

(E) For purposes of this section, the term “electronic communication device” includes, but is not limited to, telephones, cellular phones, computers, video recorders, fax machines, or pagers. “Electronic communication” has the same meaning as the term defined in Subsection 12 of Section 2510 of Title 18 of the United States Code.

(F) This section shall not apply to conduct that occurs during labor picketing.

(G) For purposes of this section, “immediate family” means any spouse, parent, child, any person related by consanguinity or affinity within the second degree, or any other person who regularly resides in the household, or who, within the prior six months, regularly resided in the household.

Consent - In reference to sexual activity is defined under California law as the following:

- Positive cooperation in 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; or
- Evidence that the victim suggested, requested, or otherwise communicated to the defendant that the defendant use a condom or other birth control device, without additional evidence of consent, is not sufficient to constitute consent.

Bystander Intervention Techniques

Bystander intervention is when someone chooses to take action when witnessing an uncomfortable situation. It encompasses safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking.

- Interrupt - Ask a question that’s not related to what’s going on. “Excuse me, where’s the bathroom?”
 - Distract - Draw attention to something else. “Hey, your car is getting towed!”
 - Engage Peers - Involve a friend or someone else around you. “Let’s do something.”
 - Alert Authorities - In some situations, authorities may be the best source for help (e.g., Police, campus administrators, party hosts, bar staff, and/or designated drivers).
 - Safety First - Keep your safety and the safety of others in mind and let that determine how you respond.
- Bystander Intervention is included in the programs provided by Bellus Academy.

Risk Reduction and Awareness

Bellus Academy offers guest speakers, posters, and/or a variety of events throughout the year to bring about awareness to these issues.

Procedures to follow in the case of alleged dating violence, domestic violence, sexual assault, or stalking, including:

Preserving Evidence

It is important that victims take steps to preserve and collect evidence; doing so preserves the full range of options available, be it through the university’s administrative complaint procedures or criminal prosecution. To preserve evidence:

1. do not wash your face or hands
2. do not shower or bathe
3. do not brush your teeth
4. do not change clothes or straighten up the area where the assault took place
5. do not dispose of clothes or other items that were present during the assault, or use the restroom
6. seek a medical exam immediately

If the victim has already cleaned up from the assault, he/she can still report the crime, as well as seek medical or counseling treatment.

Reporting

Any person who believes he or she has been the victim of sexual harassment or violence by a student, faculty member, administrator or other academy personnel of Bellus Academy should report the occurrence to any agent or responsible employee of the academy. An employee may be required only to report the harassment to other school officials who have the responsibility to take appropriate action or to take the appropriate action themselves if they are a designated official.

The victim has the option to notify proper law enforcement authorities, including local police. The victim has the option to be assisted by campus authorities in notifying law enforcement authorities if the victim chooses. The victim also has the option to decline to notify such authorities.

Rights of Victims

Victims of dating violence, domestic violence, sexual assault and stalking have the right to choose whether they want to pursue criminal or civil remedies in court and/or administrative remedies through the academy. Victims also have the right not to pursue a criminal, civil or administrative remedy. When a student or employee victim reports to the academy that they have been a victim of dating violence, domestic violence, sexual assault or stalking, whether the offense occurred on or off campus, the academy will provide the victim with a written explanation of their rights or options relating to the following:

- Resources for victims (including resources in the areas of victim advocacy, counseling, health, mental health, legal assistance, visa and immigration assistance, student financial aid and other areas);
- Non-reporting options;
- Understanding confidentiality versus privacy;
- Law enforcement reporting options, including medical exams and the importance of preserving evidence;
- Civil reporting options & protective orders;
- Academy reporting options, including the investigative and disciplinary process;
- Academy-issued No Contact Orders; and
- Academy-facilitated interim measures and remedies.

Procedures the Institution Will Follow in Reporting

Bellus Academy will protect the confidentiality of victims and other necessary parties in cases of alleged dating violence, domestic violence, sexual assault, or stalking.

Clery Act Reporting

Bellus Academy does not publish the names of victims or other personally identifiable information regarding victims in the Daily Crime Log or in the crime statistics that are disclosed in the Annual Security Report. Furthermore, if a Timely Warning is issued on the basis of a report of dating violence, domestic violence, sexual assault or stalking, the name of the victim and other personally identifiable information about the complainant will be withheld.

Confidentiality for Accommodations or Protective Measures

The academy will protect the privacy of everyone involved in a report of sexual violence to the greatest degree possible under applicable law and academy policy. Personally identifiable information about the complainant and other necessary parties will be shared only on a need-to-know basis, e.g., to those who are investigating the report or those involved in providing support services to the victim, including interim measures. By only sharing personally identifiable information with individuals on a need-to-know basis, the academy will maintain as confidential any interim measures and remedies provided to the victim, to the

extent that maintaining such confidentiality would not impair the ability of the academy to provide interim measures and remedies.

Written Notification Regarding Counseling, Health, Etc.

Bellus Academy will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available for victims, both within the institution and in the community.

Written Notification Regarding Changes to Academics, Living Arrangements, etc.

Bellus Academy will provide written notification to victims about options for available assistance in, and how to request changes to academic, living, transportation and working situations or protective measures. The academy will make such accommodations or provide such protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to local law enforcement.

Procedures for Disciplinary Action

Types of Disciplinary Proceedings

If you believe that you have experienced or witnessed harassment or sexual violence, notify your Educator, Academy Director, Title IX Coordinator, Human Resources or Bellus Academy President as soon as possible after the incident. Do not allow an inappropriate situation to continue by not reporting it, regardless of who is creating the situation. No employee, contract worker, student, vendor or other person who does business with the academy is exempt from the prohibitions in this policy. Managers will refer all harassment complaints to the Title IX Coordinator for student-related complaints and to the Human Resources Department if the complaint involves an employee. In order to facilitate the investigation, your complaint should include details of the incident or incidents, names of the individuals involved and names of any witnesses. The Title IX Coordinator is listed below and has the responsibility of overseeing all Title IX complaints and identifying and addressing any patterns or systemic problems that arise during the review of such complaints.

Title IX Coordinator:

Melissa Tierney, Vice President – Title IX Coordinator

Office Location: 13266 Poway Road, Poway, CA 92064

Phone: 858-748-1490

Email : titleixcoordinator@bellusacademy.edu

The academy ensures that its employee(s) designated to serve as Title IX Coordinator(s) have adequate training on what constitutes sexual harassment, including sexual violence, and that they understand how the academy's grievance procedures operate. Because complaints can also be filed with an employee's manager or Human Resources, these employees also receive training on the academy's grievance procedures and any other procedures used for investigating reports of sexual harassment.

In response to all complaints, Bellus Academy promises prompt and equitable resolution through a reliable and impartial investigation of complaints, including the opportunity for both parties to present witnesses or other evidence. The time necessary to conduct an investigation will vary based on complexity but will generally be completed within sixty (60) days of receipt of the complaint. The academy shall maintain confidentiality for all parties to the extent possible, but absolute confidentiality cannot be guaranteed. In cases where a victim does not give consent for an investigation, the academy will weigh the victim's request for confidentiality against the impact on academy safety to determine whether an investigation must proceed. Complainants should be aware that in a formal investigation due process generally requires that the identity of the charging party and the substance of the complaint be revealed to the person charged with the alleged crime.

Standard of Evidence

The preponderance of the evidence standard will apply to investigations and disciplinary proceedings arising from an allegation of dating violence, domestic violence, sexual assault or stalking, meaning Bellus Academy will evaluate whether it is more likely than not that the alleged conduct occurred.

Sanctions

If a student or a staff member is convicted of a sexual offense, domestic violence, dating violence, sexual assault or stalking regardless of whether or not the action took place on the Bellus Academy campus, that individual is subject to disciplinary actions by the academy. Any student or staff member may be subject to sanctions leading up to or including termination if convicted of any domestic violence, sex offense, including rape, acquaintance rape, any other forcible or non-forcible sex offenses or stalking.

Protective Measures

During the investigation, Bellus Academy will provide interim measures, as necessary, to protect the safety and wellbeing of students and/or employees involved. Examples of temporary and permanent measures to protect the complainant as necessary are:

- No contact order
- Change academic situations as appropriate with minimum burden on the complainant
- Counseling
- Health and mental services
- Escort services
- Academic support
- Retake a program or withdraw without penalty

Proceeding Will Accomplish the Following:

Bellus Academy will follow a prompt, fair and impartial process from the initial investigation to the final result, conducted by officials who receive annual training on the issues related to dating violence, domestic violence, sexual assault and stalking and on how to conduct an investigation and hearing process that protects the safety of the victims and promotes accountability.

Same Opportunities for Accuser and Accused

Both the accuser and the accused have the same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. Neither the accuser nor the accused shall be limited in the choice of advisor or the advisor's presence in any meeting or institutional disciplinary proceeding.

Simultaneous Notification

Both the accuser and the accused will be simultaneously informed in writing of the result of any disciplinary proceeding relating from any allegation of dating violence, domestic violence, sexual assault or stalking; the procedures for appealing the results of the disciplinary proceeding; any change to the results that occurs before the results become final; and when such results become final.

Statement of Victim's Rights and Options

When a student or employee reports to the institution 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, Bellus Academy will provide the student or employee a written explanation of the student's or employee's rights and options.

Sex Offender Registration

In accordance to the "Campus Sex Crimes Prevention Act" of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act and the Family Education Rights and Privacy Act of 1974, this institution is required to issue a statement advising the campus community where law enforcement information provided by a State concerning sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice to each institution of higher education in that State at which the person employed, carries a vocation, or is a student.

Registered Sex Offender Database Websites	
<i>State of California:</i>	<i>State of Kansas:</i>
California Registered Sex Offender Database	Kansas Bureau of Investigation
www.caag.state.ca.us	http://www.kbi.ks.gov/registeredoffender

Crime Statistics

See below

ANNUAL SECURITY REPORT
BELLUS ACADEMY – POWAY – 13266 POWAY RD., POWAY, CA 92064
CAMPUS CRIME STATISTICS
October 1, 2018

Bellus Academy – Poway, CA provides its students and employees an Annual Security Report. In accordance with the Crime Awareness and Campus Security Act of 1990, the school has gathered crime statistics from January 1, 2015 through December 31, 2017. Included below are reportable criminal offenses and violations that occurred on campus and/or public property. “On campus” is defined as buildings or property owned or controlled by the institution within the same reasonably contiguous geographic area and used by the institution in a manner related to the institution’s educational purpose. “Public property” is defined as property that is located within the same reasonably contiguous geographic areas of the campus, like a sidewalk, street or public parking lot, that is adjacent to a facility owned or controlled by the institution for purposes related to the institution’s educational purposes. The academy does not have any non-campus buildings or property. The campus security policy is available for review or copy during normal business hours by submitting a request to the Academy Director or Manager or online at www.bellusacademy.edu.

Offense	Year	On Campus Property	Public Property
Murder/non-negligent manslaughter	2015	0	0
	2016	0	0
	2017	0	0
Negligent manslaughter	2015	0	0
	2016	0	0
	2017	0	0
Rape	2015	0	0
	2016	0	0
	2017	1	0
Fondling	2015	0	0
	2016	0	0
	2017	0	0
Incest	2015	0	0
	2016	0	0
	2017	0	0
Statutory Rape	2015	0	0
	2016	0	0
	2017	0	0
Robbery	2015	0	0
	2016	0	0
	2017	0	0
Aggravated assault	2015	0	0
	2016	0	0
	2017	1	0
Burglary	2015	0	0
	2016	0	0
	2017	1	0
Motor vehicle theft	2015	0	0
	2016	0	0
	2017	0	1
Arson	2015	0	0
	2016	0	0
	2017	0	0

* VAWA Offenses	Year	On Campus Property	Public Property
Domestic Violence	2015	0	0
	2016	0	0
	2017	0	0
Dating Violence	2015	0	0
	2016	0	0
	2017	0	0
Stalking	2015	0	0
	2016	0	0
	2017	0	0

Hate Crimes	Year	On Campus Property	Public Property
Murder/non-negligent manslaughter	2015	0	0
	2016	0	0
	2017	0	0
Rape	2015	0	0
	2016	0	0
	2017	0	0
Fondling	2015	0	0
	2016	0	0
	2017	0	0
Incest	2015	0	0
	2016	0	0
	2017	0	0
Statutory Rape	2015	0	0
	2016	0	0
	2017	0	0
Robbery	2015	0	0
	2016	0	0
	2017	0	0
Aggravated assault	2015	0	0
	2016	0	0
	2017	0	0
Burglary	2015	0	0
	2016	0	0
	2017	0	0
Motor vehicle theft	2015	0	0
	2016	0	0
	2017	0	0
Arson	2015	0	0
	2016	0	0
	2017	0	0
Larceny-theft	2015	0	0
	2016	0	0
	2017	0	0
Simple Assault	2015	0	0
	2016	0	0
	2017	0	0
Intimidation	2015	0	0
	2016	0	0
	2017	0	0
Destruction/damage/vandalism of property	2015	0	0
	2016	0	0
	2017	0	0
Arrests and Referrals for Disciplinary Action	Year	On Campus Property	Public Property
Weapons: Carrying, Possessing. Etc.	2015	0	0
	2016	0	0
	2017	0	0
Drug Abuse Violations	2015	0	0
	2016	0	0
	2017	0	1
Liquor Law Violations	2015	0	0
	2016	0	0
	2017	0	0