect on GIA's Education Program and Activities or use GIA networks, technology, or equipment.

### 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, live hearing with opportunity for cross-examination 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), will be conducted by trained Title IX Personnel, free from any known conflict of interest or bias, and presumes Respondent's non-responsibility until and unless demonstrated otherwise by the evidence and after a Final Determination as been rendered.

Disciplinary sanctions or punitive measures will not be imposed against a Respondent unless and until there has been a finding of responsibility after application of the process. If at any stage of the investigation it is determined that conditions exist warranting dismissal, the complaint will be dismissed. Complainant will continue to be entitled to appropriate supportive measures in such cases.

GIA requires impartiality in the process by ensuring there are no actual or apparent conflicts of interest or disqualifying biases of any Title IX Personnel. The parties may, at any time during the resolution process, raise a concern regarding bias, conflict of interest, or any irregularity which may taint the impartiality of the process. Such concerns should be reported in writing to the Title IX Coordinator, or the Chief Academic Officer, who will evaluate the concern and take appropriate corrective action to ensure integrity of the

process.

## 6.1. Notice of Allegations

The Title IX Coordinator will provide written notice of the allegations to the Respondent and Complainant upon receipt of a Formal Complaint. The notice will be provided prior to any initial meeting or interview with the Respondent and their advisor, if applicable, allowing sufficient advanced notice to prepare.

The notice will include:

- 6.1.1. A meaningful summary of all allegations,
- 6.1.2. The identity of the parties (if known),
- 6.1.3. The precise misconduct being alleged,
- 6.1.4. The date and location of the alleged incident(s) (if known),
- 6.1.5. The specific policies alleged to have been violated,
- 6.1.6. A description of the applicable procedures,
- 6.1.7. A statement of the potential sanctions/responsive actions that could result,
- 6.1.8. A statement that Respondent is presumed not responsible for the reported misconduct unless and until a Final Determination has been rendered at the conclusion of the process,
- 6.1.9. Notice that the parties will be given an opportunity to inspect and review all directly related and relevant evidence obtained during the investigation,
- 6.1.10. GIA's policy on retaliation,
- 6.1.11. Information about the privacy of the process,
- 6.1.12. The right to have an advisor of their choice, who may be, but is not required to be, an attorney,
- 6.1.13. If applicable: A statement informing the parties that GIA's policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process,
- 6.1.14. Detail on how the party may request disability accommodations during the interview process,
- 6.1.15. An instruction to preserve any evidence that is directly related to the allegations.

## 6.2. Investigation

Trained Investigators will be assigned to investigate allegations contained in a Formal Complaint and will do so objectively. The burden to collect all evidence related to the allegations, including both inculpatory and exculpatory, rests on GIA, and not on the parties. Investigators must be free from bias and conflicts of interest. Depending on the complexity of the case, more than one Investigator may be assigned.

### 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 may undertake a reasonable delay in its investigation under appropriate circumstances. Such circumstances include, but are not limited to, a concurrent law enforcement investigation, the need for language assistance, the absence of parties and/or witnesses, and/or accommodations for disabilities or health conditions. GIA will communicate in writing the anticipated duration of the delay and reason to the parties and provide the parties with status updates as warranted. GIA will promptly resume its investigation and resolution process as soon as feasible. During such 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, as 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

Investigators serve free from conflict of interest, objectively and without bias. All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses and obtaining available, relevant evidence. GIA, not the parties, bears the burden of gathering evidence and burden of proof. Parties have equal opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

The investigation will be conducted within a reasonably prompt timeframe, allowing for thorough collection and evaluation of all evidence related to the allegations. The Investigator will keep the parties informed as to estimated timelines, and any delays.

### 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 ten (10) business day review and comment period so that each party may meaningfully respond to the evidence.

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 a 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 remotely. Skype, Zoom, FaceTime, WebEx, or similar technologies may be used. GIA will take appropriate steps to reasonably ensure the security/privacy of remote 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

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 are offered to prove consent.

Privileged evidence is likewise excluded from both 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.

#### 6.10. 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.

#### 6.11. 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. Request 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 only will 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.

## 6.12. Evidentiary Considerations in the Hearing

### 6.12.1. Only Relevant Evidence Allowed

Any evidence that the Decision-maker(s) determine(s) is relevant and credible may be considered. Only evidence which is directly related to the allegations, not subject to an enforceable legal privilege, and not otherwise excludable as described here is considered relevant.

The hearing does not consider the following which are deemed not relevant: 1) incidents not directly related to the allegations, unless they evidence a pattern; or 2) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

### 6.12.2. 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.

### 6.12.3. 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, the 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.



## 6.13. 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, mailed to the local or permanent address of the parties as indicated in official GIA records, or emailed to the parties' GIA-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The determination letter will include:

- 6.13.1. Identification of the allegations potentially constituting sexual harassment as defined under this Policy;
- 6.13.2. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits methods used to gather evidence, and hearing held;
- 6.13.3. Findings of fact supporting the determination;
- 6.13.4. Conclusions regarding application of GIA's Student or Employee code of conduct to the facts;
- 6.13.5. A statement, and rationale for, the results as to each allegation, including a determination regarding responsibility, and disciplinary sanctions GIA imposes on the Respondent, and whether remedies designed to restore or preserve equal access to GIAs' Education Program or Activity will be provided to the Complainant; and
- 6.13.6. GIA's permissible bases for the Complainant and Respondent to appeal.  
The determination regarding responsibility becomes final after expiration or exhaustion of any appeal rights.

## 7. Sanction's, 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.

### 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. Sanctions may include verbal warning, written warning or probation, or dismissal from GIA. 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.

## 7.2. List 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.

## 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.

## 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

While GIA does not provide on-campus professional counseling services, GIA students and staff have access to Lifeworks, a no charge confidential counseling service:

877-234-5151

[https://www.lifeworks.co](https://www.lifeworks.com/)

m/ User ID: gem

Password: 11018

### 7.4.2. Education for the individual and/or the community

### 7.4.3. Alteration of work arrangements for employees

### 7.4.4. Provision of campus safety escorts

### 7.4.5. Policy modification

### 7.4.6. Training or awareness campaigns

### 7.4.7. Implementation of long-term contact limitations between the parties

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

7.4.9. Modified campus security measures

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

7.4.10. Center for Community Solutions

7.4.11. 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 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. +1 858 272-5777

7.4.12. Community Resource Center, Domestic Violence Hotline +1 877-633-1112

San Diego Domestic Violence Hotline +1 888-385-4657

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.

7.4.13. New York City Community Resources

7.4.14. 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.

7.4.15. 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. +1 866 933-4673

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). Failure to abide by the sanction(s)/action(s) whether by refusal, neglect, or any other reason, may result in additional disciplinary action, including suspension or expulsion.

## 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. Appeals must be submitted in writing to the Title IX Coordinator within five (5) days of the delivery of the notice of an appealable action. After expiration of the appeal window, all decisions will be considered final, and any applicable sanctions will be imposed.

### 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.

Title IX Personnel with prior involvement in the matter will not be permitted to serve as a Decision-maker 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, mailed to the local or permanent address of the Parties as indicated in official GIA records, or emailed to the parties' GIA-issued email or otherwise approved account. Once mailed, e-mailed and/or received in-person, notice will be presumptively delivered. Decisions on appeal are considered final.

## 8. Records Retention

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

- 8.1. Reports or Formal Complaints alleging sexual discrimination, including harassment.
- 8.2. Records of any dismissal of a Formal Complaint.
- 8.3. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
- 8.4. Any disciplinary sanctions imposed on the Respondent;

- 8.5. Any Remedies implemented by GIA designed to restore or preserve equal access to GIA’s Education Program or Activity;
- 8.6. Any appeal and the result therefrom;
- 8.7. Any Informal Resolution and the result therefrom;
- 8.8. 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, and
- 8.9. Any actions, including any supportive measures, taken in response to a report or Formal Complaint of sexual harassment, including:
  - 8.9.1. The basis for all conclusions that the response was not deliberately indifferent;
  - 8.9.2. Any measures designed to restore or preserve equal access to GIA’s Education Program or Activity; and
  - 8.9.3. If no supportive measures were provided, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

9. Failure to Comply

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

10. Responsibility

- 10.1. Responsible Executive and Policy Owner – Director of Education Compliance, Title IX and 504/ADA Coordinator

**17. GIA Drug and Alcohol Abuse Prevention Policy (Students)**

1. Policy Statement

GIA strives to maintain a drug-free environment for its students and employees. In accordance with federal and state requirements, GIA has developed and enforces this Drug and Alcohol Abuse Prevention Policy (“Policy”) which outlines the dangers of alcohol and drug abuse, establishes prohibition of drug use/manufacturing/distribution on GIA’s premises and/or as a part of GIA’s activities, and states the consequences of any violation of this Policy.

Each student receives a copy of this Policy upon admission. Additionally, this Policy is distributed annually to all students located at GIA’s U.S. locations.

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 performing GIA business, or at GIA-sponsored events.

Reporting to school under the influence of alcohol, or drugs taken outside the direction of a licensed physician, and using alcohol or such drugs on GIA premises, poses serious safety and health risks. These risks extend

beyond the user to all who work or come into contact with the user.

Violation of this Policy will result in disciplinary action up to, and including, student dismissal. In addition to GIA imposed sanctions, students may be subject to federal, state, and local fines and/or prosecution. In cases involving potential criminal conduct, GIA will determine in its sole discretion whether the appropriate law enforcement or other authorities will be notified.

GIA recognizes that dependency on alcohol and other drugs may be a potential medical condition and offers support and services for students and employees with substance dependency problems. This support includes a directory of alcohol and drug abuse treatment facilities and their location and contact information.

This Policy implements the Drug Free Schools and Communities Act (20 U.S.C. 1145g), the Drug Free Workplace Act (41 U.S.C. 701) and applies to all students at GIA's U.S. locations.

## 2. Student Standards of Conduct

- 2.1 GIA insists on an alcohol and drug-free environment and prohibits the unlawful use, sale, purchase, transfer, manufacture, distribution, or possession of illegal drugs, controlled substances, or alcohol on GIA premises, at GIA sponsored events or activities. Reporting to campus under the influence of alcohol, drugs or any substance that impairs a student's mental or physical capacity is a violation of this Policy. In addition, GIA may discipline its students for off-campus activities that include the illegal use of alcohol or drugs. As a condition of acceptance, students agree to reasonable suspicion (also referred to as "for-cause") drug testing throughout their attendance as set forth in this Policy. Students or any person in the school community who are aware of the use or existence of any such substances at GIA should notify a staff member immediately.
- 2.2 Notwithstanding recent changes to state laws, this Policy prohibition includes all forms of marijuana used for any purpose. Marijuana remains illegal under federal law, and use of medical or recreational marijuana is not an exception to this Policy. Any student using physician-prescribed medication or other medication that may impair performance in the classroom is encouraged to inform his or her instructor.
- 2.3 Alcoholic beverages are prohibited at any GIA location. It is unlawful to sell, furnish or give away alcohol to a person under the age of 21. The possession of alcohol by anyone less than 21 years of age in a public place or a place open to the public is illegal. It is also a violation of this Policy for anyone under the age of 21 to possess or consume alcohol in any area of GIA.
- 2.4 A violation of this Policy will be handled according to GIA's disciplinary sanctions rules and may result in the imposition of sanctions up to and including dismissal from GIA.

## 3. Institution Disciplinary Procedures and Sanctions

- 3.1 Procedures: GIA will pursue appropriate disciplinary procedures whenever a student violates or is suspected of violating this Policy. When GIA becomes aware that a student has or may have violated this Policy, the office of the dean students or school director will immediately commence an investigation. Such investigation may include appropriate drug and/or alcohol testing in accordance with this Policy. The dean of students or the school director will hold a hearing at which the student will be afforded the opportunity to be heard.
- 3.2 Sanctions: As a result of the investigation and hearing, GIA at its sole discretion may impose one or more of the following sanctions, depending upon factors that include the nature and severity of the offense:
  - Verbal warning/advisement
  - Written warning/advisement
  - Immediate screening testing
  - Referral to an approved rehabilitation/counseling agency

- Referral for prosecution
- Dismissal

Except in certain situations, students will not be dismissed for voluntarily seeking assistance for a substance abuse problem. However, repeated incidents or continued performance, attendance or behavior problems may result in dismissal. Students who fail or refuse to submit to a drug or alcohol test may be subject to disciplinary action, up to and including dismissal, from GIA.

3.3 Appeal of Dismissal Sanction: A student who is dismissed from GIA as a result of the investigation and hearing process may file an appeal with the dean of students or the school director on or before the end of the fifth day after the date of the decision. The grounds for an appeal must be based on:

3.4 A procedural or substantive error occurred that significantly impacted the outcome of the hearing (e.g., substantiated bias, material deviation from established procedures, etc.);

3.5 To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction with a summary of this new evidence and its potential impact; or

3.6 The sanctions imposed fall outside the range of sanctions designated for this offense and the cumulative conduct of history of the student. The dean/director will consider the appeal and provide a final determination on or before five days of the date of appeal.

#### 4. Reasonable Suspicion Drug Testing Protocols

4.1 As part of GIA’s efforts to ensure safety and to promote an alcohol and drug free environment, reasonable suspicion drug or alcohol testing may be conducted when GIA has a reasonable suspicion of violation of this Policy.

4.2 In the absence of extraordinary circumstances, any student who tests positive, or admits to illegal drug or alcohol abuse, may be dismissed from school and/or be subjected to additional sanctions as set out in this Policy.

4.3 Refusal to test or, in the case of urine testing, failure to produce a sample within the allotted time frame after being selected is considered the same as a positive test and may result in dismissal.

#### 5. Federal and State Law Sanctions

5.1 Numerous federal, state and local statutes, ordinances and regulations deal with the manufacture, distribution, dispensation, possession, or use of a controlled substance or alcohol, and they impose legal sanctions for both felony and misdemeanor convictions for violations. Drugs considered to be controlled substances are listed in Schedules I through V of the Controlled Substance Act (29 U.S.C. 812) and are further defined by the regulations 21 CFR 1308.11 through 1308.15. Detailed information regarding these laws and regulations which may change over time, is available from the office of the dean of students or GIA’s office of legal affairs.

##### 5.2 Federal Sanctions:

- [Drugs of Abuse : A DEA Resource Guide/ 2020 Edition](#)

##### 5.3 State Sanctions

- [California](#)
- [New York](#)

#### 6. Loss of Federal Student Aid Eligibility

6.1 A federal or state drug conviction can disqualify a student for Federal Student Aid (“FSA”) funds. A conviction for any offense under any federal or state law involving the possession or sale of illegal drugs, during a period of enrollment when receiving federal aid,

will result in the loss of eligibility for any Title IV, Higher Education Act (“HEA”) grant, loan, or work study assistance. A conviction that was reversed, set aside or removed from the student’s record does not count, nor does one received when he/she was a juvenile, unless he/she was tried as an adult. The chart below illustrates the period of ineligibility for FSA funds, depending on whether the conviction was for sale or possession, and whether the student had previous offenses. A conviction for sale of drugs includes convictions for conspiring to sell drugs. If the student was convicted of both possessing and selling illegal drugs, and the period of ineligibility are different, the student will be ineligible for the longer period.

Violation	Length of Time Disqualified for Title IV Funds		
	1st Violation	2nd Violation	3rd Violation
Number of Convictions			
Possession	1 year	2 years	Permanent
Sales	2 years	Permanent	Permanent

62 . A student regains eligibility the day after the period of ineligibility ends (i.e., for a 1st or 2nd offense); or when he or she successfully completes a qualified drug rehabilitation program that includes passing two unannounced drug tests given by such a program. Further drug convictions will make him or her ineligible again. Students denied eligibility for an indefinite period can regain eligibility after completing any of the following options:

6.2.1. Successfully completing a rehabilitation program, as described below, which includes passing two unannounced drug tests from such a program;

6.2.2. Having the conviction reversed, set aside, or removed from the student’s record so that fewer than two convictions for sale or three convictions for possession remain on the record; or

6.2.3. Successfully completing two unannounced drug tests which are part of rehabilitation program (the student does not need to complete the rest of the program).

6.3. The nature and dates of the remaining convictions will determine when the student regains eligibility. It is the student’s responsibility to certify to the institution that he or she has successfully completed the rehabilitation program. For additional information on these requirements call a federal representative at + 1-800-433-3242.

7. Standards for a Qualified Drug Rehabilitation Program

7.1. A qualified drug rehabilitation program must include at least two unannounced drug tests and satisfy at least one of the following requirements:

7.1.1. Be qualified to receive funds directly or indirectly from a federal, state, or local government program;

7.1.2. Be qualified to receive payment directly or indirectly from a federally or state-licensed insurance company;

7.1.3. Be administered or recognized by a federal, state, or local government agency or court; or



7.1.4. Be administered or recognized by a federally or state-licensed hospital, health clinic or medical doctor.

## 8. Health Risks

8.1. The following is a summary of the various health risks associated with alcohol abuse and use of certain drugs, and is not intended to be an exhaustive or a final statement of all possible health consequences of substance abuse. Substance abuse has both long and short-term effects on the body and the mind. Alcohol and drugs may be toxic to the human body. In addition to toxicity, contaminant poisonings often occur with drug use. Acute or long-term health problems may include, but are not limited to, heart attack, stroke, and death. Long-lasting effects caused by drug and alcohol abuse can cause disruption of normal heart rhythm, high blood pressure, destruction of brain cells, possible memory loss, infertility, impotency, immune system impairment, kidney failure, cirrhosis of the liver and pulmonary damage. Drug use during pregnancy may result in fetal damage and birth defects.

8.2. For a detailed list of drugs and their associated health effects:

8.2.1. [Drugs of Abuse: A DEA Resource Guide/2020 Edition](#)

## 9. Notification

9.1. Notification of the information contained in this Policy is distributed to all currently enrolled students each year via email and the learning management system. The Policy is also available on the Student Consumer Information page of the GIA website at <https://www.gia.edu/student-consumer-information>. The annual notification will include the following:

9.1.1. Standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees, on the school's property or as part of the school's activities;

9.1.2. A list of applicable legal sanctions under federal, state, or local laws for the unlawful possession or distribution of illicit drugs and alcohol;

9.1.3. A description of the health risks associated with the abuse of alcohol or use of illicit drugs;

9.1.4. A list of drug and alcohol programs (counseling, treatment, rehabilitation, and re-entry) that are available to students;

9.1.5. A clear statement that GIA will impose disciplinary sanctions on students for violations of the standards of conduct and a description of those sanctions, up to and including dismissal or referral for prosecution.

9.2. Student Assistance

9.3. Students who believe they have a chemical dependency or substance abuse problem and who want help can learn about many helpful resources from the office of the dean of students or the school director. GIA also offers LifeWorks, a comprehensive source to help with life's everyday challenges.

9.4. Drug awareness programs, counseling, treatment and other related services are available on an ongoing basis through the following organizations:

9.5. U.S. Department of Health and Human Services Substance Abuse and Mental Health Services Administration:

1-800-662-HELP (1-800-662-4357)

9.6. <http://www.samhsa.gov>

9.7. California Department of Health Care Services: 1-800-879-2772

9.8. <https://www.dhcs.ca.gov/individuals>

9.9. New York State Office of Alcoholism and Substance Abuse Services: 518-473-3460

9.10. <https://www.oasas.ny.gov/>

9.11. National Council on Alcoholism and Drug Dependence: 1-800-NCA-CALL (1-800-622-2255)

9.12. <https://www.ncadd.org/>

Students may not avoid disciplinary actions, up to and including dismissal, by entering a rehabilitation program after a violation of this Policy is suspected or discovered.

## 10. Biennial Review

10.1. Drug-Free Schools and Campuses Regulations require institutes of higher education to conduct a biennial review to determine program effectiveness, consistency of policy enforcement and to identify and implement any needed changes. The review is a written report conducted every two years that compiles information pertaining to “Measuring Enforcement Consistency” and “Measuring Policy Program Effectiveness.” The review identifies current prevention efforts and point to policy and program areas that need improvement as well as those that can continue unchanged.

10.2. The following contents will be included and reviewed in the biennial review report to ensure the objectives above are upheld:

- Descriptions of the program elements
- Statement of program goals and a discussion of goal achievement
- Summaries of the program strengths and weaknesses
- Procedures for distributing annual notification to students and employees
- Copies of the policies distributed to students and employees
- Recommendations for revising the program

## 11. Responsibility

11.1. Responsible Executive – Senior Vice President and Chief Academic Officer

11.1.1. Maintains accountability for the substance, implementation and compliance of this Policy.

11.1.2. Oversees policy owner activities in the administration of this Policy.

11.2. Policy Owner—Dean of Students

11.2.1. Has operational responsibility for the Policy and any related procedures, instructions and forms under the direction of the responsible executive.

11.3. Dean of Students, School Directors, Senior Manager of Admissions and Records, Instructors

11.3.1. Ensures all education employees who have student interaction, as well as all students are aware of this Policy and provides assistance, interpretation and application, and communicated the Institute’s expectation for compliance.

11.4. Students, Applicants and Education Employees

11.4.1. Understand that this Policy applies to them and conduct themselves accordingly.

## 12. Definitions

12.1.1. Illegal drugs and controlled substances: Drugs considered to be controlled substances are listed in Schedules I through V of the Controlled Substance Act (29 U.S.C. 812) and are further defined by federal regulations 21 CFR 1308.15 through 1038.15. Copies of the law and its implementing regulations are available for review from GIA’s legal affairs department and the office of the dean of students.

12.1.2. Prescription Drugs: Prescription medications that have not been properly prescribed by a doctor to the individual are included in this Policy. It includes prescription drugs not being used for prescribed purposes, in prescribed amounts, or by a person for whom it is prescribed.

- 12.1.3. Reasonable Suspicion: Reasonable suspicion means that GIA has a genuine reason to believe that a student is under the influence of drugs or alcohol that is based on facts, knowledge, and logic.

## **18. Drug and Alcohol Abuse Prevention Policy (Employee)**

### Policy Statement

Gemological Institute of America, Inc. (“GIA,” the “Institute,” or “our”) is committed to providing a safe, healthy, and productive work environment for its employees that is free from the effects of alcohol and Illegal Drugs. This Drug and Alcohol Abuse Prevention Policy (Employee) (“Policy”) is adopted to comply with the Drug-Free Workplace Act, the Drug-Free Schools and Communities Act and their amendments and implementing regulations. GIA has a related Drug and Alcohol Abuse Prevention Policy for its students that is outlined in the Education Catalog, and may be found on the Student Consumer Information page of the GIA website, as well as on the GIA NAVEX Global Corporate Policies site accessible through Okta single sign-on.

All GIA employees are required to adhere to this Policy. In addition, individuals who are not GIA employees but who perform work at or for GIA, attend GIA activities, or otherwise are on GIA property are required to comply with this Policy. The risks associated with the use of Illegal Drugs or the misuse of alcohol are numerous, and include physical and mental impairment and effects on an employee's professional and personal life. Use of Illegal Drugs or alcohol misuse can negatively impact job performance and attendance and can jeopardize continued employment. Illegal drug use or alcohol misuse can create a health risk for the user, and a safety risk for the user, co-workers and other members of the GIA community.

1. Prohibitions
  - 1.1. The use, possession, sale, purchase, transfer, manufacture, distribution, or dispensation of Illegal Drugs or alcohol while on GIA premises, conducting GIA business, or while using GIA equipment or vehicles, is prohibited. No employee may report to work under the influence of Illegal Drugs or alcohol.
  - 1.2. “Illegal Drugs” means any drug that is not legally obtainable or that is legally obtainable but has not been legally obtained. It includes controlled substances as defined in the Federal Controlled Substances Act, such as marijuana, cocaine, opioids, amphetamines, and phencyclidine (“PCP”), controlled substance analogues, cannabinoids (including cannabidiol (CBD) and CBD products that contain unlawful amounts of THC), marijuana extracts, synthetic drugs, and designer drugs.
    - 1.2.1. Marijuana is an illegal drug under federal law and this policy. The use of marijuana will not be considered a legitimate medical explanation by GIA for a positive drug test result for marijuana, except to the extent required by applicable law. In addition, GIA will not accommodate an employee's use of medical marijuana, except to the extent required by applicable law.
    - 1.2.2. Detailed information regarding the applicable laws and regulations, which may change over time, is available from the human resources department and the corporate counsel department.
  - 1.3. An exception to this Policy is that at some GIA events, minor to moderate alcohol consumption may occur. Individuals who consume alcohol at GIA events are expected to comply with all

applicable laws and to conduct themselves in a professional, responsible and safe manner.

- 1.4. The above prohibitions apply to independent contractors, visitors, volunteers and others who perform work at GIA or any GIA-sponsored or funded activities.

## 2. Testing

- 2.1. GIA requires background checks, post-offer drug tests or other references subject to the requirements of local law.
- 2.2. Besides the drug screening that may be required in the post-offer, pre-employment phase, GIA may require urinalysis or other drug or alcohol screening of an employee who is reasonably suspected, based on observations of the employee's appearance, behavior, speech, or body odors, of using, possessing, or being under the influence of Illegal Drugs or alcohol.
- 2.3. An employee's consent to submit to any of the above tests is required as a condition of employment. Refusals to cooperate, including attempts to provide adulterated or substituted samples, or failed test results may lead to disciplinary action, up to and including dismissal.

## 3. Prescription Drugs

- 3.1. GIA recognizes that sometimes it is necessary for employees to use prescribed or over-the-counter medications during work hours. When the instructions for use of these substances indicate they may affect or impair motor skills, judgment, coordination, or the senses or may otherwise adversely affect an employee's ability to perform their job duties in a safe and effective manner, they must obtain certification from their health care provider that they may safely and effectively perform all of their duties while taking the prescribed drug before they will be allowed to report to work. Otherwise, the employee must notify their supervisor of the potential complications and/or any work restrictions related to the prescribed or over-the-counter drug use so that a determination can be made whether the employee may remain at work.

## 4. Notification Requirements

- 4.1. As a condition of employment, each employee will abide by the terms of this Policy and will notify the human resources department no later than five (5) days after any conviction for a criminal drug statute offense or alcohol offense committed on GIA property or as any part of a GIA-sponsored program off campus. Failure to comply with these conditions will be grounds for disciplinary action.
- 4.2. Employees who are required to drive GIA vehicles as an essential job function must notify the human resources department no later than five (5) days after any conviction for a criminal drug or alcohol driving offense.

## 5. Disciplinary Action

- 5.1. Violation of any standards of this Policy will result in appropriate disciplinary action, up to and including termination of employment and referral to local law enforcement. For those individuals who are not GIA employees, disciplinary sanctions may include severance of the individual's relationship with GIA and referral for prosecution.
- 5.2. For employees, a drug-related or alcohol-related conviction, even for off-site conduct not part of GIA-sponsored or related activities, may result in disciplinary action, up to and including termination of employment, depending on the relevance of the conviction to the employee's position, the severity of the offense, and other relevant circumstances.

- 5.3. GIA cooperates fully with law enforcement authorities. Violations of this Policy which are also violations of federal, state, or local law may be referred to the appropriate law enforcement agencies. In such situations, matters may proceed concurrently through GIA’s disciplinary process and in the criminal justice system.
- 5.4. Disciplinary action or required participation in a treatment program for employees will be determined and implemented by the vice president, human resources in consultation with the senior vice president and general counsel. Any such actions will be in compliance with the US Employee Handbook and other specific GIA employment policies and regulations.

## 6. Employee Assistance and Rehabilitation

- 6.1. Employees who are struggling with Illegal Drugs or alcohol are strongly encouraged to seek assistance. GIA’s Employee Assistance Program (“EAP”) is available free of charge to employees and their families on a confidential basis, 24 hours a day, 7 days a week. Employees who have a concern about Illegal Drug use or alcohol misuse are strongly encouraged to contact the EAP for assistance in finding resources to help with the problem.

- Plan: Employee Assistance Program (“EAP”)
- Carrier: LifeWorks
- Phone: +1 877-234-5151
- Website: [www.lifeworks.com](http://www.lifeworks.com)
- User ID: gem
- Password: 11018

Additional information is available in the human resources department.

- 6.2. If an employee feels they may have a problem with Illegal Drugs or alcohol, they should seek assistance as soon as possible before the problem leads to deteriorating job performance or a violation of GIA policy, which may result in the loss of their job. Any employee who requests time off to participate in treatment will be reasonably accommodated in accordance with the requirements of applicable law. However, employees may not avoid disciplinary action by entering a treatment program after a violation of this Policy is suspected or discovered.

## 7. Annual Notice

- 7.1. In compliance with applicable law, GIA will distribute annually in writing to employees:

- Information regarding this Policy;
- A description of the applicable sanctions for violations of the prohibitions in this Policy;
- A description of the health risks associated with the use of Illegal Drugs and the misuse of alcohol; and
- A description of assistance resources available to employees.

## 8. Responsibility

- 8.1. Responsible Executive – Vice President, Human Resources

- 8.1.1. Maintains accountability for the substance, implementation, and compliance of this Policy; and

- 8.1.2. Oversees policy owner activities in the administration of this Policy.
- 8.2. Policy Owner – Senior Human Resources Business Partner/Director, Human Resources
  - 8.2.1. Has operational responsibility for the Policy, procedures, instructions, and forms under the direction of the responsible executive. This includes managing all phases of Policy initiation, development, approval, implementation, and training, review, and retirement processes.
- 8.3. Vice President, Director, Manager and Supervisor
  - 8.3.1. Ensures that all departmental employees are aware of this Policy by providing access, assistance, interpretation, and application; and communicating the Institute’s expectation for compliance.
- 8.4. Employee
  - 8.4.1. Understands that this Policy applies to them and conducts themselves accordingly.
- 9. References and Related Documents
  - 9.1. Attestation
  - 9.2. Code of Conduct (Global)
  - 9.3. Drug and Alcohol Abuse Prevention Policy - Education
  - 9.4. Education Catalog
  - 9.5. Employee Assistance Program (“EAP”)
  - 9.6. GIA Website, Student Consumer Information
  - 9.7. US Employee Handbook
- 10. Related Regulations
  - 10.1. [Drug Free Schools and Communities Act \(20 U.S.C. 1145g\)](#)
  - 10.2. [Drug Free Workplace Act \(41 U.S.C. 701\)](#)

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## 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
  - developing 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.

## 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.

§ 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.

**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 offence 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 or 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.

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## 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 show 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	2019			2020			2021		
	On-Campus	Public Property	Total	On-Campus	Public Property	Total	On-Campus	Public Property	Total
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligent	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
<b>VAWA Offenses</b>									
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
<b>Arrests</b>									
Weapons Law Violations	0	0	0	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0
<b>Referrals</b>									
Weapons Law Violations	0	0	0	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0

*\*GIA's Carlsbad Campus does not have non-campus properties*



NEW YORK CAMPUS									
Criminal Offenses	2019			2020			2021		
	On-Campus	Public Property	Total	On-Campus	Public Property	Total	On-Campus	Public Property	Total
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligent	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
<b>VAWA Offenses</b>									
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
<b>Arrests</b>									
Weapons Law Violations	0	0	0	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0
<b>Referrals</b>									
Weapons Law Violations	0	0	0	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0
<i>*GIA's New York Campus does not have non-campus properties</i>									

CARLSBAD AND NEW YORK CAMPUSES							
Hate Crimes: On-Campus & Public Property	2019-2021						
	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
<i>*GIA's Carlsbad &amp; New York campuses do not have a non-campus property</i>							
<i>*Hate crimes are bias motivated crimes</i>							

Unfounded Crimes				
Campus	2019	2020	2021	Total
Carlsbad	0	0	0	<b>0</b>
New York	0	0	0	<b>0</b>