



Contents

INTRODUCTION.....	3
CAMPUS SECURITY.....	3
Accurate and Prompt Reporting of all Crimes	3
Timely Warning Reports Regarding the Occurrence of Clery Act Crimes.....	3
Annual Disclosure of Crime Statistics.....	3
Documenting Crimes and VAWA Violations	4
Voluntary and Confidential Reporting Procedures.....	4
Security of and Access to Campus Facilities	4
Maintenance of Campus Facilities	5
Campus Law Enforcement.....	5
Pastoral and Professional Counselors	5
Programs to Inform Students and Employees About Campus Security.....	5
Monitoring Criminal Activity at Off-Campus Locations.....	6
Possession, Use, & Sale of Alcoholic Beverages or Illegal Drugs	6
Drug or Alcohol Abuse Education Programs	6
Disclosure to the Complainant.....	7
EMERGENCY RESPONSE & EVACUATION PROCEDURES	7
All Campuses	7
Poway Campus	8
Chula Vista Campus	8
El Cajon Campus.....	8
Manhattan Campus	8
Missing Student Notification	8
RISK, REDUCTION, & AWARENESS	9
Programs to Prevent Dating Violence, Domestic Violence, Sexual Assault & Stalking	9
Bystander Intervention Techniques	9
Preserving Evidence.....	9
Reporting.....	10
Statement of Complainant's Rights and Options.....	10
Procedures the Institution Will Follow in Reporting.....	10
Clery Act Reporting	10
Confidentiality for Accommodations or Protective Measures	10
Written Notification Regarding Counseling, Health, Etc.	11
Written Notification Regarding Changes to Academics, Living Arrangements, etc.....	11
COMPLAINT PROCEDURES	11
Formal Complaint.....	11
Equal Opportunity to Present Evidence	12
Investigation Timeline and Extensions.....	12
Jurisdictional Limits of Title IX.....	13
Standard of Evidence	13
Informal Resolution Process.....	13
Sanctions	14
Supportive Measures.....	14
Investigation.....	14



Notice of Allegations	14
Same Opportunities for Accuser and Accused	15
Simultaneous Notification	15
Dismissal of a Complaint.....	15
Live Hearing	16
Hearing Decision-Maker	16
Advisors	16
Cross-Examination	16
Statements Not Subject to Cross-Examination	16
Record of Hearing	17
Determination Regarding Responsibility	17
Appeals	17
Filing an Appeal	17
Notice of Appeal.....	17
Appeal Decision-Maker	17
Scope of Review.....	18
Written Appeal Decision.....	18
Finality of Determination	18
Retaliation Prohibited.....	18
Recordkeeping.....	19
Training Materials	19
SEX OFFENDER REGISTRATION	19
FEDERAL VAWA DEFINITIONS.....	20
Dating Violence:.....	20
Domestic Violence:.....	20
Sexual Assault:.....	20
Stalking:	20
STATE DEFINITIONS	21
Dating Violence:.....	21
Domestic Violence:.....	21
Abuse:	21
Sexual Assault:.....	21
Rape:	21
Sexual Battery (Fondling):	23
Incest:.....	23
Statutory Rape:	24
Stalking:	24
Consent:.....	25



INTRODUCTION

This document has been designed to inform all students and employees about the campus security and Title IX policies and procedures.

This institution is required to publish and distribute an annual security report by October 1st to all enrolled students and all employees. The annual disclosure document is done each year by contacting the local police department and the building management to compile the statistics used in the report. All crimes are reported based on the calendar year in which the crime was reported to local police agencies.

Notice of the availability of the report is provided to all prospective students, employees, and published on the institution's website at: <https://bellusacademy.edu/consumer-and-student-disclosures>. The report contains crime statistics and various policy statements. These statements accurately reflect how the institution's policies are currently implemented.

CAMPUS SECURITY

Accurate and Prompt Reporting of all Crimes

Any person witnessing some form of criminal action or other emergency should report it to the manager on duty at the academy. The Academy Director will investigate the incident and report it to the local Police Department if appropriate. Community members, students, educators, staff, and visitors are encouraged to report all crimes, emergencies, and safety concerns to the Academy Director in a timely manner.

Timely Warning Reports Regarding the Occurrence of Clery Act Crimes

A timely warning will be issued by the Academy Director when a situation arises that in the judgment of the Academy Director constitutes an ongoing or continuing threat regarding the occurrence of Clery Act crimes. The warning will be issued in the following manner:

- By e-mail to students through their e-mail account
- By e-mail to educators and staff through their personal e-mail account
- By text messages to the educators, staff and students

A timely warning will include the reported offense, the location of the reported offense, the date of the reported offense if known, a description of suspects if available, and any other information that would promote safety.

Annual Disclosure of Crime Statistics

Each year before the Department of Education reporting website opens for registration, the Director of Compliance requests the crime statistics information from the police and/or sheriff's departments for the geographical jurisdictions in which the schools are located. The information is compiled into the Annual Security Report Statistics section and entered appropriately into the Department's website for each school location. The report is distributed on or before October 1 each year, via the Bellus Academy Student App, to current students and employees. It is also distributed in person and via email at staff meetings and student theory classes and to new students and employees at Orientation sessions that are mandatory for new enrollees before starting class and new hires before



starting work in their designated area. These Annual Security Reports are posted on the institution's website at: <https://bellusacademy.edu/consumer-and-student-disclosures>

Documenting Crimes and VAWA Violations

Crimes occurring on campus are to be documented in the Campus Crime Log with a brief narrative sent to Compliance. VAWA (Violence Against Women Act) Crimes occurring both on and off campus that are reported must be documented in the Campus Crime Log and have the complaint submitted to the Title IX Coordinator to begin investigating the crime incident.

A crime, emergency, or safety concern may also be reported to the following campus officials:

- Academy Director – Poway – Phone (858) 748-1490
- Academy Director – El Cajon – Phone (619) 442-3407
- Academy Director – Chula Vista – Phone (619) 474-6607
- Academy Director – Manhattan – Phone (785) 539-1837
- Crimes, emergencies, and safety concerns at the Poway campus should also be reported to the San Diego Sheriff's Department at (858) 565-5200.
- Crimes, emergencies, and safety concerns at the Chula Vista campus should also be reported to the Chula Vista Police Department at (619) 691-5151.
- Crimes, emergencies, and safety concerns at the El Cajon campus should also be reported to the El Cajon Police Department at (619) 579-3311.
- Crimes, emergencies, and safety concerns at the Manhattan campus should also be reported to the Riley County Police Department at (785) 537-2112.
- Reports may also be made by calling 911 for any of the campus locations.

Voluntary and Confidential Reporting Procedures

If you are the victim of a crime and do not want to pursue action through Bellus Academy or the criminal justice system, you may still want to consider making a voluntary, confidential report. With your permission, the Academy Director can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the academy can keep an accurate record of the number of incidents involving students, educators, staff, and visitors; determine where there is a pattern of crime regarding a particular location, method, or assailant; and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for Bellus Academy.

Security of and Access to Campus Facilities

During business hours, Bellus Academy is open to students, parents, employees, prospective students, clients, and guests. All facilities are locked during non-business hours. During these hours, only authorized personnel are permitted on the premises. During non-business hours, access to Bellus Academy is by key and security code password if issued to an individual. The receptionist, Academy Director, or supervisor will unlock the premises and terminate the alarm each morning. Academic and administrative areas on campus are normally locked after business hours unless they are being used for legitimate evening or educational purposes. The night supervisor, instructor and/or receptionist will lock up and set the alarm in the evening at closing time. A valid student ID card or



employee name badge is required for campus access after business hours Monday through Saturday. Each building is secured according to the schedule established by the department responsible for the campus. There will always be two employees closing the facilities in the evening. The alarm system is a motion and infrared security system. If the system is activated, law enforcement is summoned automatically.

Bellus Academy does not operate on-campus or off-campus housing facilities.

Maintenance of Campus Facilities

Throughout the year, maintenance is performed weekly at the schools. The maintenance crew and administrators survey the security issues such as parking lots, landscaping, locks, alarms, lighting, and communications to make necessary changes when needed.

Campus Law Enforcement

Bellus Academy does not employ any private security personnel or have a campus police department. The individual academies work with their local law enforcement agency if an issue arises at the school. All incident reports involving students are forwarded to the Academy Director of each campus for review and potential disciplinary action. If assistance is required from other law enforcement, local fire departments, or other emergency agencies, the Academy Director will contact the appropriate unit.

No written MOUs are in place with local law enforcement agencies. Assistance is requested on an as-needed basis.

Pastoral and Professional Counselors

Bellus Academy does not employ any pastoral or professional counselors. If deemed appropriate, students and staff are referred to outside professional agencies. A list of these agencies is available in the Resource Binder kept in the Academy Director's and/or Student Services office and includes up-to-date online contact information for San Diego and Manhattan health and human services sites. The academy is a training center for the Cut-It-Out Program, a program that provides training for salon professionals to recognize signs of domestic abuse and safely refer clients and students to professional agencies for assistance.

In addition, the academy has made a resource available to the students that is similar to the Employee Assistance Plan offered to employees through the academy's insurance provider. The Student Assistance Plan provides a confidential and anonymous source for counseling for mental health and other issues and is free of charge to the students.

Programs to Inform Students and Employees About Campus Security

Bellus Academy has programs to inform students and employees about campus security procedures and practices for the prevention of crimes and to encourage students and employees to be responsible for their own security and the security of others. During the monthly new-student orientation, new employee on-boarding and regular staff meetings as well as periodically in classes or student huddles, students and employees are informed about the importance of maintaining secure premises, including the following safety tips:

- Stay alert of your surroundings, wherever you are.



- If you feel uncomfortable in a place, leave right away.
- Keep eyes and ears open, hands free.
- Choose busy streets and avoid going through deserted areas.
- At night, walk in well-lit areas in groups whenever possible.
- Try not to walk or jog alone. Take a friend or walk in groups.
- Avoid carrying large sums of cash.
- When in public spaces, keep valuable items including jewelry, mobile phones and wallets out of sight.
- Avoid returning to campus after dark or walk in groups to and from buildings.

Staff are also reminded that they can assist in crime prevention by ensuring that all doors are locked at the appropriate times. Also, they must report any suspicious situation to the manager on duty.

Monitoring Criminal Activity at Off-Campus Locations

Bellus Academy does not operate on-campus or off-campus housing facilities.

Bellus Academy does not currently sponsor or recognize student organizations that would be subject to campus hazing reporting requirements under the Stop Campus Hazing Act. The institution will monitor federal guidance and comply with all applicable reporting obligations.

Possession, Use, & Sale of Alcoholic Beverages or Illegal Drugs

The sale or use of alcohol and illegal drugs are not permitted at the school or its adjacent parking facilities. Anyone observed using illegal drugs and any underage alcoholic consumption should be reported to the Academy Director and will be referred to local police authorities. The school has a drug and alcohol prevention program in place as required under Public Law 101-226.

The academy has a Zero Tolerance Policy regarding possession and/or use of drugs or alcohol on academy premises or at academy-related events. In compliance with the Drug-Free Schools and Communities Act Amendment of 1989 (Public Law 101-226), students shall not engage in the unauthorized or unlawful manufacture, distribution, dispensation, possession, use/abuse of alcohol and/or illicit drugs on academy property or as part of any academy activity.

Any student who has been determined to be responsible for the unlawful manufacture, distribution, dispensation, possession, use, or abuse of illicit drugs or alcohol is subject to criminal penalties under local, state, or federal law. The exact penalty assessed depends upon the nature and the severity of the individual offense.

Students who violate the Drug-Free Schools and Communities Act Amendments of 1989 (Public Law 101-226) are subject to dismissal and/or referral to authorities for prosecution, as appropriate.

Drug or Alcohol Abuse Education Programs

Information regarding drug and alcohol abuse prevention is presented to students and staff annually. Students have access to community resource binders that are maintained in the Student Services Offices at each campus. For the San Diego area schools, the binders show the link to the San Diego Health and Human Services website that provides a list of local agencies that offer professional assistance in the areas of drug and alcohol abuse prevention.



Information regarding the agencies can be accessed from the SDHHS home page at:
<https://www.sandiegocounty.gov/content/sdc/hhsa/services/>

For the Manhattan, Kansas, location, links are provided to the following resources: Kansas State University School of Family Studies and Human Services: www.ksu.edu/fshs

Riley County Health Department: www.rileycountyks.gov/286/Health-Department Kansas Welfare Department: www.welfareinfo.org/manhattan.ks

Because access is web based, the students are assured that the information is always current.

Disclosure to the Complainant

Bellus Academy will, upon written request, disclose to the complainant of a crime of violence (as that term is defined in 18 U.S.C. § 16), the results of any disciplinary proceeding against a student who is a respondent of such crime or offense. If the complainant of such crime or offense is deceased as a result of such crime or offense, the next of kin of such complainant will be treated as the complainant.

EMERGENCY RESPONSE & EVACUATION PROCEDURES

All Campuses

The academy has established procedures to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on a campus. These procedures provide for rapid notice to local law enforcement and administration to evaluate and confirm an emergency or dangerous situation and if confirmed, for academy administrators to determine the appropriate campus to be notified and the content of the notification.

The academy will, without delay, and taking into account the safety of the community, determine the content of emergency/dangerous situation notifications and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a complainant or to contain, respond to, or otherwise mitigate the emergency.

Fire alarm systems are present and active in all campus facilities. In the event of an emergency and/or fire alarm, occupants must evacuate from the building. It is helpful to have reviewed and practiced the building evacuation procedures prior to an evacuation. As a general guideline, stop working as soon as it is safe to do so and gather personal belongings, such as glasses, keys and purse or handbag. Use the nearest door with an EXIT sign to leave the building. Proceed to your designated assembly area, report for a head count and stay in the area until you receive directions from emergency responders or authorized staff.

Following are the titles of the persons responsible for carrying out the actions/procedures described in the above paragraphs: President, Vice President, Academy Directors, Local Law Enforcement Officers, Admissions Representatives, Educators, Administrative Staff, and/or Experience Coordinators.

The dissemination of emergency information to the larger community shall be coordinated by the President and the Academy Directors in cooperation with local law enforcement agencies.



The Academy Director is responsible for testing the emergency response and evacuation procedures on at least an annual (calendar year) basis and for documenting such testing. Documentation for each test shall include a description of the exercise, the date, the time, and whether the test was announced or unannounced. Such testing may include a review of procedures by the Academy Director and local law enforcement officers, meetings with responsible persons to review and walk-through procedures, and tests of communication equipment.

Poway Campus

13266 Poway Rd., Poway, CA 92064 – This campus consists of a one-story building that is part of a strip shopping mall. If an emergency or dangerous situation is confirmed, the campus procedures provide for any one of several academy administrators, Academy Director, or law enforcement officers to authorize a mass notice to the appropriate segment(s) of the campus using a campus emergency notification system. The designated assembly area is the front parking lot closest to the car wash business and farthest from the main campus building.

Chula Vista Campus

970 Broadway, Suite 111, Chula Vista CA 91911 – This campus consists of a one-story building that is part of a strip shopping mall. Procedures provide for educators/staff on site to evaluate and confirm an emergency or dangerous situation and if confirmed, to verbally provide notice to the campus, local law enforcement, and senior administration. The designated assembly areas are: If exiting the front door and the first two Esthetics classroom doors, please congregate towards Broadway Road (South); if exiting the rear door, Esthetics 103, Makeup and Break room, please congregate to the farthest part away from the building in the rear parking lot. Once safe, move towards Broadway Road alongside the parking lot.

El Cajon Campus

1073 E. Main St., El Cajon, CA 92021 – This campus consists of a one-story building that is part of a strip shopping mall and a contiguous additional location at 1055 E. Main St., El Cajon, CA 92021. Procedures provide for educators/staff on site to evaluate and confirm an emergency or dangerous situation and if confirmed, to verbally provide notice to the campus, local law enforcement, and senior administration. The designated assembly area is the front parking lot close to Main Street.

Manhattan Campus

1130 Westloop Pl., Manhattan, KS 66502 – This campus consists of a one-story building that is part of a strip shopping mall. Procedures provide for educators/staff on site to evaluate and confirm an emergency or dangerous situation and if confirmed, to verbally provide notice to the campus, local law enforcement, and senior administration. The designated assembly area is the front parking lot farthest from the main campus building.

Missing Student Notification

Bellus Academy operates no on- or off-campus housing and does not recognize any off-campus student organizations.



RISK, REDUCTION, & 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:

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

Bellus Academy prohibits the crimes of dating violence, domestic violence, sexual assault and stalking as those terms are defined for purposes of the Clery Act. Monthly new-student orientation, new employee on-boarding programs and regular staff meetings, as well as periodic presentations in theory classes or student huddles, inform students and employees about the importance of maintaining awareness for the prevention of dating violence, domestic violence, sexual assault and stalking. All supervisors and managers receive mandatory anti-harassment training within six (6) months of becoming a supervisor or manager, and every two (2) years thereafter, that includes information on the prevention and awareness of dating violence, domestic violence, sexual assault and stalking.

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.

Preserving Evidence

It is important that complainants take steps to preserve and collect evidence; doing so preserves the full range of options available, be it through the academy'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 complainant has already cleaned up from the e/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 complainant has the option to notify proper law enforcement authorities, including local police. The complainant has the option to be assisted by campus authorities in notifying law enforcement authorities if the complainant chooses. The complainant also has the option to decline to notify such authorities.

Statement of Complainant's Rights and Options

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. Complainants also have the right not to pursue a criminal, civil or administrative remedy. When a student or employee complainant 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 complainant with a written explanation of their rights or options relating to the following:

- Resources for complainants (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 and 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 complainants 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 complainants or other personally identifiable information regarding complainants 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 complainant 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 complainant, 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 complainant, 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 complainants, both within the institution and in the community.

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

Bellus Academy will provide written notification to complainants 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 complainant requests them and if they are reasonably available, regardless of whether the complainant chooses to report the crime to local law enforcement.

COMPLAINT PROCEDURES

For purposes of Title IX, sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- An employee of the institution conditioning the provision of an aid, benefit, or service of the institution on an individual's participation in unwelcome sexual conduct (quid pro quo harassment);
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the institution's education program or activity;
- Sexual assault, dating violence, domestic violence, or stalking as defined by the Clery Act and the Violence Against Women Act (VAWA).
-

If you believe that you have experienced or witnessed harassment or sexual violence that includes any of the above, notify your Educator, Academy Director, Title IX Coordinator, Director of 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 Director of Human Resources if the complaint involves an employee.

Bellus Academy will respond promptly and equitably to reports of sexual harassment in a manner that is not deliberately indifferent and in accordance with applicable Title IX regulations.

Formal Complaint

Managers will defer all harassment complaints to the Title IX Coordinator for student-related complaints and to Human Resources if the complaint involves an employee. A document filed by a complainant or signed by the Title



IX Coordinator alleging sexual harassment against a respondent and requesting that the institution investigate the allegation must be submitted in order to facilitate the investigation. The 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. Any person may report sexual harassment, whether or not the person reporting is the alleged victim, in person, by mail, telephone, electronic mail, or by any other means that results in the Title IX Coordinator receiving the report.

Raquelle Culver– 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 Director of Human Resources, these employees also receive training on the academy's grievance procedures and any other procedures used for investigating reports of sexual harassment.

Equal Opportunity to Present Evidence

Upon actual knowledge of sexual harassment, Bellus Academy will respond promptly in a manner that is not deliberately indifferent. Actual knowledge means notice of sexual harassment or allegations of sexual harassment to the institution's Title IX Coordinator or to any official of the institution who has authority to institute corrective measures on behalf of the institution.

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; to inspect and review evidence and to have an advisor. Evidence directly related to the allegations will be given to the parties, and the parties will have at least 10 days to review and respond before completion of the report. The time necessary to conduct an investigation will vary based on complexity. The academy shall maintain confidentiality for all parties to the extent possible, but absolute confidentiality cannot be guaranteed. In cases where a complainant does not give consent for an investigation, the academy will weigh the complainant'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.

Bellus Academy will treat complainants and respondents equitably. Bellus Academy requires that any Title IX Coordinator, investigator, decisionmaker do not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

Bellus Academy presumes that the respondent is not responsible for the alleged sexual harassment until a determination is made at the conclusion of its grievance procedures.

Investigation Timeline and Extensions

Bellus Academy will conduct Title IX investigations in a prompt manner and generally seeks to complete the grievance process, including investigation, hearing, determination, and appeal, within the timeframes identified in this policy. However, the institution may temporarily delay or extend timeframes for good cause. Good cause may



include, but is not limited to, the absence of a party, advisor, or witness; law enforcement activity; the need for language assistance or disability accommodations; the complexity of the allegations; the need to gather additional evidence; or other circumstances that could affect the fairness or thoroughness of the investigation. When a delay or extension is necessary, the Title IX Coordinator will provide written notice to both parties identifying the reason for the delay or extension and the anticipated revised timeline. Any extension will be limited to the period necessary to address the good-cause circumstance while ensuring a fair, impartial, and reliable resolution process.

Jurisdictional Limits of Title IX

Bellus Academy investigates incidents whether they occur on or off campus. However, Title IX applies only when:

- The conduct occurred in the school's education program or activity;
- The complainant was participating in or attempting to participate in the education program or activity;
- The respondent was under the school's disciplinary authority;
- The conduct occurred in the United States.

Some misconduct may fall outside Title IX jurisdiction; however, the school may still address such conduct through other conduct policies.

The institution must dismiss a formal complaint for purposes of Title IX if the alleged conduct would not constitute Title IX sexual harassment even if proven, did not occur within the institution's education program or activity, or did not occur in the United States. Such dismissal does not preclude the institution from addressing the conduct under another institutional policy.

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.

Informal Resolution Process

An informal resolution process is available to either party. Participation in an Informal Resolution is voluntary for all Parties and requires full informed and written consent of both parties. If either Party does not agree with the proposed terms, or is uninterested in engaging in negotiations, the party may continue with the academy's grievance process at any time before signing the Informal Resolution Agreement.

An informal resolution cannot be offered if the complainant is a student and the respondent is an employee.

Either party may withdraw, without penalty, from the informal resolution up until a written resolution agreement is signed by both parties. If either party withdraws from the informal resolution, the formal grievance process will resume.

A signed resolution agreement is binding on both parties



Sanctions

If a student or a staff member is determined to be responsible for 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 determined to be responsible for any domestic violence, sex offense, including rape, acquaintance rape, any other forcible or non-forcible sex offenses or stalking.

Supportive Measures

During the investigation, Bellus Academy will provide non-disciplinary, non-punitive individualized services as appropriate, reasonably available, and without fee or charge before or after the filing of a formal complaint, as necessary, to protect the safety and wellbeing of students and/or employees involved. Examples of temporary and/or 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

The institution may remove a respondent on an emergency basis following an individualized safety and risk analysis if an immediate threat exists. The institution may place a non-student employee respondent on administrative leave during the pendency of a grievance process.

Investigation

Bellus Academy will follow a prompt, fair and impartial process from the initial investigation to the final result. The institution's Title IX grievance process includes a live hearing before a trained Decision-Maker who receives 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 complainants and promotes accountability. The Decision-Maker shall not be the Title IX Coordinator or Investigator assigned to the matter.

Notice of Allegations

Both parties will receive notice of the allegations that includes:

- Identities of parties (if known)
- Alleged conduct
- Date and location (if known)
- Statement of presumption of non-responsibility
- Right to an advisor
- Inspection and review of evidence
- False statement provisions (if applicable)



A determination regarding responsibility will not be based solely on a person's status as a complainant, respondent, or witness. The institution may impose discipline for knowingly making false statements or knowingly submitting false information during a grievance process.

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 complainant and the respondent will be simultaneously informed in writing of:

- The findings of facts from the investigation;
- The application of policy regarding each allegation;
- Conclusions from the investigation;
- The determination regarding each allegation;
- Any disciplinary proceeding or sanctions relating from any allegation;
- Remedies available to the parties;
- Grounds for appealing the determination, including:
 - Procedural irregularity
 - New evidence
 - Conflict of interest or bias
- The procedures for appealing the results of the disciplinary proceeding;
- Any change to the results that occurs before the results become final;
- When such results become final.

Dismissal of a Complaint

Bellus Academy shall investigate allegations in any Formal Complaint.

Bellus Academy must dismiss a Formal Complaint or allegations therein for purposes of Title IX if:

- The alleged conduct would not constitute sexual harassment as defined under Title IX, even if proved;
- The alleged conduct did not occur in Bellus Academy's education program or activity; or
- The alleged conduct did not occur against a person in the United States.

Such a dismissal does not preclude Bellus Academy from addressing the alleged conduct under another institutional policy, code of conduct, or applicable procedure.

Bellus Academy may dismiss a Formal Complaint or any allegations therein if:

- A complainant notifies the Title IX Coordinator in writing that the complainant wishes to withdraw the Formal Complaint or any allegations therein;
- The respondent is no longer enrolled at or employed by Bellus Academy; or
- Specific circumstances prevent Bellus Academy from gathering evidence sufficient to reach a determination regarding the allegations.

Upon dismissal of a Formal Complaint or any allegations therein, Bellus Academy will promptly send written notice of the dismissal and the reasons for the dismissal simultaneously to both parties.

Either party may appeal a dismissal in accordance with the Appeals Procedures set forth in this policy.



Live Hearing

For Formal Complaints of Sexual Harassment that fall within the jurisdiction of Title IX, Bellus Academy will provide a live hearing prior to the issuance of a determination regarding responsibility.

The hearing may be conducted with all parties physically present in the same location or, at the institution's discretion, any or all participants may appear virtually through technology that enables participants to simultaneously see and hear one another.

At the request of either party, the institution will provide separate rooms during the hearing with technology that allows the Decision-Maker, parties, advisors, and witnesses to simultaneously see and hear each other.

Hearing Decision-Maker

The Decision-Maker for the live hearing shall not be the same person as the Title IX Coordinator or Investigator. The Decision-Maker will be trained on the institution's Title IX grievance procedures and applicable regulations and will objectively evaluate all relevant evidence.

Advisors

Each party may be accompanied by an advisor of the party's choice at the live hearing.

If a party does not have an advisor present at the hearing, Bellus Academy will provide, without fee or charge, an advisor of the institution's choice solely for the purpose of conducting cross-examination on behalf of that party. Advisors may be attorneys but are not required to be attorneys.

Cross-Examination

Following presentation of the investigation report and any relevant evidence, each party's advisor will be permitted to ask the other party and any witnesses all relevant questions and follow-up questions, including questions challenging credibility.

Only advisors may conduct cross-examination. Parties are not permitted to personally question the other party or witnesses.

Before a complainant, respondent, or witness answers a cross-examination or other question, the Decision-Maker must determine whether the question is relevant and explain any decision to exclude a question as not relevant. Questions and evidence concerning a complainant's prior sexual behavior or sexual predisposition are not relevant unless:

- The questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant; or
- 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.

Statements Not Subject to Cross-Examination

If a party or witness does not submit to cross-examination at the live hearing, the Decision-Maker may not rely on any statement of that party or witness in reaching a determination regarding responsibility.

The Decision-Maker will not draw an inference regarding responsibility solely because a party or witness does not submit to cross-examination or declines to answer questions.



Record of Hearing

Bellus Academy will create an audio recording, audiovisual recording, or transcript of the live hearing and will make the recording or transcript available to the parties for inspection and review.

Determination Regarding Responsibility

Following the conclusion of the live hearing, the Decision-Maker will issue a written determination regarding responsibility.

The written determination will include:

- Identification of the allegations potentially constituting sexual harassment;
- A description of the procedural steps taken from receipt of the formal complaint through determination;
- Findings of fact supporting the determination;
- Conclusions regarding the application of institutional policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including any disciplinary sanctions imposed on the respondent and whether remedies designed to restore or preserve equal access to the institution's education program or activity will be provided to the complainant; and
- Information regarding procedures and permissible bases for appeal.

The written determination will be provided simultaneously to both parties.

Appeals

Either party may appeal a determination regarding responsibility or the dismissal of a Formal Complaint, or any allegations therein, on one or more of the following bases:

- Procedural Irregularity that affected the outcome of the matter;
- New Evidence that was not reasonably available at the time the determination or dismissal was made and that could affect the outcome of the matter; or
- Conflict of Interest or Bias on the part of the Title IX Coordinator, Investigator, or Decision-Maker that affected the outcome of the matter.

Filing an Appeal

A request for appeal must be submitted in writing to the Title IX Coordinator within five (5) business days of receipt of the written determination regarding responsibility or notice of dismissal.

The written appeal must clearly identify the basis for the appeal and provide sufficient information to support the claimed basis.

Notice of Appeal

Upon receipt of an appeal, Bellus Academy will provide written notice to the other party.

Both parties will be given an equal opportunity to submit a written statement in support of, or challenging, the appeal within five (5) business days of receiving notice that an appeal has been filed.

Appeal Decision-Maker

The appeal will be decided by an Appeal Decision-Maker who:

- Has received appropriate Title IX training;
- Is free from conflicts of interest and bias; and



- Was not involved in the investigation, hearing, dismissal decision, or initial determination regarding responsibility.

Scope of Review

An appeal is not intended to provide a second investigation or rehearing of the complaint. The Appeal Decision-Maker will review the materials related to the appeal and determine whether a permissible ground for appeal has been established and whether the ground materially affected the outcome.

Written Appeal Decision

After reviewing all relevant information, the Appeal Decision-Maker will issue a written decision describing the result of the appeal and the rationale for the result.

The written appeal decision will be provided simultaneously to both parties.

The decision of the Appeal Decision-Maker is final.

Finality of Determination

Any sanctions or remedies imposed as part of the original determination may be implemented while an appeal is pending unless otherwise determined by Bellus Academy based on the circumstances of the matter.

The determination regarding responsibility becomes final either on the date Bellus Academy provides the parties with the written determination of the appeal, if an appeal is filed, or on the date on which an appeal would no longer be considered timely if no appeal is filed.

Retaliation Prohibited

Bellus Academy prohibits retaliation against any individual for reporting sexual harassment, filing or participating in a complaint, investigation, hearing, or appeal, serving as a witness, providing information, or exercising any right or privilege secured by Title IX. Retaliation includes intimidation, threats, coercion, discrimination, harassment, or any adverse action taken against a person because of their participation in a Title IX matter.

Bellus Academy will investigate allegations of retaliation promptly and equitably, and any individual found responsible for retaliation may be subject to disciplinary action, up to and including dismissal, termination of employment, or other appropriate sanctions. Reports of retaliation will be addressed separately from the underlying complaint, although the facts and circumstances may be reviewed as part of the institution's overall response.

The exercise of rights protected under the First Amendment, the filing of a complaint in good faith, or participation in a Title IX proceeding does not constitute retaliation. A determination that a respondent was not responsible for the alleged conduct, standing alone, is not sufficient to conclude that any party made a false statement or acted in bad faith. However, Bellus Academy may impose disciplinary action against an individual who knowingly makes a materially false statement or knowingly submits materially false information during a Title IX grievance process.

Bellus Academy will take prompt and appropriate steps to stop retaliation, prevent its recurrence, and remedy its effects when retaliation is found to have occurred. Any person who believes they have experienced or witnessed retaliation should immediately report the conduct to the Title IX Coordinator.



Recordkeeping

Bellus Academy shall maintain for a period of seven (7) years records of:

- Each sexual harassment investigation, including any determination regarding responsibility;
- Any disciplinary sanctions imposed on a respondent;
- Any remedies provided to a complainant designed to restore or preserve equal access to the institution's education program or activity;
- Any appeal and the result thereof;
- Any informal resolution and the result thereof;
- All materials used to train Title IX Coordinators, investigators, decision-makers, appeal decision-makers, and persons who facilitate informal resolutions; and
- Records of supportive measures taken in response to a report or Formal Complaint of sexual harassment, or documentation of why such a response was not clearly unreasonable in light of the known circumstances.

Training Materials

Bellus Academy will ensure that Title IX Coordinators, investigators, decision-makers, appeal decision-makers, and any person designated to facilitate an informal resolution process receive training as required under Title IX regulations.

Training materials used for these individuals will not rely on sex stereotypes and will promote impartial investigations and adjudications of Formal Complaints of sexual harassment.

Bellus Academy will make all training materials publicly available on its website as required by applicable federal regulations.

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:

State of California:
California Registered Sex Offender Database
<https://www.meganslaw.ca.gov>

State of Kansas:
Kansas Bureau of Investigation
<https://www.kansas.gov/kbi/ro.shtml>



FEDERAL VAWA DEFINITIONS

The following definitions are used for purposes of reporting dating violence, domestic violence, sexual assault and stalking under the Clery Act as amended by VAWA.

Dating Violence:

Violence committed by a person who is 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 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.
- For the purposes of this definition –
 - (A) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - (B) Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence:

A felony or misdemeanor crime of violence committed –

- (A) By a current or former spouse or intimate partner of the complainant;
- (B) By a person with whom the complainant shares a child in common;
- (C) By a person who is cohabitating with, or has cohabitated with, the complainant as a spouse or intimate partner;
- (D) By a person similarly situated to a spouse of the complainant under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- (E) By any other person against an adult or youth complainant who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Sexual Assault:

An offense that meets the definition of rape, fondling, incest, or statutory rape.

- 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 complainant.
- Fondling – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the complainant, including instances where the complainant 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.

Stalking:

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to –

- (A) Fear for the person's safety or the safety of others; or
- (B) Suffer substantial emotional distress.

For the purposes of this definition –



- (A) "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.
- (B) "Reasonable person" means a reasonable person under similar circumstances and with similar identities to the complainant.
- (C) "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

STATE DEFINITIONS

The following definitions reflect California state law and may be different from the federal definitions above. The federal definitions are used for purposes of reporting crime statistics as mandated by the Clery Act as amended by VAWA. It is important to be aware of state law definitions that govern criminal proceedings.

Dating Violence:

Included within the definition of domestic violence as set forth in California Penal Code § 13700.

Domestic Violence:

"*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 spouses,
- (5) the continuity of the relationship, and
- (6) the length of the relationship.

Abuse:

"*Abuse*" means intentionally or recklessly causing or attempting to cause bodily injury or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another.

Sexual Assault:

Sexual Assault (Defined under the Clery Act to be an offense that meets the definition of rape, fondling, incest, or statutory rape)

Rape:

(A) Rape is 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 a 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. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1(commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the complainant incapable of giving consent.
- (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, or any controlled 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. As used in this paragraph, "unconscious of the nature of the act" means incapable of resisting because the complainant meets any one of the following conditions:
 - (A) Was unconscious or asleep.
 - (B) Was not aware, knowing, perceiving, or cognizant that the act occurred.
 - (C) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.
 - (D) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.
- (5) Where a person submits under the belief that the person committing the act is someone known to the complainant other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.
- (6) Where the act is accomplished against the complainant's will by threatening to retaliate in the future against the complainant or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.
- (7) Where the act is accomplished against the complainant's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the complainant or another, and the complainant has a reasonable belief that the perpetrator is a public official. As used in this paragraph, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(B) As used in this section, "duress" means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed, or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the complainant, and his or her relationship to the defendant, are factors to consider in appraising the existence of duress.



(C) As used in this section, “menace” means any threat, declaration, or act which shows an intention to inflict an injury upon another.

Sexual Battery (Fondling):

(A) Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery.

(B) 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.

(C) Any person who touches an intimate part of another person for the purpose of sexual arousal, sexual gratification, or sexual abuse, and the complainant is at the time unconscious of the nature of the act because the perpetrator fraudulently represented that the touching served a professional purpose, is guilty of sexual battery.

(D) Any person who, for the purpose of sexual arousal, sexual gratification, or sexual abuse, causes another, against that person’s will while that person is unlawfully restrained either by the accused or an accomplice, or is institutionalized for medical treatment and is seriously disabled or medically incapacitated, to masturbate or touch an intimate part of either of those persons or a third person, is guilty of sexual battery.

(E) 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.

(F) As used in this subdivision, “touches” means physical contact with another person, whether accomplished directly, through the clothing of the person committing the offense, or through the clothing of the complainant.

(G) As used in subdivisions (a), (b), (c), and (d), “touches” means physical contact with the skin of another person whether accomplished directly or through the clothing of the person committing the offense.

(H) As used in this section, the following terms have the following meanings:

- (1) “Intimate part” means the sexual organ, anus, groin, or buttocks of any person, and the breast of a female.
- (2) “Sexual battery” does not include the crimes defined in Section 261 or 289.
- (3) “Seriously disabled” means a person with severe physical or sensory disabilities.
- (4) “Medically incapacitated” means a person who is incapacitated as a result of prescribed sedatives, anesthesia, or other medication.
- (5) “Institutionalized” means a person who is located voluntarily or involuntarily in a hospital, medical treatment facility, nursing home, acute care facility, or mental hospital.
- (6) “Minor” means a person under 18 years of age.

Incest:

Persons being within the degrees of consanguinity within which marriages are declared by law to be incestuous and void, who intermarry with each other, or who being 14 years of age or older, commit fornication or adultery with each other, are punishable by imprisonment in the state prison.



Statutory Rape:

(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, or by imprisonment pursuant to subdivision (h) of Section 1170.

(D) Any person 21 years of age or older who engages in an act of unlawful sexual intercourse with a minor who is under 16 years of age is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.

Stalking:

(A) 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.

(B) For the purposes of this section, “harasses” means engages in a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, torments, or terrorizes the person, and that serves no legitimate purpose.

(C) For the purposes of this section, “course of conduct” means two or more acts occurring over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of “course of conduct.”

(D) For the purposes of this section, “credible threat” means a verbal or written threat, including that performed through the use of an electronic communication device, or a threat implied by a pattern of conduct or a combination of verbal, written, or electronically communicated statements and conduct, made with the intent to place the person that is the target of the threat in reasonable fear for his or her safety or the safety of his or her family, and made with the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety or the safety of his or her family. It is not necessary to prove that the defendant had the intent to actually carry out the threat. The present incarceration of a person making the threat shall not be a bar to prosecution under this section. Constitutionally protected activity is not included within the meaning of “credible threat.”

(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:

(A) 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

(B) Evidence that the complainant 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.